



Australian Government

Civil Aviation Safety Authority

I, MARK ALAN SKIDMORE, Director of Aviation Safety, on behalf of CASA, make this instrument under subregulations 5 (1) and 5.55 (1), regulation 210A and subregulation 215 (3) of the *Civil Aviation Regulations 1988*, subregulation 11.068 (1) of the *Civil Aviation Safety Regulations 1998*, and paragraph 28BA (1) (b) and subsection 98 (4A) of the *Civil Aviation Act 1988*.

[Signed M. Skidmore]

Mark Skidmore AM
Director of Aviation Safety

29 June 2016

Civil Aviation Order 48.1 Amendment Instrument 2016 (No. 1)

1 Name of instrument

This instrument is the *Civil Aviation Order 48.1 Amendment Instrument 2016 (No. 1)*.

2 Commencement

- 2.1 Sections 1, 2, and 4 of this instrument commence on the day after registration.
- 2.2 Section 3 of this instrument commences on 1 May 2017.
- 2.3 Despite subsection 2.2, section 3 takes effect for a person in accordance with section 4.

3 Amendment of Civil Aviation Order 48.1 Instrument 2013

Schedule 1 amends the *Civil Aviation Order 48.1 Instrument 2013*.

4 Early opting-in to the amendments

- 4.1 In this section:
amended new Order means *Civil Aviation Order 48.1 Instrument 2013*, as it will be in force when section 3 of this instrument commences.
new Order means *Civil Aviation Order 48.1 Instrument 2013*, as in force immediately before *Civil Aviation Order 48.1 Amendment Instrument 2016 (No. 1)* was made.
- 4.2 An AOC holder or a Part 141 operator, for whom the new Order has taken effect in accordance with paragraph 4.4 or 4B.3 of the new Order, may tell CASA in writing that the holder or operator (as the case may be) intends to comply with the requirements of the amended new Order from a specified date that is before 1 May 2017.
- 4.3 Where subsection 4.2 applies, the requirements of the amended new Order are deemed to take effect, from the specified date, for:
 - (a) the AOC holder or the Part 141 operator (as the case may be); and

(b) each flight crew member of the holder or operator.

Note In general terms, the new Order took or takes effect for a person:

- (a) who became or becomes an AOC holder after 30 April 2013 and before 1 May 2017; or
- (b) who:
 - (i) held an AOC since immediately before 30 April 2013, or who applied for an AOC before 30 April 2013 and as a result of that application was issued with the AOC after 30 April 2013; and
 - (ii) voluntarily opted-in to the new Order by notifying CASA in accordance with paragraph 4.4 of the new Order; or
- (c) who became or becomes a Part 141 operator after 1 September 2014 and before 1 May 2017; or
- (d) who:
 - (i) was a grandfathered Part 141 operator (within the meaning of subsection 4B of the new Order); and
 - (ii) voluntarily opted-in to the new Order by notifying CASA in accordance with paragraph 4B.3 of the new Order.

Schedule 1 Amendments

[1] Paragraph 4.3

omit

Subject to paragraph 4.4,

insert

Subject to paragraphs 4.4 and 4.9,

[2] Paragraph 4B.2

omit

Subject to paragraph 4B.3,

insert

Subject to paragraphs 4B.3 and 4B.6,

[3] Paragraph 5.1, the Note

substitute

Note **Part 141 flight training** is conducted by a **Part 141 operator**, that is, by the holder of a **Part 141 certificate**: see Part 141 of CASR 1998. Except in paragraph 2.2, and subsections 4 and 4B, a reference in this Order to an **AOC** is taken to include a **Part 141 certificate**: see paragraph 6.4.

[4] Subparagraph 5.2 (b), the Note

substitute

Note Except in paragraph 2.2, and subsections 4 and 4B, a reference in this Order to an **AOC** is taken to include a **Part 141 certificate**: see paragraph 6.4. However, conditions on an actual AOC are imposed under paragraph 28BA (1) (b) of the Act, and conditions on an actual Part 141 certificate are imposed under subregulation 11.068 (1) of CASR 1998.

[5] Paragraph 6.1, definition of AOC, the Note

substitute

Note Except in paragraph 2.2, and subsections 4 and 4B, a reference in this Order to an AOC is taken to include a Part 141 certificate: see paragraph 6.4.

[6] Paragraph 6.1, definition of *crew rest facility*, the chapeau

substitute

crew rest facility means 1 of the following defined classes of facility on board an aircraft that is available to an FCM, and fit for purpose for an FCM to obtain sleep:

[7] Paragraph 6.1, definition of *cumulative flight time*

substitute

cumulative flight time, for an FCM, means the progressive total of flight time accrued by the FCM when acting as a crew member on board any aircraft, but excluding flight time accrued during recreational private operations.

[8] Paragraph 6.1, after definition of *duty period*

insert

Note A duty period includes any time spent by the FCM in positioning. See the definition of *positioning* in subparagraph 6.2 (e).

[9] Paragraph 6.1, definition of *flight crew member*, the Note

substitute

Note Under Part 1 of the CASR Dictionary, *flight crew member* means a crew member who is a pilot or flight engineer assigned to carry out duties essential to the operation of an aircraft during flight time. Any reference to *flight crew* has a corresponding meaning.

[10] Paragraph 6.1, subparagraph (b) of the definition of *flight duty period* (or *FDP*), including the Note

substitute

(b) ends at the later of:

- (i) the person's completion of all duties associated with the flight, or the last of the flights; or
- (ii) 15 minutes after the end of the person's flight, or the last of the flights.

Note See also the definition of *positioning*.

[11] Paragraph 6.1, definition of *flight time*, including the Note

substitute

flight time, for an FCM, means such part of the total time mentioned for an aircraft in subparagraph (a) or (b) (as the case may be) which occurs while the FCM is acting as a crew member on board the aircraft:

- (a) in the case of a heavier-than-air aircraft — the total time from the moment at which the aircraft first moves under its own power for the purpose of taking-off, until the moment at which it comes to rest after landing; and
- (b) in the case of a lighter-than-air aircraft — the total time from the moment at which the aircraft first becomes airborne until it comes to rest on the ground, excluding any time during which the aircraft is moored.

Note Thus, flight time for an FCM does not include the time he or she spends in positioning.

[12] Paragraph 6.1, definition of *multi-pilot operation*

substitute

multi-pilot operation:

- (a) means an aircraft operation conducted under multi-pilot procedures contained in the AOC holder's operations manual; but
- (b) does not include:
 - (i) flight training; or
 - (ii) contracted checking, within the meaning of regulation 142.020 of CASR 1998; or
 - (iii) contracted recurrent training within the meaning of regulation 142.020 of CASR 1998;
unless the training or checking is conducted as a multi-crew operation within the meaning of regulation 61.010 of CASR 1998.

[13] Paragraph 6.1, definition of *Part 141 certificate*, the Note

substitute

Note In subregulation 141.015 (4) of CASR 1998, a ***Part 141 certificate*** is defined as a certificate issued under regulation 141.060 of CASR 1998. Except in paragraph 2.2, and subsections 4 and 4B, a reference in this Order to an AOC holder, is taken to include a Part 141 operator: see paragraph 6.4.

[14] Paragraph 6.1, definition of *Part 141 operator*, the Note

substitute

Note In subregulation 141.015 (3) of CASR 1998, a ***Part 141 operator*** is defined as the holder of a Part 141 certificate. Except in paragraph 2.2, and subsections 4 and 4B, a reference in this Order to an AOC holder, is taken to include a Part 141 operator: see paragraph 6.4.

[15] Paragraph 6.1, definition of *reporting time*

substitute

reporting time means the time assigned to an FCM to commence an FDP.

[16] Paragraph 6.1, definition of *sector*

substitute

sector, for this Order, has the following meanings:

- (a) except for a rotorcraft — any flight consisting of a take-off and a landing, when conducted by a person in the capacity of an FCM;
- (b) for a rotorcraft — the period:
 - (i) from when the rotor blades start turning until they stop turning; and
 - (ii) during which an FCM on the rotorcraft conducts 1 or more flights, each consisting of a take-off and a landing;
- (c) each hour, or each part of an hour, of an FDP spent in a synthetic training device.

[17] Paragraph 6.1, definition of *split-duty rest period*, the chapeau

before

Appendix 5

insert

Appendix 4B or

[18] Paragraph 6.1, subparagraph (b) of the definition of *standby*

substitute

- (b) has access to suitable sleeping accommodation; and
- (c) is free from all duties associated with his or her employment.

Note If suitable sleeping accommodation is not available for an FCM, who is required by an AOC holder to hold himself or herself available for duty, the FCM will be considered to be on duty and not on standby.

[19] Paragraph 6.1, definition of *suitable sleeping accommodation*

substitute

suitable sleeping accommodation means accommodation, not within an aircraft, that is fit for purpose for an FCM to obtain sleep, and that includes the following:

- (a) a comfortable room, compartment or facility;
- (b) a single occupancy, at the discretion of the FCM;
- (c) access to clean, tidy and hygienic amenities, including a toilet and hand washing basin;
- (d) a bed that is comfortable, flat and horizontal, allowing the occupant to sleep on his or her stomach, and back, and either side;
- (e) minimum noise levels, including low occurrence of random noise;
- (f) the means to control light, temperature and ventilation;
- (g) access to adequate sustenance.

Note A person's home or residence is considered to meet the requirements of ***suitable sleeping accommodation***.

[20] Paragraph 6.1, definitions

insert

emergency service operation means an operation involving an aircraft:

- (a) for the purpose of law enforcement, or saving or protecting life or property; and
- (b) conducted by, or at the request of, an organisation recognised by an Australian governmental agency as having responsibility to conduct or request the operation as part of the organisation's functions.

fit for purpose, for a crew rest facility, or suitable sleeping accommodation, means that the facility, or accommodation, has ergonomic characteristics which make it suitable for an FCM to obtain sleep.

Note CASA has issued guidance on relevant ergonomic characteristics in CAAP 48-1.

flight review has the same meaning as in regulation 61.010 of CASR 1998.

Note ***Flight review*** means an assessment of the competency of an FCM to perform:

- (a) for the holder of a pilot licence or flight engineer licence — an activity authorised by a flight crew rating that the crew member holds; or
- (b) for the holder of a glider pilot licence — an activity authorised by the licence.

flight training has the same meaning as in regulation 61.010 of CASR 1998, and, to avoid doubt, includes flight training associated with aerial work.

