

## **EXPLANATORY STATEMENT**

Issued by the authority of the Deputy Prime Minister and Minister for Infrastructure,  
Transport and Regional Development

*Civil Aviation Act 1988*

*Civil Aviation Safety Amendment (Operations Definitions) Regulations 2019*

The *Civil Aviation Act 1988* (the Act) establishes the regulatory framework for maintaining, enhancing and promoting the safety of civil aviation, with particular emphasis on preventing aviation accidents and incidents.

Subsection 98(1) of the Act provides, in part, that the Governor-General may make regulations, not inconsistent with the Act, prescribing matters required or permitted by the Act to be prescribed, or necessary or convenient to be prescribed, for carrying out or giving effect to the Act. Subsection 98(1) also provides that the Governor-General may make regulations for the purpose of carrying out and giving effect to the provisions of the *Convention on International Civil Aviation* (the Chicago Convention) relating to safety, and in relation to the safety of air navigation, being regulations with respect to any other matters to which the Parliament has power to make laws.

Subsection 9(1) of the Act specifies, in part, that the Civil Aviation Safety Authority (CASA) has the function of conducting the safety regulation of civil air operations in Australian territory by means that include developing and promulgating appropriate, clear and concise aviation safety standards and issuing certificates, licences, registrations and permits.

The *Civil Aviation Safety Amendment (Operations Definitions) Regulations 2019* (the Regulations) makes amendments to the *Civil Aviation Safety Regulations 1998* (CASR) to insert new terms and their definitions in Parts 1 and 2 of the Dictionary, and repeal and/or replace other defined terms. These amendments are consequential to the making in December 2018 of the flight operations suite of the CASR, comprising Parts 91, 119, 121, 133, 135 and 138 which will commence on 25 March 2021. The Regulations commence on the same date and provide definitions for those parts.

The Regulations are necessary to ensure the proper interpretation and implementation of the flight operations suite of the CASR. In many cases the Regulations establish definitions that are similar to definitions previously contained in the Dictionary of the CASR or CAR, but with minor revisions to reflect the terminology being adopted and how the terms are used in the CASR. Many of the terms that are inserted in the Dictionary are merely “signposts” that direct readers to where the definition can be found in another provision of the CASR.

One substantive amendment is the insertion of the term “medical transport operation” in Part 2 of the Dictionary. This kind of operation will be regulated as an air transport operation in the CASR. Another new term that is adopted in the amended CASR is “air crew member”, who are persons on board an aircraft that perform duties in relation to the safety of the aircraft, but who are not flight crew. Previously, the CASR did not refer to such persons as a defined group.

The Regulations, in isolation, do not impose any new costs on aircraft operators, pilots or other aircraft crew. Rather, cost impacts relate to how the defined terms are used in the substantive provisions of the CASR that use the terms. Regulation Impact Statements (RISs) for the flight operations suite (OBPR ids: 23625 and 24505) were published when the suite was made in December 2018. The RISs considered the impacts of the flight operations suite, in the context of the new and updated definitions set out in the Regulations.

## **Consultation**

CASA consulted on a compilation of an updated CASR Dictionary that included the definitions, as part of the consultation process for Parts 91, 119, 121, 133 and 135 of the flight operations suite, which was undertaken from March to September 2018. The elements of the Dictionary applicable to Part 138 were consulted from September 2015 to February 2016. CASA received a small number of comments on the definitions from the public consultations.

The definitions were also considered in 2018 by technical working groups of the Aviation Safety Advisory Panel (ASAP) for all six of the CASR parts, comprising the flight operations suite. Recommendations made by the ASAP technical working groups were addressed in the Regulations or will be incorporated by CASA in related advisory publications, as appropriate. CASA has published summary of consultation documents for the new flight operations suite, which explain CASA's position on issues raised and actions being taken. No additional definitional issues were raised when the ASAP endorsed the making of the flight operations suite.

## **Regulation Impact Statement**

The Regulations are consequential to the Part 91, 119, 121, 133, 135 and 138 amendment instruments for which CASA prepared RISs (OBPR ids: 23625 and 24505). No additional impact assessment was required for the amendments made by the Regulations.