Note ***Flight training***, for a flight crew licence, rating or endorsement, means the training mentioned in regulation 61.195 of CASR 1998 for the licence, rating or endorsement.

flight training associated with aerial work means flight training for the grant, under Part 61 of CASR 1998, of a rating or endorsement mentioned in subparagraph (a), (b), (c) or (d):

- (a) the following operational ratings:
 - (i) low-level rating;
 - (ii) aerial application rating;
 - (iii) night vision imaging system rating;
- (b) endorsements for the following operational ratings:
 - (i) low-level rating;
 - (ii) aerial application rating;
 - (iii) night vision imaging system rating;
- (c) the following endorsements on the flight instructor rating:
 - (i) low-level rating training endorsement (category specific);
 - (ii) aerial application rating (day) training endorsement (category specific);
 - (iii) aerial application rating (night) training endorsement (category specific);
 - (iv) night vision imaging system rating training endorsement;
 - (v) sling operations training endorsement;
 - (vi) winching and rappelling operations training endorsement;
- (d) the following endorsements on the flight examiner rating:
 - (i) low-level rating flight test endorsement (category specific);
 - (ii) aerial application rating flight test endorsement (category specific);
 - (iii) night vision imaging system rating flight test endorsement.

local time, for a location, means:

- (a) local time in the time zone of the location; or
- (b) local time in a time zone (the ***alternative local time***):
 - (i) that adjoins the time zone of the location; and
 - (ii) whose nearest boundary is reasonably proximate to the location; provided the alternative local time is:
 - (iii) specified in the AOC holder’s operations manual; and
 - (iv) used consistently as local time for the location, for the purposes of this Order.

Note 1 CASA considers an alternative time zone to be used consistently as local time for a location if it is used, for example, throughout a period of daylight saving in the location or the adjoining time zone.

Note 2 Examples of where an AOC holder may consider using alternative local time are as follows:

Local time	Alternative local time
Gold Coast airport, Queensland summer time	NSW
Kununurra airport, Western Australia	NT

medical personnel means a person with medical, paramedical or nursing qualifications, and responsibilities directly related to the qualifications.

medical transport operation means an aircraft operation consisting of 1 or more flights for any of the following purposes:

- (a) delivery of urgent medical assistance to a person, when determined to be necessary by a medical transport tasker;
- (b) transportation of any of the following, when determined to be necessary by a medical transport tasker:
 - (i) an ill or injured person;
 - (ii) another person directly involved with the person mentioned in sub-subparagraph (i);
Note For example, a close relative or the police.
 - (iii) medical personnel intended to be, or who are, directly involved with the person mentioned in sub-subparagraph (i);
 - (iv) blood, tissue or an organ for transfusion, grafting or transplantation (an *item*), including a person who has authorised custody of the item;
- (c) the return of the aircraft to its base because an operation mentioned in subparagraph (a) or (b) is completed.

medical transport tasker means:

- (a) medical personnel; or
- (b) an organisation whose purpose is, or whose purposes include, medical transport tasking.

mustering operation means an aircraft operation to herd or otherwise control livestock, and includes the following:

- (a) aerial mustering within the meaning of Civil Aviation Order 29.10;
- (b) aerial livestock spotting;
- (c) aerial livestock culling;
- (d) flight training associated with aerial work for any of the activities mentioned in this definition.

operator proficiency check has the same meaning as in regulation 61.010 of CASR 1998.

Note An **operator proficiency check** means an assessment conducted by an operator in accordance with its training and checking responsibilities under the Regulations of whether a person has the aeronautical skills and knowledge required by the operator.

single-pilot operation means any operation other than a multi-pilot operation.

standby-like arrangement means a period of time during which an FCM:

- (a) is required by an AOC holder to hold himself or herself available for duties; and
- (b) has no access to suitable sleeping accommodation.

[21] Subparagraph 6.2 (d)

omit

off-duty period.

insert

off-duty period; and

- (e) is duty and part of the duty period.

[22] Paragraph 6.4, including the Note

substitute

- 6.4 In this Order, other than in paragraph 2.2 and subsection 4:
- (a) a reference to an AOC is taken to include a Part 141 certificate; and
 - (b) a reference to an AOC holder, or a holder, is taken to include a Part 141 operator; and
 - (c) a reference to an FCM of an AOC holder (however described), is taken to include an FCM of a Part 141 operator.

[23] Subparagraph 7.1 (a)

omit

the location differs

insert

the location differs in local time

[24] Paragraph 7.2

omit

location which differs in time

insert

location which differs in local time

[25] Subsections 10, 11, 11A and 11B

substitute

10 Limits and requirements for operations

- 10.1 Subject to paragraph 10.3 and subsections 12 and 13, for an aircraft operation mentioned in column 1 of Table 10.1, an AOC holder must:
- (a) choose at least 1 of the Appendices in column 2 of the Table that corresponds to the operation; and
 - (b) comply with the limits and requirements for FCMs mentioned in whichever 1 or more of the Appendices in column 2 of the Table the holder chooses that corresponds to the operation; and
 - (c) for each kind of operation conducted by the holder — specify in the operations manual the Appendix or Appendices with which the holder has chosen to comply.

Note 1 In this subsection, a reference to an AOC holder is taken to include a reference to a Part 141 operator: see paragraph 6.4.

Note 2 The limits and requirements under subsection 10 apply only to aircraft operations and do not apply to flight training in a flight simulation training device.

Table 10.1 Limits and requirements for operations

Column 1 — Operation	Column 2 — Appendix
Any operation	Appendix 1
Any multi-pilot operation, except flight training	Appendix 2
Any multi-pilot operation, except: (a) a complex operation; and (b) flight training	Appendix 3
Any single-pilot operation	Appendix 4
Any balloon operation	Appendix 4A
Any of the following: (a) a medical transport operation; (b) an emergency service operation; (c) flight training for an operation mentioned in paragraphs (a) and (b); (d) an operator proficiency check for an operation mentioned in paragraph (a) or (b); (e) a flight review for an operation mentioned in paragraph (a) or (b)	Appendix 4B
Any of the following: (a) an aerial work operation; (b) flight training associated with aerial work; (c) an operator proficiency check for an operation mentioned in paragraph (a); (d) a flight review for an operation mentioned in paragraph (a)	Appendix 5
Any of the following: (a) an aerial work operation, conducted during daylight hours only; (b) flight training associated with aerial work conducted during daylight hours only; (c) an operator proficiency check for an operation mentioned in paragraph (a); (d) a flight review for an operation mentioned in paragraph (a)	Appendix 5A
Any of the following: (a) flight training; (b) a proficiency check; (c) a flight review	Appendix 6
Any operation	Appendix 7 <i>Note</i> Use of Appendix 7 requires CASA approval

- 10.2 Subject to paragraph 10.3 and subsection 13, each FCM of an AOC holder must comply with the limits and requirements mentioned in the Appendix or Appendices which the AOC holder has chosen to comply with under paragraph 10.1.
- 10.3 Paragraphs 10.1 and 10.2 do not apply to a Part 141 operator, or a Part 142 operator, or to the FCMs of any such operator, if the authorised Part 141 flight training or the authorised Part 142 activity is conducted in a flight simulation training device as the exclusive form of training or activity conducted by the operator under the authorisation.

[26] Subsection 12, including the Note

substitute

12 Private operations

- 12.1 Subject to paragraph 12.3, this Order does not apply to an AOC holder when conducting private operations.
- 12.2 Subject to the condition stated in paragraph 16.1, and paragraph 12.3, this Order does not apply to an FCM when conducting private operations.

Note The condition under paragraph 16.1 applies to FCMs whether or not they are employed by an AOC holder. Paragraph 16.1, therefore, applies to FCMs engaged in private operations as well as FCMs engaged in operations under an AOC. Guidance on the assessment of individual cognitive and physical fitness is contained in CAAP 48-1. CASA recommends that FCMs engaged in private operations consider this guidance in determining self-prescribed limits.

- 12.3 Despite paragraphs 12.1 and 12.2, if an FCM performs duty by conducting a private operation (a *private flight*) during an FDP that involves a flight that is not a private operation (a *commercial flight*), the rules in paragraph 12.4 apply in relation to the FCM.
- 12.4 For paragraph 12.3:
- (a) if the private flight is conducted *before* any commercial flight is conducted — the private flight time must be taken to be part of the FCM's FDP and must not be taken to be part of the FCM's off-duty period; and
 - (b) if the private flight is conducted *between* commercial flights — the private flight time must be taken to be part of the FCM's FDP and must not be taken to be part of the FCM's off-duty period; and
 - (c) if:
 - (i) only 1 commercial flight is conducted during the FDP; and
 - (ii) the private flight is conducted *after* the commercial flight; the private flight time must be taken to be part of the FCM's duty period and must not be taken to be part of the FCM's off-duty period; and
 - (d) if:
 - (i) more than 1 commercial flight is conducted during the FDP; and
 - (ii) the private flight is conducted *after* the last commercial flight; the private flight time must be taken to be part of the FCM's duty period and must not be taken to be part of the FCM's off-duty period.

[27] Paragraph 13.1, the chapeau

substitute

- 13.1 If, under paragraph 10.1, 2 or more Appendices apply to a single FDP of an FCM, the following rules apply for an operation undertaken at any particular time in the FDP:

[28] After subsection 13

insert

13A Transitioning from Appendix 4B, 5 or 5A — days off-duty

- 13A.1 An FCM, transitioning from the application of Appendix 4B, 5 or 5A to his or her last FDP or standby, to the application of another Appendix (other than 4B, 5 or 5A) to his or her next FDP or standby, must have had either:
- (a) before commencing the next FDP or standby under the other Appendix, at least:
 - (i) 7 days off-duty in the previous 28 consecutive days; and
 - (ii) 24 days off-duty in the previous 84 consecutive days; or
 - (b) immediately before commencing the next FDP or standby under the other Appendix, at least:
 - (i) the number of days off-duty still outstanding to comply with sub-subparagraph (a) (i); and
 - (ii) half the number of days off-duty still outstanding to comply with sub-subparagraph (a) (ii) (rounded to the nearest whole number).
- 13A.2 For subparagraph 13A.1 (b), the number of days calculated under sub-subparagraph (ii) may also contribute to the FCM's compliance with sub-subparagraph (i).
- 13A.3 An FCM who meets the requirements in subparagraph 13A.1 (b) is taken to meet the off-duty requirements of the following paragraphs for 28 consecutive days from commencement of the first FDP or standby under the other Appendix:
- (a) 10.6 (b) of Appendix 2;
 - (b) 8.6 (b) of Appendix 3;
 - (c) 8.5 (b) of Appendix 4;
 - (d) 7.3 (b) of Appendix 6.

[29] Paragraph 14.5

substitute

Meals

- 14.5 Except for operations under Appendix 7 — Fatigue Risk Management System (FRMS), where an FCM's FDP is to exceed 5 hours, the AOC holder must provide the opportunity for the FCM to have access to adequate sustenance (a *meal*) during the first 5 hours and periodically after that meal, so that not more than 5 hours elapse between each meal.

Note For operations under Appendix 7, it is expected that the FRMS would provide the opportunity for FCMs to have access to adequate sustenance at appropriate intervals.

[30] Subparagraph 14.6 (b)

substitute

(b) actual duty periods;

(ba) actual flight times of each FCM when acting in the capacity of a crew member;

Note Thus, the flight time record does not include time spent positioning.

[31] Paragraph 14.7

omit

10 years

insert

5 years

[32] Subparagraph 14.8 (b)

substitute

(b) promptly given to CASA, if so requested in writing.

[33] Paragraph 14.9

omit

[34] Paragraph 14.10, including the Note

substitute

14.10 Subject to paragraph 14.10A, an AOC holder must:

(a) determine the home base for each FCM (a ***home base determination***); and

(b) inform each FCM of his or her home base determination; and

(c) set out in its operations manual procedures for making a home base determination which ensure that each determination, and any changes to it, do not adversely affect aviation safety.

Note A determination of home base should be assigned with a degree of permanence.

[35] After paragraph 14.10

insert

14.10A Paragraph 14.10 does not apply for an AOC holder in relation to an FCM who only conducts operations for which the limitations and requirements are those set out in Appendix 5 or Appendix 5A.

[36] Paragraph 15.1

substitute

15.1 This subsection applies to an AOC holder to whom 1 or more of Appendices 2, 3, 4, 4A, 4B, 5, 5A and 6 of this Order applies in accordance with subsection 10.

[37] Sub-subparagraphs 15.2 (d) (i) and (ii)

substitute

(i) are undertaken in accordance with subsections 13 and 13A; and

(ii) do not adversely affect aviation safety;

[38] Paragraph 15.3

omit

The AOC holder must,

insert

Subject to subsection 15A, the AOC holder must,

[39] Subparagraph 15.6 (b)

substitute

- (b) revise the knowledge and understanding acquired under paragraph 15.5; and
- (c) deliver a thorough knowledge and understanding of any changes in the AOC holder's operating practices, or fatigue risk management obligations and procedures, that have occurred since initial training or the preceding recurrent training (as the case may be).

[40] Paragraph 15.7

omit

An FCM must:

insert

Subject to subsection 15A, an FCM must:

[41] Paragraph 15.9, including the Note

substitute

- 15.9 Each record mentioned in paragraph 15.8 must be securely retained from the date the record was made until at least 12 months after the FCM ceases to be employed by the AOC holder.

Note Guidance for AOC holders on these additional obligations is contained in CAAP 48-1.

[42] After subsection 15

insert

15A Recognition of prior initial training

- 15A.1 In this subsection:

agent means an organisation contracted by an AOC holder to provide initial training to its FCMs.

currency time means the period of time that is the appropriate interval at which an AOC holder requires recurrent training to occur under paragraph 15.6.

Note For example, the interval may be every 18 months, or every 24 months. Further guidance is provided in CAAP 48-1.

initial training means fatigue-related risk training relevant to a person's duties as an FCM.

registered training organisation has the same meaning as in the Dictionary in CASR 1998.

Note ***Registered training organisation*** means a training organisation listed on the National Register as a registered training organisation.

- 15A.2 This subsection applies to an AOC holder (the ***current AOC holder***) for an FCM (a ***new FCM***) who becomes a new employee of the current AOC holder.

- 15A.3 Subject to paragraph 15A.4, the references to initial training in paragraphs 15.3 and 15.7 do not apply to the current AOC holder for a new FCM who has successfully completed initial training (the *prior initial training*) with:
- (a) a different AOC holder or its agent; or
 - (b) the current AOC holder or its agent when previously employed by the current AOC holder; or
 - (c) a registered training organisation capable of delivering initial training.
- 15A.4 Paragraph 15A.3 does not apply unless:
- (a) the prior initial training was completed within the currency time immediately before the new FCM becomes employed by the current AOC holder; and
 - (b) the current AOC holder is satisfied that:
 - (i) the prior initial training complied with the requirements of subparagraph 15.5 (a) and sub-subparagraphs 15.5 (b) (i) to (iii); and
 - (ii) the new FCM complied with the requirements of paragraph 15.7 for the prior initial training; and
 - (c) the satisfaction mentioned in subparagraph (b) is based on authentic records proving the matters mentioned in sub-subparagraphs (b) (i) and (ii); and
 - (d) within 4 weeks of the new FCM being employed by the current AOC holder — the new FCM has successfully completed an induction course to inform him or her of any fatigue-related risks and information specific to the current AOC holder; and
 - (e) the records mentioned in subparagraph (c), and details of the induction course mentioned in subparagraph (d), are:
 - (i) included with the new FCM records mentioned in paragraph 15.8; and
 - (ii) retained for at least the period mentioned in paragraph 15.9.

[43] Paragraphs 16.1 and 16.2

substitute

- 16.1 It is a condition on each flight crew licence that the licence holder must not operate an aircraft if, considering the circumstances of the flight to be undertaken, a reasonable person in the FCM's position would consider that he or she is suffering from, or is likely to suffer from, fatigue which may so impair performance that the safety of the operation may be affected.

Note 1 An FCM employed by an AOC holder should utilise off-duty periods and adaptation periods to obtain an amount of sleep sufficient to support the appropriate and safe discharge of duties during his or her next rostered FDP or standby. This should involve a careful and responsible evaluation of the FCM's personal circumstances, including, for example, the implications of secondary employment, long-distance travel, and exposure to stress or illness.

Note 2 An FCM employed by an AOC holder in an augmented crew operation should utilise in-flight rest opportunities to adequately manage their alertness for the remaining portion of the FDP.

- 16.2 Subject to paragraph 16.3, it is a condition on each flight crew licence that an FCM employed by an AOC holder must, before or during any FDP (as the case requires), inform the AOC holder of any *adverse matter*.

- 16.2A For paragraph 16.2, an adverse matter means any matter that a reasonable person in the FCM's position would consider likely to adversely affect his or her ability to meet:
- (a) the AOC holder's fatigue risk management policies; or
 - (b) the limits and requirements of the Appendix or Appendices that the holder has chosen to apply to the FCM; and
- includes the matters mentioned in paragraph 16.2B.
- 16.2B Matters that may be adverse matters include the following:
- (a) insufficient sleep during sleep opportunities before an FDP commences;
 - (b) secondary employment engaged in by the FCM;
 - (c) the FCM living a long distance from base or otherwise having to travel a long distance to report for duty;
 - (d) any other matter affecting the FCM or connected with the FDP.

[44] Appendix 1, clause 2

substitute

2 FDP and flight time limits

- 2.1 An FCM may only be assigned an FDP that is between the following times:
- (a) the earlier of the following:
 - (i) the beginning of morning civil twilight on a day;
 - (ii) 0700 hours local time on the day; and
 - (b) 0100 hours (local time at the location where the FDP commenced) on the following day.
- 2.2 Subject to subclauses 2.1, 2.3 and 2.4, an FCM may be assigned an FDP that is not longer than 9 hours.
- 2.3 If an FCM is assigned an FDP that is to commence before 0600 hours local time, being after the beginning of morning civil twilight — the assigned FDP must not be longer than 8 hours.
- 2.4 If an FCM is assigned an FDP that is to commence at or after 1400 hours local time — the assigned FDP must not be longer than 8 hours.
- Note* If an FDP commences *after* 1700 hours on a day, the FDP must be *less* than 8 hours because, under paragraph 2.1 (b), an FDP must not end later than 0100 hours on the following day (all times being local time at the commencing location).
- 2.5 An FCM may be assigned an FDP that finishes after 2200 hours local time (a **late FDP**) only if not more than 3 late FDPs are assigned to the FCM in any 168 consecutive hours.
- 2.6 For any FDP, an FCM must not be assigned flight time that is longer than 7 hours (the **flight time limit**).
- 2.7 An FCM must not exceed the flight time limit, or an FDP limit mentioned in subclause 2.2, 2.3 or 2.4, except in accordance with clause 3.

[45] Appendix 1, subclause 3.1, the chapeau

substitute

- 3.1 An FDP limit mentioned in clause 2 may be extended by up to 1 hour if:

[46] Appendix 1, paragraph 3.1 (d)

omit

extension.

insert

extension; and

- (e) the FDP, after it has been extended, will finish no later than 0100 hours (local time at the location where the FDP commenced) of the following day.

Note The effect of subclause 2.1 and paragraph 3.1 (e) is that an FDP cannot be extended if the FDP was assigned to finish at 0100 hours (local time at the location where the FDP commenced) on the day following the FDP's commencement.

[47] Appendix 1, subclause 3.2, the chapeau

substitute

- 3.2 A flight time limit mentioned in clause 2 may be extended by up to 30 minutes if:

[48] Appendix 1, after subclause 3.2

insert

- 3.3 An FDP limit must not be extended under this clause if it would cause an FCM to exceed the cumulative flight time limits in clause 5.

- 3.4 Despite subclause 3.3, if:

- (a) unforeseen operational circumstances arise after take-off on the final sector of an FDP; and
- (b) the unforeseen operational circumstances would cause an FCM to exceed:
- (i) any limit or number permitted under this clause; or
 - (ii) the cumulative flight time limits in clause 5;

then, the flight may continue to the planned destination or alternate at the discretion of the pilot in command.

[49] Appendix 1, clause 4

substitute

4 Off-duty period limits

- 4.1 An FCM must have a minimum off-duty period of at least 12 consecutive hours during any consecutive 24 hour period.

- 4.2 Before beginning an FDP, an FCM must have had:

- (a) at least 36 consecutive hours off-duty, including 2 local nights, in the 168 hours before the projected end time of the assigned FDP; and
- (b) at least 7 days off-duty in the 28 consecutive days before the FDP commences; and

(c) at least 24 days off-duty in the 84 consecutive days before the FDP commences.

4.3 If an FDP under this Appendix is followed by an FDP under another Appendix, then, despite anything in the other Appendix, the FCM must have a minimum off-duty period of at least 12 consecutive hours before commencing the FDP under the other Appendix.

[50] Appendix 2, the title

substitute

APPENDIX 2 — MULTI-PILOT OPERATIONS EXCEPT FLIGHT TRAINING

[51] Appendix 2, subclause 1.1

omit

all words after “before:”

insert

- (a) if the commencement of the FDP has not been delayed — commencing the FDP; or
- (b) subject to paragraph (c), if the commencement of the FDP has been delayed — the original reporting time for the FDP; or
- (c) if the commencement of the FDP has been delayed by a single delay of 10 hours or more — commencing the FDP following the delay; or
- (d) for a standby — commencing the standby.

[52] Appendix 2, subclause 1.2

omit

all words after “before:” (including the Note)

insert

- (a) if the commencement of the FDP has not been delayed — commencing the FDP; or
- (b) subject to paragraph (c), if the commencement of the FDP has been delayed — the original reporting time for the FDP; or
- (c) if the commencement of the FDP has been delayed by a single delay of 10 hours or more — commencing the FDP following the delay; or
- (d) for a standby — commencing the standby.