## **Incorporation by Reference**

Subsection 14 of the *Legislation Act 2003* provides that, where enabling legislation authorises or requires provision to be made in relation to any matter by a legislative instrument or notifiable instrument, the instrument may, unless the contrary intention appears, make provision in relation to that matter by applying, adopting or incorporating, with or without modification, the provisions of a disallowable legislative instrument.

Subsection 98(5D) of the Act permits a non-legislative instrument to be incorporated as in force or existing at a particular time or from time to time, including a non-legislative instrument that does not exist when the legislative instrument is made.

In accordance with paragraph 15J (2) (c) of the *Legislation Act 2003* and subsection 98(5D) of the Act, the Regulations apply, adopt or incorporate matters contained in the following instruments:

- Aircraft flight manual instructions
- Aeronautical Information Publication (AIP)
- Certificate of airworthiness for an aircraft
- Notices to airmen (NOTAMs)
- Part 91 Manual of Standards
- Part 119 Manual of Standards
- Part 133 Manual of Standards
- Part 138 Manual of Standards
- Part 173 Manual of Standards
- Annex 2 to the Chicago Convention – Rules of the Air
- Annex 11 to the Chicago Convention – Air Traffic Services

- The Institute of Electrical and Electronics Engineers (IEEE) *Standard for Information Technology – Telecommunications and Information Exchange Between Systems – Local and metropolitan Area Network – Specific requirements Part 11: Wireless LAN Medium Access Control (MAC) and Physical Layer (PHY) Specifications*
- ETSO-C151
- ETSO-C151a
- ETSO-C151b
- TSO-C151
- TSO-C151a
- TSO-C151b

Each incorporated document is described below, together with the manner of incorporation and how it may be obtained.

#### Aircraft flight manual instructions

The aircraft flight manual instructions comprise the flight manual, checklists of normal, abnormal and emergency procedures for the aircraft and any operating limitation, instructions, markings and placards relating to the aircraft. The instructions comprise information required to safely operate the specific aircraft. Instructions are incorporated as they exist from time to time, in accordance with subsection 98(5D) of the Act and consistent with the definition of “flight manual” in clause 37 of Part 2 of the CASR Dictionary.

These documents are publicly available but not for free. The aircraft flight manual instructions for an aircraft are proprietary to the owner of the aircraft design (usually the manufacturer). The incorporated requirements of the aircraft flight manual instructions are at the aircraft-specific level, and instructions are required to be provided to owners or registered operators of aircraft. Where available, and by prior arrangement, CASA will make aircraft flight manual instructions available for inspection at any CASA office.

#### Aeronautical Information Publication (AIP)

The AIP is published by Airservices Australia (AA) as an Aeronautical Information Service provider, under the *Air Services Regulations 1995*, to disseminate information relevant to aviation participants on matters essential to safe air navigation that are of lasting relevance. Some parts of the AIP are underpinned by legislative instruments, while other parts are not. In accordance with subsection 98(5D) of the Act, the AIP is incorporated into the Regulations as the AIP exists and is published by AA from time to time. The AIP is freely available on the AA website [www.airservicesaustralia.com/aip/aip.asp](http://www.airservicesaustralia.com/aip/aip.asp).

#### Certificate of airworthiness for an aircraft

A certificate of airworthiness for a particular aircraft is a document issued by the State of registry for the aircraft to the effect that the aircraft conforms to the approved design for the aircraft and stating any operational limitations applicable for operation of the aircraft. In accordance with subsection 98(5D) of the Act, a certificate of airworthiness is incorporated by Part 21.H of CASR for an aircraft as the certificate is issued for the aircraft from time to time. Certificates of airworthiness are reissued, not amended.

Certificates of airworthiness are not publicly or freely available. The certificate of airworthiness for an aircraft is transferred with the aircraft to the registered operator of the aircraft. Where available, and by prior arrangement, CASA will make a copy of a certificate of airworthiness for an Australian-registered aircraft available for inspection at any CASA office.

#### Notices to Airmen (NOTAMs)

NOTAMs are published by Airservices Australia (AA) as an Aeronautical Information Service provider, under the *Air Services Regulations 1995*, to disseminate information relevant to aviation participants on matters essential to safe air navigation, for example to alert aircraft pilots of potential hazards along a flight route or at a location that could affect the safety of the flight. Information in NOTAMs is either of lasting relevance but needs to be published more urgently than the information can be incorporated into the AIP or is of only temporary relevance. NOTAMs are generally not underpinned by legislative instruments. In accordance with subsection 98(5D) of the Act, NOTAMs are incorporated into the Regulations as they exist and are published by AA from time to time. NOTAMs are freely available on the AA website [www.airservicesaustralia.com/flight-briefing/](http://www.airservicesaustralia.com/flight-briefing/).