Note See subsection 6 of this Order for the definition of *sleep opportunity*, where it is defined as occurring during an off-duty period.

[53] Appendix 2, clause 2, Table 2.1

omit

Acclimatised time at start of FDP	Maximum FDP and flight time hours (in brackets) according to sectors to be flown					
	1-2	3	4	5	6	7+
0500 – 0559	11(9)	10(8)	10(8)	9(8)	9(8)	9(8)
0600 – 0659	12(9)	11(9)	11(9)	10(8)	10(8)	9(8)

insert

Acclimatised time at start of FDP	Maximum FDP and flight time hours (in brackets) according to sectors to be flown					
	1-2	3	4	5	6	7+
0500 – 0559	11(9)	10(8)	10(8)	9(8)	9(8)	9(8)
0600 – 0659	12(9)	11(9)	11(9)	10(8)	10(8)	9.5(8)

[54] Appendix 2, subclause 4.2

omit

50%

insert

2 hours

[55] Appendix 2, subclause 4.3

substitute

- 4.3 Subject to subclause 4.4, where an FDP contains a split-duty rest period of at least 2 consecutive hours with access to suitable resting accommodation, the FDP limits under subclause 2.1 or 3.1 may be increased by half the duration of the split-duty rest period, provided the increase is not more than 2 hours.

[56] Appendix 2, paragraphs 4.4 (a) and (b) (second occurring)

substitute

- (c) the split-duty rest period must be for a consecutive period of at least 7 hours with access to suitable sleeping accommodation; and
- (d) the maximum FDP may be increased to 16 hours (if not already permitted); and
- (e) the reduction in the subsequent off-duty period and cumulative duty time, provided for in subclause 4.2, does not apply.

[56A] Appendix 2, subclauses 5.1 and 5.2

substitute

- 5.1 An acclimatised FCM in an augmented crew operation, may be assigned an FDP or flight time that is no longer than the number of hours specified in Table 5.1 in this clause, as determined by the acclimatised time at the start of the FDP, the class of crew rest facility available, and the number of additional FCMs — but only if the conditions in subclause 5.3 are met.
- 5.2 An FCM in an unknown state of acclimatisation in an augmented crew operation, may be assigned an FDP or flight time that is no longer than the number of hours specified in Table 5.2 in this clause, as determined by the duration of the off-duty period immediately before the FDP, the class of crew rest facility available, and the number of additional FCMs — but only if the conditions in subclause 5.3 are met.

[57] Appendix 2, paragraph 5.3 (b), including the Note

substitute

- (b) the FCMs at the end of the FDP for the augmented crew operation must be the same as the FCMs who commenced the first sector of the FDP;

Note For safety reasons, this is a critical condition. If, for example, a medical emergency required the disembarkation of an FCM during the FDP, for the flight to continue all of the FCMs must be replaced with a new augmented crew commencing a new FDP.

[58] Appendix 2, paragraph 5.3 (c)

omit

3

insert

not more than 3

[59] Appendix 2, subparagraph 5.3 (f) (ii)

substitute

- (ii) where 2 sectors are assigned, either:

- (A) each FCM who will be at the aircraft controls during the landing at the end of the second sector must have had an in-flight rest period of at least 2 consecutive hours within the 8 hour period that ends at the scheduled time of the landing; or
- (B) the scheduled flight time of the second sector must be at least 9 hours;

[60] Appendix 2, paragraph 6.2 (c)

omit

set out in this Appendix

insert

set out in this Appendix or another Appendix of this Order

[61] Appendix 2, paragraph 6.6 (b)

substitute

- (b) if the FCM is not at home base:

- (i) at least 1 hour before the time the FCM would normally have had to leave his or her accommodation in order to report in a timely way for duty at the original reporting time; and
- (ii) at least 1 hour before each new time the FCM would normally have had to leave his or her accommodation in order to report in a timely way for duty at the reporting time.

[62] Appendix 2, paragraph 6.10 (b)

omit

set out in this Appendix

insert

set out in this Appendix or another Appendix of this Order

[63] Appendix 2, subclause 6.11

omit

If

insert

Subject to subclause 6.12A, if

[64] Appendix 2, subclause 6.12

omit

If

insert

Subject to subclause 6.12A, if

[65] Appendix 2, after subclause 6.12

insert

6.12A The combined duration of 1 or more delays and the immediately following FDP must not exceed 16 hours unless the FDP:

- (a) is an augmented crew operation; or
- (b) contains a split-duty rest period.

[66] Appendix 2, subclause 6.13

omit

in accordance with this Appendix

insert

in accordance with this Appendix or another Appendix of this Order

[67] Appendix 2, after subclause 6.13

insert

Meaning of “informed”

6.14 In this subsection:

informed means informed by the AOC holder in accordance with procedures in the holder’s operations manual for communicating information between the holder and an FCM.

[68] Appendix 2, after subclause 7.3

insert

7.3A Before exercising the discretion under subclause 7.3 to extend the FDP limit of an FCM, the pilot in command must:

- (a) do the following:
 - (i) consult each FCM who is a crew member on the aircraft;
 - (ii) be satisfied that each FCM considers himself or herself fit for the extension; and
- (b) if the FCM whose FDP would be extended is the pilot in command — do the following:
 - (i) consult each FCM who is a crew member on the aircraft; and

- (ii) be satisfied that, as pilot in command, he or she is fit for the extension.

[69] Appendix 2, clause 8, the title

substitute

8 Standby limits and standby-like arrangements

[70] Appendix 2, after subclause 8.3

insert

- 8.4 To remove any doubt, the period of time in which an FCM is held in a standby-like arrangement must be treated as a duty period for the purposes of this Order.

Note For example, the period spent in a standby-like arrangement must be included as part of a following FDP assigned to the FCM, or added to the preceding FDP when determining minimum off-duty periods under clause 10.

[71] Appendix 2, clause 9, including the Note

substitute

9 Positioning

On completion of assigned flight duties in an FDP (the *relevant FDP*), an FCM may position to a suitable location as required by the AOC holder.

Note As with any duty, the time spent in positioning after completion of the FDP must be added to the relevant FDP when determining minimum off-duty periods under clause 10.

[72] Appendix 2, subclause 10.1, the chapeau

substitute

- 10.1 Subject to subclause 10.2, if the sum of an FCM's FDP, and his or her duty time (if any) after completion of the FDP but before commencement of the following off-duty period, does not exceed 12 hours, his or her following off-duty period must be at least as follows:

[73] Appendix 2, subclause 10.2, the chapeau

substitute

- 10.2 If the sum of an FCM's FDP (the *last FDP*), and his or her duty time (if any) after completion of the FDP but before commencement of the following off-duty period, does not exceed 10 hours, his or her following off-duty period (*ODP 2*), may be reduced to not less than 9 hours provided that:

[74] Appendix 2, subclause 10.3

substitute

- 10.3 Subject to subclause 10.4, if the sum of an FCM's FDP, and his or her duty time (if any) after completion of the FDP but before commencement of the following off-duty period (*other duty time*), exceeds 12 hours, his or her following off-duty period must be at least as follows:
- (a) if the FCM is acclimatised — 12 hours, plus the sum of:
 - (i) 1.5 times the time that the FDP and the other duty time exceeded 12 hours; and
 - (ii) the amount that the displacement time exceeds 3 hours if travelling west, or 2 hours if travelling east;

- (b) if the FCM is in an unknown state of acclimatisation — 14 hours, plus the sum of:
 - (i) 1.5 times the time that the FDP and the other duty time exceeded 12 hours; and
 - (ii) the amount of the displacement time.

[75] Appendix 2, subclause 13.2

omit

- (b) other FDPs; and
- (c) standby periods;

insert

- (b) other FDPs;

[76] Appendix 2, subclause 13.2, the Note

omit

, or 1 standby

[77] Appendix 2, after subclause 13.2

insert

- 13.2A If, in any consecutive 168 hour period (the *period*), an FCM is assigned:
- (a) 2 or more FDPs involving late night operations; and
 - (b) 1 or more FDPs in an unknown state of acclimatisation under clause 3;
- then for the period, the combined numerical total of all assigned or reassigned FDPs must not exceed 4.

[78] Appendix 3, the title

substitute

APPENDIX 3 — MULTI-PILOT OPERATIONS EXCEPT COMPLEX OPERATIONS AND FLIGHT TRAINING

[79] Appendix 3, subclause 1.1

omit

all words after “before:”

insert

- (a) if the commencement of the FDP has not been delayed — commencing the FDP; or
- (b) subject to paragraph (c), if the commencement of the FDP has been delayed — the original reporting time for the FDP; or
- (c) if the commencement of the FDP has been delayed by a single delay of 10 hours or more — commencing the FDP following the delay; or
- (d) for a standby — commencing the standby.

[80] Appendix 3, subclause 1.2

omit

all words after “before:” (including the Note)

insert

- (a) if the commencement of the FDP has not been delayed — commencing the FDP; or
- (b) subject to paragraph (c), if the commencement of the FDP has been delayed — the original reporting time for the FDP; or
- (c) if the commencement of the FDP has been delayed by a single delay of 10 hours or more — commencing the FDP following the delay; or
- (d) for a standby — commencing the standby.

Note See subsection 6 of this Order for the definition of *sleep opportunity*, where it is defined as occurring during an off-duty period.

[81] Appendix 3, clause 2, Table 2.1

omit

Local time at start of FDP	Maximum FDP, and flight time (in brackets), according to sectors to be flown					
	1-2	3	4	5	6	7+
0500 – 0559	11(9)	10(8)	10(8)	9(8)	9(8)	9(8)
0600 – 0659	12(9)	11(9)	11(9)	10(8)	10(8)	9(8)

insert

Local time at start of FDP	Maximum FDP, and flight time (in brackets), according to sectors to be flown					
	1-2	3	4	5	6	7+
0500 – 0559	11(9)	10(8)	10(8)	9(8)	9(8)	9(8)
0600 – 0659	12(9)	11(9)	11(9)	10(8)	10(8)	9.5(8)

[82] Appendix 3, subclause 3.2

omit

50%

insert

2 hours

[83] Appendix 3, subclause 3.3

substitute

- 3.3 Subject to subclause 3.4, where an FDP contains a split-duty rest period of at least 2 consecutive hours with access to suitable resting accommodation, the FDP limits under subclause 2.1 may be increased by half the duration of the split-duty rest period, provided the increase is not more than 2 hours.

[84] Appendix 3, paragraphs 3.4 (a) and (b)

substitute

- (a) the split-duty rest period must be for a consecutive period of at least 7 hours with access to suitable sleeping accommodation; and
- (b) the maximum FDP may be increased to 16 hours (if not already permitted); and
- (c) the reduction in the subsequent off-duty period and cumulative duty time, provided for in subclause 3.2, does not apply.

[85] Appendix 3, paragraph 4.2 (c)

omit

set out in this Appendix

insert

set out in this Appendix or another Appendix of this Order

[86] Appendix 3, paragraph 4.6 (b)

substitute

- (b) if the FCM is not at home base:
 - (i) at least 1 hour before the time the FCM would normally have had to leave his or her accommodation in order to report in a timely way for duty at the original reporting time; and
 - (ii) at least 1 hour before each new time the FCM would normally have had to leave his or her accommodation in order to report in a timely way for duty at the reporting time.

[87] Appendix 3, paragraph 4.10 (b)

omit

set out in this Appendix

insert

set out in this Appendix or another Appendix of this Order

[88] Appendix 3, subclause 4.11

omit

If

insert

Subject to subclause 4.12A, if

[89] Appendix 3, subclause 4.12

omit

If

insert

Subject to subclause 4.12A, if

[90] Appendix 3, after subclause 4.12

insert

- 4.12A The combined duration of 1 or more delays and the immediately following FDP must not exceed 16 hours unless the FDP contains a split-duty rest period.

[91] Appendix 3, subclause 4.13

omit

in accordance with this Appendix

insert

in accordance with this Appendix or another Appendix of this Order

[92] Appendix 3, after subclause 4.13

insert

Meaning of “informed”

- 4.14 In this subsection:

informed means informed by the AOC holder in accordance with procedures in the holder’s operations manual for communicating information between the holder and an FCM.

[93] Appendix 3, after subclause 5.3

insert

- 5.3A Before exercising the discretion under subclause 5.3 to extend the FDP limit of an FCM, the pilot in command must:

- (a) do the following:
 - (i) consult each FCM who is a crew member on the aircraft;
 - (ii) be satisfied that each FCM considers himself or herself fit for the extension; and
- (b) if the FCM whose FDP would be extended is the pilot in command — do the following:
 - (i) consult each FCM who is a crew member on the aircraft; and
 - (ii) be satisfied that, as pilot in command, he or she is fit for the extension.

[94] Appendix 3, clause 6, the title

substitute

6 Standby limits and standby-like arrangements

[95] Appendix 3, after subclause 6.3

insert

- 6.4 To remove any doubt, the period of time in which an FCM is held in a standby-like arrangement must be treated as a duty period for the purposes of this Order.

Note For example, the period spent in a standby-like arrangement must be included as part of a following FDP assigned to the FCM, or added to the preceding FDP when determining minimum off-duty periods under clause 8.

[96] Appendix 3, clause 7, including the Note

substitute

7 Positioning

On completion of assigned flight duties in an FDP (the *relevant FDP*), an FCM may position to a suitable location as required by the AOC holder.

Note As with any duty, the time spent in positioning after completion of the FDP must be added to the relevant FDP when determining minimum off-duty periods under clause 8.

[97] Appendix 3, subclause 8.1, the chapeau

substitute

- 8.1 Subject to subclause 8.2, if the sum of an FCM's FDP, and his or her duty time (if any) after completion of the FDP but before commencement of the following off-duty period, does not exceed 12 hours, his or her following off-duty period must be at least as follows:

[98] Appendix 3, subclause 8.2, the chapeau

substitute

- 8.2 If the sum of an FCM's FDP (the *last FDP*), and his or her duty time (if any) after completion of the FDP but before commencement of the following off-duty period (*other duty time*), does not exceed 10 hours, his or her following off-duty period (*ODP 2*), may be reduced to not less than 9 hours provided that:

[99] Appendix 3, subclause 8.3

substitute

- 8.3 Subject to subclause 8.4, if the sum of an FCM's FDP, and his or her duty time (if any) after completion of the FDP but before commencement of the following off-duty period (*other duty time*), exceeds 12 hours, his or her following off-duty period must be at least the sum of:
- (a) 12 hours; and
 - (b) 1.5 times the time that the FDP and the other duty time exceeded 12 hours.

[100] Appendix 3, subclause 11.2

omit

- (b) other FDPs; and
- (c) standby periods;

insert

- (b) other FDPs;

[101] Appendix 3, subclause 11.2, the Note

omit

, or 1 standby

[102] Appendix 4, the title

substitute

APPENDIX 4 — SINGLE-PILOT OPERATIONS

[103] Appendix 4, subclause 1.1

omit

all words after “before:”

insert

- (a) if the commencement of the FDP has not been delayed — commencing the FDP; or
- (b) subject to paragraph (c), if the commencement of the FDP has been delayed — the original reporting time for the FDP; or
- (c) if the commencement of the FDP has been delayed by a single delay of 10 hours or more — commencing the FDP following the delay; or
- (d) for a standby — commencing the standby.

[104] Appendix 4, subclause 1.2

omit

all words after “before:” (including the Note)

insert

- (a) if the commencement of the FDP has not been delayed — commencing the FDP; or
- (b) subject to paragraph (c), if the commencement of the FDP has been delayed — the original reporting time for the FDP; or
- (c) if the commencement of the FDP has been delayed by a single delay of 10 hours or more — commencing the FDP following the delay; or
- (d) for a standby — commencing the standby.

Note See subsection 6 of this Order for the definition of *sleep opportunity*, where it is defined as occurring during an off-duty period.

[105] Appendix 4, after subclause 2.2

insert

2.2A An FCM must not be assigned or commence flight time for flight training during an FDP unless the flight training is conducted during the first 7 hours of the FDP’s flight time.

[106] Appendix 4, clause 2, Table 2.1

omit

Local time at start of FDP	Maximum FDP and flight time hours
0500 – 0659	9(8)
0700 – 0759	10(8)

insert

Local time at start of FDP	Maximum FDP and flight time hours
0500 – 0559	9(8)
0600 – 0759	10(9)

[107] Appendix 4, subclause 3.2

omit

50%

insert

2 hours

[108] Appendix 4, subclause 3.3

substitute

- 3.3 Subject to subclause 3.4, where an FDP contains a split-duty rest period of at least 2 consecutive hours with access to suitable resting accommodation, the FDP limits under subclause 2.1 may be increased by half the duration of the split-duty rest period, provided the increase is not more than 2 hours.

[109] Appendix 4, paragraphs 3.4 (a) and (b)

substitute

- (a) the split-duty rest period must be for a consecutive period of at least 7 hours with access to suitable sleeping accommodation; and
- (b) the maximum FDP may be increased to 15 hours (if not already permitted); and
- (c) the reduction in the subsequent off-duty period and cumulative duty time, provided for in subclause 3.2, does not apply.

[110] Appendix 4, paragraph 4.2 (c)

omit

set out in this Appendix

insert

set out in this Appendix or another Appendix of this Order

[111] Appendix 4, paragraph 4.10 (b)

omit

set out in this Appendix

insert

set out in this Appendix or another Appendix of this Order

[112] Appendix 4, subclause 4.11

omit

If

insert

Subject to subclause 4.12A, if

[113] Appendix 4, subclause 4.12

omit

If

insert

Subject to subclause 4.12A, if

[114] Appendix 4, after subclause 4.12

insert

- 4.12A The combined duration of 1 or more delays and the immediately following FDP must not exceed 16 hours unless the FDP contains a split-duty rest period.

[115] Appendix 4, subclause 4.13

omit

in accordance with this Appendix

insert

in accordance with this Appendix or another Appendix of this Order

[116] Appendix 4, after subclause 4.13

insert

Meaning of “informed”

- 4.14 In this subsection:

informed means informed by the AOC holder in accordance with procedures in the holder’s operations manual for communicating information between the holder and an FCM.

[117] Appendix 4, after subclause 5.3

insert

- 5.3A Before exercising the discretion under subclause 5.3 to extend the FDP limit, the pilot in command must be satisfied that he or she is fit for the extension.

[118] Appendix 4, clause 6, the title

substitute

6 Standby limits and standby-like arrangements

[119] Appendix 4, after subclause 6.3

insert

- 6.4 To remove any doubt, the period of time in which an FCM is held in a standby-like arrangement must be treated as a duty period for the purposes of this Order.

Note For example, the period spent in a standby-like arrangement must be included as part of a following FDP assigned to the FCM, or added to the preceding FDP when determining minimum off-duty periods under clause 8.

[120] Appendix 4, clause 7, including the Note

substitute

7 Positioning

On completion of assigned flight duties in an FDP (the *relevant FDP*), an FCM may position to a suitable location as required by the AOC holder.

Note As with any duty, the time spent in positioning after completion of the FDP must be added to the relevant FDP when determining minimum off-duty periods under clause 8.

[121] Appendix 4, subclause 8.1, the chapeau

substitute

- 8.1 Subject to subclause 8.2, if the sum of an FCM's FDP, and his or her duty time (if any) after completion of the FDP but before commencement of the following off-duty period, does not exceed 12 hours, his or her following off-duty period must be at least as follows:

[122] Appendix 4, subclause 8.2, the chapeau

substitute

- 8.2 If the sum of an FCM's FDP (the *last FDP*), and his or her duty time (if any) after completion of the FDP but before commencement of the following off-duty period, does not exceed 10 hours, his or her following off-duty period (*ODP 2*), may be reduced to not less than 9 hours provided that:

[123] Appendix 4, subclause 8.3

substitute

- 8.3 Subject to subclause 8.4, if the sum of an FCM's FDP, and his or her duty time (if any) after completion of the FDP but before commencement of the following off-duty period (*other duty time*), exceeds 12 hours, his or her following off-duty period must be at least 12 hours, plus the sum of:
- (a) 1.5 times the time that the FDP and the other duty time exceeded 12 hours; and
 - (b) the amount that the displacement time exceeds 3 hours if travelling west, or 2 hours if travelling east.

[124] Appendix 4, subclauses 8.4 and 8.5

Renumber the subclauses as 8.5 and 8.6, respectively

[125] Appendix 4, after subclause 8.3

insert

- 8.4 If, after an FDP (the *first FDP*), but before the next FDP (the *second FDP*), the off-duty period calculated under this clause is more than 14 hours, the off-duty period may be reduced to not less than 14 hours, provided that:
- (a) the reduced off-duty period is undertaken away from home base; and
 - (b) the first FDP was not extended past the FDP limit provided for under the AOC holder's operations manual; and
 - (c) the off-duty period following the second FDP is of at least 36 consecutive hours and includes 2 local nights.

[126] Appendix 4, subclause 11.2

omit

- (b) other FDPs; and
- (c) standby periods;

insert

- (b) other FDPs;

[127] Appendix 4, subclause 11.2, the Note

omit

, or 1 standby

[128] After Appendix 4

insert

APPENDIX 4A — BALLOON OPERATIONS

1 Sleep opportunity before an FDP

An FCM must not be assigned or commence an FDP unless he or she has at least:

- (a) 8 consecutive hours' sleep opportunity within the 10 hours immediately before commencing the FDP; or
- (b) 10 hours' sleep opportunity, of which at least 6 must be consecutive, within the 24 hours immediately before commencing the FDP.