#### Part 91 Manual of Standards (MOS)

The Part 91 MOS is a legislative instrument that prescribes matters for purposes stated in Part 91 of CASR. The Regulations incorporate the MOS as in force from time to time, in accordance with section 10 of the *Acts Interpretation Act 1901* and section 13 of the *Legislation Act 2003*. When made, the Part 91 MOS will be made freely available on the Federal Register of Legislation.

#### Part 119 Manual of Standards (MOS)

The Part 119 MOS is a legislative instrument that prescribes matters for purposes stated in Part 119 of CASR. The Regulations incorporate the MOS as in force from time to time, in accordance with section 10 of the *Acts Interpretation Act 1901* and section 13 of the *Legislation Act 2003*. When made, the Part 119 MOS will be made freely available on the Federal Register of Legislation.

#### Part 133 Manual of Standards (MOS)

The Part 133 MOS is a legislative instrument that prescribes matters for purposes stated in Part 133 of CASR. The Regulations incorporate the MOS as in force from time to time, in accordance with section 10 of the *Acts Interpretation Act 1901* and section 13 of the *Legislation Act 2003*. When made, the Part 133 MOS will be made freely available on the Federal Register of Legislation.

#### Part 138 Manual of Standards (MOS)

The Part 138 MOS is a legislative instrument that prescribes matters for purposes stated in Part 138 of CASR. The Regulations incorporate the MOS as in force from time to time, in accordance with section 10 of the *Acts Interpretation Act 1901* and section 13 of the *Legislation Act 2003*. When made, the Part 138 MOS will be made freely available on the Federal Register of Legislation.

### Part 173 Manual of Standards (MOS)

The Part 173 MOS is a legislative instrument that prescribes matters for purposes stated in Part 173 of CASR. The Regulations incorporate the MOS as in force from time to time, in accordance with section 10 of the *Acts Interpretation Act 1901* and section 13 of the *Legislation Act 2003*. The Part 173 MOS is freely available on the Federal Register of Legislation, at <https://www.legislation.gov.au/Details/F2017C00201>.

### The Chicago Convention on International Civil Aviation concluded on 7 December 1944 (the Chicago Convention)

The Chicago Convention is the multilateral treaty that establishes the safety regulatory framework for international aviation. Annexes to the Chicago Convention set out internationally agreed standards and recommended practices relating to particular aspects of aviation activities. The Regulations incorporate by reference Annexes 2 and 11.

Annexes to the Chicago Convention are publicly available but subject to copyright that belongs to the International Civil Aviation Organization (ICAO). It is made available by ICAO for a subscription fee (<https://store.icao.int/>). CASA has incorporated the Chicago Convention, including its Annexes, into the Regulations because aviation safety requires the reference to the documents and it is not practicable or reasonable to reproduce the whole of the Annexes in the Regulations and to update them in a timely fashion if an Annex is amended. Further, CASA has not identified any reliable and freely available documents serving the relevant purpose. The Annexes are incorporated as in force from time to time, in accordance with clause 15 of Part 2 of the CASR Dictionary. CASA will make copies of the Annexes available for inspection at any CASA office by prior arrangement.

#### *Annex 2 to the Chicago Convention – Rules of the Air*

Annex 2 to the Chicago Convention sets out general rules, visual flight rules and instrument flight rules and applies to a contracting State to the Chicago Convention without exception over the high seas and over national territories, to the extent that they do not conflict with the rules of the State being overflown. Section 1.1, *Distress signals*, of Appendix 1 to Annex 2 provides signals which the Regulations acknowledge as being aviation distress signals for CASR.

The manner of incorporation and availability of Annex 2 is covered by the discussion of Annexes to the Chicago Convention above.

#### *Annex 11 to the Chicago Convention – Air Traffic Services*

Annex 11 to the Chicago Convention defines air traffic services and specifies the world-wide Standards and Recommended Practices applicable in the provision of these services.

The manner of incorporation and availability of Annex 11 is covered by the discussion of Annexes to the Chicago Convention above.