Note See subsection 6 of this Order for the definition of *sleep opportunity*, where it is defined as occurring during an off-duty period.

2 FDP limits

- 2.1 An FCM must not be assigned an FDP longer than the number of hours specified in Table 2.1 in this clause (the *FDP limit*), as determined by whether or not the FDP contains a split-duty rest period.

Table 2.1 Maximum FDP (in hours) for an FCM according to whether or not the FDP contains a split-duty rest period

Does the FDP contain a split-duty rest period?	Maximum FDP (hours)
No	6
Yes	10

- 2.2 An FCM cannot continue in an FDP for longer than 6 hours unless he or she has completed or commenced a split-duty rest period of at least 4 consecutive hours.

3 Increase in FDP limits by split duty

- 3.1 Subject to subclause 3.4, where an FDP contains a split-duty rest period of at least 4 consecutive hours with access to suitable sleeping accommodation (the *split-duty rest period*), the maximum FDP may be increased by the duration of the split-duty rest period to a maximum of 15 hours.
- 3.2 After an FDP mentioned in subclause 3.1, the first 4 hours of the split-duty rest period may be reduced by 2 hours for the purpose of determining the subsequent off-duty period or cumulative duty time under clause 5 or clause 7 of this Appendix.
- 3.3 If a split-duty rest period includes any period between the hours of 2100 to 0329 local time, then:
- (a) the split-duty rest period must be for a consecutive period of at least 7 hours with access to suitable sleeping accommodation; and
 - (b) subclause 3.2 does not apply.
- 3.4 Any remaining portion of an FDP following a split-duty rest period must be no longer than 5 hours.

Note These are the maximum FDP and flight time limits under this Appendix unless, for any particular FCM, other provisions have the effect of reducing these limits (for example, subsections 14 and 15 of this Order).

4 Extensions

- 4.1 Despite the FDP limits provided in the operations manual, in unforeseen operational circumstances at the discretion of the pilot in command, the FDP limits in the operations manual may be extended up to a maximum of 1 hour if:
- (a) the FDP has commenced; and
 - (b) the FCM considers himself or herself fit for the extension.
- 4.2 An FDP limit must not be extended under this clause if it would cause an FCM to exceed the cumulative flight time limits in clause 6 or the cumulative duty time limits in clause 7.
- 4.3 Despite subclause 4.2, if:
- (a) unforeseen operational circumstances arise after take-off on the final sector of an FDP; and
 - (b) the unforeseen operational circumstances would cause an FCM to exceed:
 - (i) any limit or number permitted under this clause; or
 - (ii) the cumulative flight time limits in clause 6; or
 - (iii) the cumulative duty time limits in clause 7;

then, the flight may continue to the planned destination at the discretion of the pilot in command.

Note 1 Under regulation 224 of CAR 1988, the pilot in command of an aircraft is responsible for the conduct and safety of members of the crew on the aircraft and, therefore, has a discretion to not permit an extension to occur even if otherwise permissible under this clause.

Note 2 Guidance on the assessment of individual cognitive and physical fitness is contained in CAAP 48-1.

5 Off-duty periods

- 5.1 Following an FDP, an FCM must have an off-duty period of at least 10 consecutive hours.
- 5.2 Despite subclause 5.1, an FCM may take 2 off-duty periods of not less than 4 consecutive hours each, with an intervening duty period of not more than 2 hours, provided the total duration of the 2 off-duty periods is not less than 13 hours.

Note The sleep opportunity requirements in clause 1 continue to apply. For example, if the use of 2 off-duty periods does not allow for a single period of 8 consecutive hours prior sleep opportunity, then paragraph 1.1 (b) of this Appendix provides for the option of using 2 or more periods to achieve a prior sleep opportunity of 10 hours, provided 1 of the periods is a minimum of 6 consecutive hours.

- 5.3 Before beginning any FDP, an FCM must have had at least 2 full days (consecutively or otherwise) off-duty in the 14 consecutive days before the projected end time of the assigned FDP.
- 5.4 For subclause 5.3, a *full day* means the period between 2 consecutive midnights.

6 Limit on cumulative flight time

The cumulative flight time accrued by an FCM during any consecutive 28 day period must not exceed 50 hours.

7 Limit on cumulative duty time

- 7.1 The cumulative duty accrued by an FCM during any consecutive 168 hour period must not exceed 45 hours.
- 7.2 The cumulative duty accrued by an FCM during any consecutive 336 hour period must not exceed 84 hours.

Note 168 hours is the number of hours in a 7 day period, and 336 hours is the number of hours in a 14 day period.

APPENDIX 4B — MEDICAL TRANSPORT OPERATIONS AND EMERGENCY SERVICE OPERATIONS

1 FDP and flight time limits

- 1.1 An FCM must not be assigned an FDP longer than the number of hours specified in Table 1.1 in this clause (the *FDP limit*), as determined by the local time at the start of the FDP and, for a multi-pilot operation, the number of sectors to be flown.
- 1.2 An FCM must not be assigned flight time during an FDP longer than the number of hours in brackets specified in Table 1.1 (the *flight time limit*), as determined by the local time at the start of the FDP and, for a multi-pilot operation, the number of sectors to be flown.

Table 1.1 Maximum FDP and flight time (in hours) for an FCM according to local time at the start of the FDP

Local time at start of FDP	Maximum FDP and flight time hours (in brackets)		
	Single-pilot operation	Multi-pilot operation	
		1-2 sectors	3+ sectors
0500 – 0559	11(9)	12(10)	12(10)
0600 – 0659	11.5(9)	13(10)	12.5(10)
0700 – 1159	12(10)	14(11)	13(11)
1200 – 1459	11(9)	13(10)	12(10)
1500 – 1559	10.5(8)	12(10)	11.5(10)
1600 – 0459	10(8)	11(9)	11(9)

FDP limit may be increased twice per 168 hour period

1.3 Despite subclause 1.1, the FDP limit for an FCM may be increased to not more than the following limits (an **increased FDP**) provided the conditions in subclause 1.4 are complied with:

- (a) for a single-pilot operation — 12 hours; and
- (b) for any multi-pilot operation — 14 hours.

1.4 For subclause 1.3:

- (a) there must be no more than 2 increased FDPs in any 168 consecutive hour period; and
- (b) the off-duty period before commencing an increased FDP must be not less than 12 hours; and
- (c) an increased FDP must be followed by an off-duty period of not less than 12 hours; and
- (d) an increased FDP must not be further increased by a split-duty rest period under clause 2, but it may be extended under clause 3.

Note Clause 5 also requires that an FCM who conducts an increased FDP under this clause has an off-duty period of at least 36 hours, including 2 local nights, during the 168 consecutive hour period.

1.5 An FCM must not be assigned or commence flight time for flight training during an FDP unless the flight training is conducted during the first 7 hours of the FDP's flight time.

Note Subclause 1.5 does not apply to a flight review or a proficiency check because these are not flight training as defined in paragraph 6.1 of this Order. The flight time limit for an operation that involves a flight review or a proficiency check is the flight time limit in Table 1.1.

1.6 If, in the 8 hours immediately before commencing an FDP, an FCM:

- (a) is called out from standby to commence duties other than conducting a flight in an aircraft (**non-flying duties**); and

- (b) resumes the balance of the standby after completing the non-flying duties; and
 - (c) is called out to commence an FDP before the end of the resumed standby; then, the maximum permissible duration of the FDP must be decreased by the greater of:
 - (d) 30 minutes; or
 - (e) the total duration of the non-flying duties performed before the balance of the standby was resumed.
- 1.7 The resumption of the balance of the standby mentioned in paragraph 1.6 (b) is not to be taken as the assignment or commencement of a standby for clause 1AA.
- Note* Clause 1AA applies for the assignment or commencement of a standby, but not to the resumption of a standby broken in accordance with paragraph 1.6 (a).
- 1.8 An FCM must not exceed an FDP limit set out in the AOC holder's operations manual in accordance with this Order.

2 Increase in FDP limits by split duty

- 2.1 Subject to subclauses 2.2 and 2.6, if an FDP contains a split-duty rest period of at least 2 consecutive hours with access to suitable sleeping accommodation, the FDP worked out under clause 1 may be increased by the duration of the split-duty rest period.
- 2.2 For subclause 2.1, the remaining length of the FDP resumed at the time the split-duty rest period ends (the *resumption time*) must not be greater than the FDP limit that would apply under Table 1.1 to an FCM who commenced a new FDP at the resumption time.
- 2.3 After an FDP mentioned in subclause 2.1, the duration of the split-duty rest period may be reduced by 50% in determining the subsequent off-duty period under subclause 5.1 or cumulative duty time under clause 7.
- 2.4 Subject to subclause 2.6, if an FDP contains 1 or 2 split-duty rest periods, each of at least 2 consecutive hours with access to suitable resting accommodation, the maximum FDP worked out under clause 1 may be increased by half the duration of the split-duty rest period or periods up to a total of 2 hours.
- 2.5 The requirements of subclause 5.1 are taken to be met if an FDP contains a split-duty rest period with access to suitable sleeping accommodation, and the split-duty rest period is:
 - (a) of at least 10 consecutive hours, plus the number of hours difference in local time between the location where the FDP commenced and the location where the split-duty rest period is undertaken; and
 - (b) undertaken over a local night.
- 2.6 An FDP that includes a split-duty rest period must not exceed 16 hours.
- Note* For any particular FCM, other provisions of this Order may have the effect of reducing maximum FDP limits under this Appendix (see, for example, subsections 14 and 15 of this Order).

3 Extensions

- 3.1 Subject to subclause 3.2, in unforeseen operational circumstances, at the discretion of the FCM, an FDP may be extended, by up to a maximum of 2 hours for a multi-pilot operation, or 1 hour for a single-pilot operation, beyond:
- (a) the FDP limit specified in Table 1.1 (including that limit as increased under subclause 1.3); or
 - (b) the FDP limit specified in Table 1.1 as increased by a split-duty rest period under clause 2, provided the extended FDP does not exceed 16 hours.
- 3.1A Subject to subclause 3.2, if:
- (a) an AOC holder has urgent operations procedures in the operations manual; and
 - (b) an operation is deemed to be urgent in accordance with the manual; then, at the discretion of the FCM, an FDP containing an urgent operation may be extended by up to a maximum of 4 hours beyond:
 - (c) the FDP limit specified in Table 1.1 (including that limit as increased under subclause 1.3), provided the extended FDP does not exceed 16 hours; or
 - (d) the FDP limit specified in Table 1.1 as increased by a split-duty rest period under clause 2, provided the extended FDP does not exceed 16 hours.
- 3.2 Before exercising the discretion under subclause 3.1 to extend the FDP limit of an FCM, the pilot in command of a multi-pilot operation must:
- (a) do the following:
 - (i) consult each FCM who is a crew member on the aircraft;
 - (ii) be satisfied that each FCM considers himself or herself fit for the extension; and
 - (b) if the FCM whose FDP would be extended is the pilot in command — do the following:
 - (i) consult each FCM who is a crew member on the aircraft; and
 - (ii) be satisfied that, as pilot in command, he or she is fit for the extension.
- Note* Due to the nature of medical transport operations and emergency service operations, extensions are permitted in operational circumstances where the operator is satisfied the safety of the flight will not be impacted by fatigue.
- 3.3 Despite the limits provided in the operations manual, the flight time limit for an FDP may be extended by not more than 30 minutes if:
- (a) it is operationally necessary in order to complete the duty; and
 - (b) the FCM, or each FCM, considers himself or herself fit for the extension.
- 3.4 An FDP limit must not be extended under this clause if it would cause an FCM to exceed the cumulative flight time limits in clause 7.
- 3.5 Despite subclause 3.4, if:
- (a) unforeseen operational circumstances arise after take-off on the final sector of an FDP; and
 - (b) the unforeseen operational circumstances would cause an FCM to exceed:
 - (i) any limit or number permitted under this clause; or

(ii) the cumulative flight time limits in clause 7;
then, the flight may continue to the planned destination or alternate at the discretion of the pilot in command.

Note 1 Under regulation 224 of CAR 1988, the pilot in command of an aircraft is responsible for the conduct and safety of members of the crew on the aircraft and, therefore, has a discretion to not permit an extension to occur even if otherwise permissible under this clause.

Note 2 Guidance on the assessment of individual cognitive and physical fitness is contained in CAAP 48-1.

4 Standby

- 4.1 An FCM may be placed on standby.
- 4.2 If an FCM is called out from standby to commence an FDP (which may include a split-duty rest period), the FDP must be followed by an off-duty period in accordance with clause 5.
- 4.3 If an FCM is called out to commence duties other than flying duties, the FCM may return to standby following that duty period. However, subclause 1.6 applies to a subsequent FDP.

5 Off-duty period limits

- 5.1 Immediately after an FDP, an FCM must have an off-duty period of at least the following consecutive hours, during which there must be access to suitable sleeping accommodation for at least 8 consecutive hours:
 - (a) if the off-duty period includes the period between 2300 and 0559 hours local time — the sum of:
 - (i) 8 hours; and
 - (ii) the amount of time that the FDP exceeds 12 hours (provided the excess is not due to an extension mentioned in subparagraph (iv)); and
 - (iii) the amount of displacement time of the FDP; and
 - (iv) 1 hour for every 30 minutes, or part of 30 minutes, that the FDP was extended beyond the FDP limit;
 - (b) if the off-duty period does not include the period between 2300 and 0559 hours local time — the sum of:
 - (i) 10 hours; and
 - (ii) the amount of time that the FDP exceeds 12 hours (provided the excess is not due to an extension mentioned in subparagraph (iv)); and
 - (iii) the amount of displacement time of the FDP; and
 - (iv) 1 hour for every 30 minutes, or part of 30 minutes, that the FDP was extended beyond the FDP limit.
- 5.2 If an off-duty period calculated under subclause 5.1 is greater than 12 hours, the off-duty period may be reduced to not less than 12 hours provided that:
 - (a) the next FDP is conducted under this Appendix; and
 - (b) the off-duty period following the next FDP is at least 24 hours.
- 5.3 If, in any consecutive 168 hour period (the *period*), an FCM conducts either:
 - (a) 3 or more FDPs, each of which involves a late night operation; or

(b) an increased FDP in accordance with subclause 1.3;
then, the FCM must have an off-duty period of at least 36 consecutive hours, including 2 local nights during the period.

5.4 Before beginning an FDP or standby, an FCM must have had at least 1 of the following:

- (a) in any consecutive 336 hour period before the projected end of the assigned FDP or standby — 1 off-duty period of at least 36 consecutive hours, including 2 local nights;
- (b) in any consecutive 504 hour period before the projected end of the assigned FDP or assigned standby — 1 off-duty period of at least 72 consecutive hours, including 3 local nights.

Note 336 hours is the number of hours in a 14 day period, and 504 hours is the number of hours in a 21 day period.

6 Limit on cumulative flight time

6.1 The cumulative flight time accrued by an FCM during any consecutive 28 day period must not exceed 100 hours.

6.2 The cumulative flight time accrued by an FCM during any consecutive 365 day period must not exceed 1000 hours.

7 Limit on cumulative duty time

7.1 The cumulative duty time accrued by an FCM during any consecutive 168 hour period (the *period*) must not exceed:

- (a) if an FCM has not had at least 1 off-duty period of at least 36 hours, including 2 local nights during the period — 40 hours; and
- (b) if an FCM has had at least 1 off-duty period of at least 36 hours, including 2 local nights during the period — 60 hours.

Note 168 hours is the number of hours in a 7 day period and 336 hours is the number of hours in a 14 day period.

7.2 The cumulative duty accrued by an FCM during any consecutive 336 hour period must not exceed 100 hours.

8 Limit on late night operations

8.1 In any period of 168 consecutive hours, an FCM must not be assigned, or conduct, more than 4 FDPs involving late night operations.

8.2 If in any period of 168 consecutive hours (the *period*) an FCM conducts 3 or more FDPs involving late night operations, the FCM is limited to 40 hours cumulative duty time during the period.

Note See also subclause 5.3 which requires that an FCM must have an off-duty period of at least 36 consecutive hours, including 2 local nights if 3 or more late night operations are conducted during any 168 consecutive hour period.

9 Maximum durations must not be exceeded

Unless an extension is permitted under clause 3, in performing duty, an FCM must not exceed the following:

- (a) the maximum duration of the FDP specified for the FCM in the AOC holder's operations manual;
- (b) the maximum flight time specified for the FCM in the AOC holder's operations manual.

[129] Appendix 5, the title

substitute

APPENDIX 5 — AERIAL WORK OPERATIONS AND FLIGHT TRAINING ASSOCIATED WITH AERIAL WORK

[130] Appendix 5, clause 1, the title, and subclause 1.1

substitute

1 FDP limits

- 1.1 An FCM must not be assigned an FDP longer than the number of hours specified in Table 1.1 in this clause, as determined by:
- (a) the local time at the start of the FDP; and
 - (b) whether the operation is a single-pilot operation or a multi-pilot operation; and
 - (c) for a multi-pilot operation — whether the number of sectors is 1 or 2, or 3 or more.

- 1.1A An FCM must not be assigned or commence flight time for flight training during an FDP unless the flight training is conducted during the first 7 hours of the FDP's flight time.

Note Subclause 1.1A does not apply to a flight review or a proficiency check because these are not flight training as defined in paragraph 6.1 of this Order. The flight time limit for an operation that involves a flight review or a proficiency check is the flight time limit in Table 1.1.

[131] Appendix 5, clause 1, Table 5.1

substitute

Table 1.1 Maximum FDP (in hours) for an FCM according to local time at the start of the FDP

Local time at start of FDP	Maximum FDP (hours)		
	Single-pilot operation	Multi-pilot operation	
		For 1 or 2 sectors	For 3 or more sectors
0500 – 0559	11	12	12
0600 – 0659	11.5	13	12.5
0700 – 1159	12	14	13
1200 – 1459	11	13	12
1500 – 1559	10.5	12	11.5
1600 – 0459	10	11	11

FDP limit may be increased twice per 168 hour period

1.1B Despite subclause 1.1, the FDP limit for an FCM may be increased to not more than the following limits (an **increased FDP**) provided the conditions in subclause 1.1C are complied with:

- (a) for a single-pilot operation — 12 hours; and
- (b) for any multi-pilot operation — 14 hours.

1.1C For subclause 1.1B:

- (a) there must be no more than 2 increased FDPs in any 168 consecutive hour period; and
- (b) the off-duty period before commencing an increased FDP must be not less than 12 hours; and
- (c) an increased FDP must be followed by an off-duty period of not less than 12 hours; and
- (d) an increased FDP must not be further increased by a split-duty rest period under clause 2, but it may be extended under clause 3.

Note Clause 5 also requires that an FCM who conducts an increased FDP under this clause has an off-duty period of at least 36 hours, including 2 local nights, during the 168 consecutive hour period.

[132] Appendix 5, subclause 1.2

substitute

1.2 If, in the 8 hours immediately before commencing an FDP, an FCM:

- (a) is called out from standby to commence duties other than conducting a flight in an aircraft (**non-flying duties**); and
- (b) resumes the balance of the standby after completing the non-flying duties; and
- (c) is called out to commence an FDP before the end of the resumed standby; then, the maximum permissible duration of the FDP must be decreased by the greater of:
- (d) 30 minutes; or
- (e) the total duration of the non-flying duties performed before the balance of the standby was resumed.

1.2A The resumption of the balance of the standby mentioned in paragraph 1.2 (b) is not to be taken as the assignment or commencement of a standby for clause 1AA.

Note Clause 1AA applies for the assignment or commencement of a standby, but not to the resumption of a standby broken in accordance with paragraph 1.2 (a).

[133] Appendix 5, subclause 2.2

substitute

2.2 Where an FDP contains a split-duty rest period of at least 2 consecutive hours with access to suitable resting accommodation, the maximum FDP worked out under subclause 1.1 may be increased by half the duration of the split-duty rest period, provided the increase is not more than 2 hours.

[134] Appendix 5, subclause 3.1, including the Note

substitute

- 3.1 Subject to subclause 3.1A, at the discretion of the FCM, an FDP may be extended by up to a maximum of 2 hours beyond:
- (a) the FDP limit specified in Table 1.1, including that limit as increased under subclause 1.1B; or
 - (b) the FDP limit specified in Table 1.1 only, as increased by a split-duty rest period under clause 2.

Note Due to the nature of aerial work operations, extensions are permitted in operational circumstances where the FCM is satisfied that the safety of the flight will not be impacted by fatigue.

- 3.1A Before deciding to extend an FDP under subclause 3.1, the pilot in command of a multi-pilot operation must:
- (a) do the following:
 - (i) consult each FCM who is a crew member on the aircraft;
 - (ii) be satisfied that each FCM considers himself or herself fit for the extension; and
 - (b) if the FCM whose FDP would be extended is the pilot in command — do the following:
 - (i) consult each FCM who is a crew member on the aircraft;
 - (ii) be satisfied that, as pilot in command, he or she is fit for the extension.