The Institute of Electrical and Electronics Engineers (IEEE) *Standard for Information Technology – Telecommunications and information exchange between systems – Local and metropolitan area network – Specific requirements Part 11: Wireless LAN Medium Access Control (MAC) and Physical Layer (PHY) Specifications*

This document's purpose is to define one medium access control and several physical layer specifications for wireless connectivity for fixed, portable, and moving stations within a local area. In accordance with subsection 98(5D) of the Act, the document is incorporated as in force from time to time.

This document is not freely available, however it is available for purchase at <https://ieeexplore.ieee.org/document/7786995>. CASA will make this document available to the public to inspect at any CASA office, by prior appointment.

European Technical Standard Order (ETSO)-C151 series

An ETSO is a minimum performance standard for specified materials, parts, and appliances used on civil aircraft published by the European Aviation Safety Agency (EASA).

The Regulations incorporate by reference ETSO-C151 (as a series), including editions ETSO-C151a and ETSO-C151b. The ETSO-C151 series gives the requirements which Terrain Awareness and Warning System (TAWS) equipment, manufactured on or after a certain date and specified in each ETSO, must meet in order to be identified with the applicable ETSO marking.

In accordance with subsection 98(5D) of the Act, each ETSO specified in the Regulations is incorporated as in force from time to time.

The ETSO-C151 series is freely available on the EASA's website, at <https://www.easa.europa.eu/document-library/certification-specifications/group/cs-etso-european-technical-standard-orders#group-table>.

Technical Standard Order (TSO)-C151 series

A TSO is a minimum performance standard for specified materials, parts, and appliances used on civil aircraft, published by the American Federal Aviation Administration (FAA).

The Regulations incorporate by reference TSO-C151, TSO-C151a and TSO-C151b. TSO-C151 and TSO-C151a prescribe the minimum operational performance standards that TAWS equipment must meet to be identified with the TSO-C151 Class A or B marking. TSO-C151b states, for persons seeking a TSO authorisation or letter of design approval, the minimum performance standards their TAWS equipment must first meet in order to obtain and be identified with the TSO-C151b Class A, B or C marking.

In accordance with subsection 98(5D) of the Act, each of the TSO-C151 series documents is incorporated as in force from time to time.

The TSO-C151 series is freely available on the FAA Regulatory and Guidance Library website, at: [http://rgl.faa.gov/Regulatory\\_and\\_Guidance\\_Library/rgTSO.nsf/MainFrame?OpenFrameset](http://rgl.faa.gov/Regulatory_and_Guidance_Library/rgTSO.nsf/MainFrame?OpenFrameset).

TSO-C151 was cancelled by TSO-C151a on 29 November 1999. The FAA took this action to clarify and correct certain paragraphs and tables that appeared in TSO-C151. Cancelling a TSO means that the TSO has been rendered inactive and that the FAA will no longer issue new authorisations against it. Authorisation holders for a cancelled TSO can still produce the related item in accordance with the cancelled TSO, but new authorisations against the TSO will not be issued. This TSO is not current or freely available, however CASA will make a copy of this TSO available to the public to inspect at any CASA office, by prior appointment.

### **Criminal law issues**

The Regulations do not provide any offence provisions.

### **Statement of Compatibility with Human Rights**

A Statement of Compatibility with Human Rights is at Attachment A.

### **Commencement and making**

The Regulations are a legislative instrument for the purposes of the *Legislation Act 2003*.

Details of the Regulations are set out at Attachment B.

The Act specifies no conditions that need to be satisfied before the power to make the Regulations may be exercised.

The provisions of the *Civil Aviation Safety Amendment (Operations Definitions) Regulations 2019* commence on 25 March 2021.

Authority: Subsection 98(1) of the *Civil Aviation Act 1988*.

**STATEMENT OF COMPATIBILITY WITH HUMAN RIGHTS**

*Prepared in accordance with Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011*

**Civil Aviation Safety Amendment (Operations Definitions) Regulations 2019**

This instrument is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

**Overview of the Disallowable Legislative Instrument**

The legislative instrument amends the *Civil Aviation Safety Regulations 1998* (CASR) to substitute definitions relating to flight operations found in the Dictionary, referred to in regulation 1.004 of CASR.

**Human rights implications**

The instrument does not engage any of the applicable rights or freedoms, and is compatible with human rights, as it does not raise any human rights issues.