[135] Appendix 5, subclause 3.2

omit

clause 5

insert

subclause 5.1

[136] Appendix 5, after subclause 3.3

insert

- 3.4 An FDP limit must not be extended under this clause if it would cause an FCM to exceed the cumulative flight time limits in clause 6.
- 3.5 Despite subclause 3.4, if:
- (a) unforeseen operational circumstances arise after take-off on the final sector of an FDP; and
 - (b) the unforeseen operational circumstances would cause an FCM to exceed:
 - (i) any limit or number permitted under this clause; or
 - (ii) the cumulative flight time limits in clause 6;

then, the flight may continue to the planned destination or alternate at the discretion of the pilot in command.

Note 1 Under regulation 224 of CAR 1988, the pilot in command of an aircraft is responsible for the conduct and safety of members of the crew on the aircraft and, therefore, has a discretion to not permit an extension to occur even if otherwise permissible under this clause.

Note 2 Guidance on the assessment of individual cognitive and physical fitness is contained in CAAP 48-1.

[137] Appendix 5, clause 5

substitute

5 Off-duty period limits

- 5.1 Immediately after an FDP, an FCM must have an off-duty period of at least the following number of consecutive hours, during which there must be access to suitable sleeping accommodation for at least 8 consecutive hours:
- (a) if the off-duty period includes the period between 2300 and 0559 hours local time — 8;
 - (b) if the off-duty period does not include the period between 2300 and 0559 hours local time — 10.

Note Under subclause 3.2 of this Appendix the off-duty period is increased by 1 hour for every 30 minutes, or part of 30 minutes, that the FDP is extended beyond the FDP limit.

- 5.2 Before beginning an FDP or standby, an FCM must have had at least 1 of the following:
- (a) in any consecutive 336 hour period before the projected end of the assigned FDP or standby — 1 off-duty period of at least 36 consecutive hours, including 2 local nights;
 - (b) in any consecutive 504 hour period before the projected end of the assigned FDP or assigned standby — 1 off-duty period of at least 72 consecutive hours, including 3 local nights.

Note 336 hours is the number of hours in a 14 day period, and 504 hours is the number of hours in a 21 day period.

- 5.3 If, in any consecutive 168 hour period (the *period*), an FCM conducts 1 or 2 increased FDPs in accordance with subclause 1.1B, the FCM must have an off-duty period of at least 36 consecutive hours, including 2 local nights during the period.

[138] Appendix 5, subclause 6.4

substitute

- 6.4 The cumulative flight time limits in subclauses 6.2 and 6.3 may be reset to zero immediately after the FCM is provided with at least 5 consecutive days off-duty.

[139] After Appendix 5

insert

APPENDIX 5A — DAYLIGHT AERIAL WORK OPERATIONS AND FLIGHT TRAINING ASSOCIATED WITH AERIAL WORK

1 Sleep opportunity before an FDP

An FCM must not be assigned or commence an FDP at a location unless he or she:

- (a) has had at least 8 consecutive hours' sleep opportunity within the 10 hours immediately before commencing the FDP; and
- (b) on each of the 3 local nights immediately before commencing the FDP, has not carried out any duties during the 8 hours prior to 30 minutes before morning civil twilight at the location.

Note The intent of paragraph 1.1 (b) is to prohibit an FCM from undertaking an FDP under Appendix 5A if they have undertaken any duties on the 3 nights immediately before the FDP.

2 FDP and flight time limits

- 2.1 An FCM must not be assigned or commence an FDP that:
- (a) begins more than 30 minutes before the beginning of morning civil twilight at the location at which the FDP commences; or
 - (b) ends later than the end of evening civil twilight at the location at which the FDP commences.

Note This subclause does not affect other legislative requirements that limit Day VFR operations.

- 2.2 An FCM may only be assigned an FDP with a total duration no longer than 14 hours in any 1 day (the **FDP limit**).
- 2.3 Subject to subclause 2.4, an FCM's total flight time on any 1 day must not exceed 11 hours (the **flight time limit**).
- 2.4 If the operation is a mustering operation, despite subclause 2.3, an FCM must not exceed 10 hours total flight time in any 1 day if the combined total of his or her flying time in mustering operations as pilot in command and pilot in command under supervision is less than 500 hours.
- 2.5 Despite subclauses 2.3 and 2.4, an FCM must not be assigned or commence flight time for flight training during an FDP unless the flight training is conducted during the first 7 hours of the FDP's flight time.

Note Subclause 2.5 does not apply to a flight review or a proficiency check because these are not flight training as defined in paragraph 6.1 of this Order. The flight time limit for an operation that involves a flight review or a proficiency check is the flight time limit in subclause 2.3.

3 Extensions

- 3.1 Subject to subclause 3.2, at the discretion of the FCM, an FDP may be extended up to a maximum of 1 hour beyond the FDP limit in subclause 2.2, provided the FCM considers himself or herself fit for the extension.
- 3.2 An FDP must not be extended beyond the end of evening civil twilight, unless this is necessary to complete the duties associated with the last daylight flight.
- 3.3 At the discretion of the FCM, the flight time limit for any 1 day determined under subclauses 2.3 and 2.4 may be extended by not more than 30 minutes if the FCM considers himself or herself fit for the extension.

4 Off-duty period limits

- 4.1 Following an FDP, an FCM must have an off-duty period of at least 10 consecutive hours.
- 4.2 An FCM must, in any consecutive 384 hour period, have a period of at least 2 consecutive days off-duty.

Note 384 hours is the number of hours in a 16 day period.

5 Limit on cumulative flight time

- 5.1 The cumulative flight time accrued by an FCM during any consecutive 384 hour period must not exceed 100 hours.
- 5.2 The cumulative flight time accrued by the FCM during any consecutive 30 day period must not exceed 120 hours if the combined total of his or her flying time in mustering operations as pilot in command and pilot in command under supervision is less than 500 hours.

- 5.3 The cumulative flight time limits in subclauses 5.1 and 5.2 may be reset to zero immediately after the FCM is provided with at least 5 consecutive days off-duty.
- 5.4 The cumulative flight time accrued by an FCM during any consecutive 365 day period must not exceed 1200 hours.
- 5.5 The cumulative flight time limit in subclause 5.4 may be reset to zero immediately after the FCM is provided with at least 28 consecutive days off-duty.

Note 1 384 hours is the number of hours in a 16 day period.

Note 2 These cumulative flight time limits are designed to mitigate the effects of cumulative fatigue. AOC holders are reminded, first, of the emotional, cognitive and physical effects of workload on the performance of FCMs in addition to fatigue and, secondly, that these limits are for optimal circumstances and may not be achievable due to hazard identification and other procedures required under subsection 15 of this Order.

6 Maximum durations must not be exceeded

Unless an extension is permitted under clause 3, in performing duty, an FCM must not exceed the following:

- (a) the maximum duration of the FDP specified for the FCM in the AOC holder’s operations manual;
- (b) the maximum flight time specified for the FCM in the AOC holder’s operations manual.

[140] Appendix 6, the title, including the Note

substitute

APPENDIX 6 — FLIGHT TRAINING

Note Appendix 6 does not apply to flight training in a flight simulation training device.

[141] Appendix 6, clause 2, Table 2.1

omit

Local time at start of FDP	Maximum FDP and flight time hours
0500 – 0659	9(7)

insert

Local time at start of FDP	Maximum FDP and flight time hours
0500 – 0559	9(7)
0600 – 0659	10(7)

[142] Appendix 6, subclause 3.2

omit

50%

insert

2 hours

[143] Appendix 6, subclause 3.3

substitute

- 3.3 Subject to subclause 3.4, where an FDP contains a split-duty rest period of at least 2 consecutive hours with access to suitable resting accommodation, the FDP limits under subclause 2.1 may be increased by half the duration of the split-duty rest period, provided the increase is not more than 2 hours.

[144] Appendix 6, paragraphs 3.4 (a) and (b)

substitute

- (a) the split-duty rest period must be for a consecutive period of at least 7 hours with access to suitable sleeping accommodation; and
- (b) the maximum FDP may be increased to 15 hours (if not already permitted); and
- (c) the reduction in the subsequent off-duty period and cumulative duty time, provided for in subclause 3.2, does not apply.

[145] Appendix 6, subclause 4.1

substitute

- 4.1 After an FCM's assigned FDP commences, the AOC holder may reassign to the FCM a modified FDP, provided that each of the following applies:
- (a) the modified FDP must not be more than 4 hours longer than the assigned FDP;
 - (b) subject to subclauses 4.3 and 4.4 — the modified FDP and flight time must not exceed the applicable limits in the holder's operations manual;
 - (c) the FCM must consider himself or herself fit for the modified FDP.

[146] Appendix 6, after subclause 4.3

insert

- 4.3A Before exercising the discretion under subclause 4.3 to extend an FDP limit in the operations manual, the pilot in command must be satisfied that he or she, and any other FCM, are fit for the extension.

[147] Appendix 6, clause 5, the title

substitute

5 Standby limits and standby-like arrangements

[148] Appendix 6, after subclause 5.3

insert

- 5.4 To remove any doubt, the period of time in which an FCM is held in a standby-like arrangement must be treated as a duty period for the purposes of this Order.

Note For example, the period spent in a standby-like arrangement must be included as part of a following FDP assigned to the FCM, or added to the preceding FDP when determining minimum off-duty periods under clause 7.

[149] Appendix 6, clause 6, including the Note

substitute

6 Positioning

On completion of assigned flight duties in an FDP (the *relevant FDP*), an FCM may position to a suitable location as required by the AOC holder.

Note As with any duty, the time spent in positioning after completion of the FDP must be added to the relevant FDP when determining minimum off-duty periods under clause 7.

[150] Appendix 6, subclause 7.1

substitute

7.1 After an FCM's FDP and any duty time after completion of the FDP but before commencement of the following off-duty period (*other duty time*), his or her following off-duty period must be at least the sum of:

- (a) 12 hours; and
- (b) 1.5 times the time that the FDP and the other duty time exceeded 12 hours.

[151] Appendix 6, subclause 10.2

omit

- (b) other FDPs; and
- (c) standby periods;

insert

- (b) other FDPs;

[152] Appendix 6, subclause 10.2, the Note

omit

, or 1 standby

[153] Appendix 7, subclause 1.2, Note 2

substitute

Note 2 Guidance for the development and implementation of an FRMS is available on the ICAO and CASA websites.

[154] Appendix 7, paragraph 1.4 (c)

omit

safely

[155] Appendix 7, after subclause 3.2

insert

3.2A For subclause 3.2, the values for each FCM must be set out with reference to the applicable circumstances of each flight, flight duty period or duty period or off-duty period.

Note Examples of the values which must be set out include the following where relevant: the local time at the start of the FDP; the acclimatised time at the start of the FDP; the number of sectors to be flown; the classes of crew rest facilities; the additional FCMs.