**Details of the *Civil Aviation Safety Amendment (Operations Definitions) Regulations 2019***

**Section 1 - Name of Regulations**

Section 1 provides that the title of the Regulations is the *Civil Aviation Safety Amendment (Operations Definitions) Regulations 2019*.

**Section 2 - Commencement**

Section 2 provides for the Regulations to commence on 25 March 2021. This will coincide with the commencement of the flight operations suite of CASR (Parts 91, 119, 121, 133, 135 and 138), to which the operations definitions relate.

**Section 3 - Authority**

Section 3 provides that the *Civil Aviation Safety Amendment (Operations Definitions) Regulations 2019* are made under the *Civil Aviation Act 1988*.

**Section 4 - Schedules**

Section 4 provides that each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

**Schedule 1- Amendments**

*Civil Aviation Safety Regulations 1998 (CASR)*

**Item 1 - Part 1 of the Dictionary**

Item 1 inserts the following definitions in Part 1 of the Dictionary:

***adequate aerodrome*** for a flight of an aeroplane means an aerodrome that complies with specified requirements related to the weather forecasts, instrument approach procedures for the aerodrome (for instrument flight rules (IFR) flights), aerodrome services and facilities and the available runway landing distance available.

***adult*** means a person who has turned 13. The definition of ***adult*** and related definitions for ***child*** and ***infant***, are relevant to the provisions of the flight operations suite that address passenger seating requirements and aircraft weight and balance calculations.

***aerial work certificate*** means a certificate issued under regulation 138.040 of CASR.

***aerial work operation*** has the meaning given by regulation 138.010 of CASR.

***aerial work operator*** means the holder of an aerial work certificate.

***aerial work passenger*** means a person who has been rescued as part of a search and rescue operation, a restricted person (as defined in Item 27), or a person in a class of persons prescribed by the Part 138 Manual of Standards (MOS).

***aerial work specialist*** has the meaning given by subregulations 138.015(1) and (2) of CASR.

***aircraft flight manual instructions*** means specified documents and information provided by the aircraft's manufacturer or issued in accordance with an approval under Part 21 of CASR.

***air crew member*** means an aircraft crew member for a flight who carries out functions relating to the safety of the operation or the use of the aircraft. For an aerial work operation, the Part 138 Manual of Standards may provide that a crew member is or is not to be considered an air crew member.

***air traffic service*** means a service of a kind mentioned in Annex 11, *Air Traffic Services*, other than a certified air/ground radio service at an aerodrome.

***Air Traffic Services*** means any of Airservices Australia, the Australian Defence Force or an Air Traffic Services provider.

***approved flight simulator*** has the meaning given by regulation 61.010 of CASR.

***approved maintenance organisation*** means a Subpart 42.F organisation or a Part 145 organisation under CASR.

***AS/NZS*** means a reference to the relevant Australian/New Zealand standard published by or on behalf of the Standards Australia and Standards New Zealand.

***Australian air transport AOC*** has the meaning given by subregulation 119.015(1) of CASR.

***Australian air transport operation*** has the meaning given by regulation 119.010 of CASR.

***Australian air transport operator*** has the meaning given by subregulation 119.015(2) of CASR.

***authorised aeronautical information*** for a flight of an aircraft means the aeronautical maps, charts and other aeronautical information relevant to the route, as published in the Aeronautical Information Publication (AIP), by a data service provider or in Notices to Airmen or, for a flight in a foreign country, in the foreign AIP or by an organisation authorised by the foreign national aviation authority to publish aeronautical information.

#### **Item 2 – Part 1 of the Dictionary (definition of *authorised instrument approach procedure*)**

Item 2 repeals the previous definition of ***authorised instrument approach procedure*** in the Dictionary and replaces it with a new definition for operations at aerodromes in Australia or a foreign country.

#### **Item 3 – Part 1 of the Dictionary (definition of *authorised instrument departure procedure*)**

Item 3 repeals the previous definition of ***authorised instrument departure procedure*** in Part 1 of the Dictionary and replaces it with a new definition for operations at aerodromes in Australia or a foreign country.

#### **Item 4 – Part 1 of the Dictionary**

Item 4 inserts the following definitions in Part 1 of the Dictionary:

**authorised Part 141 flight training** for a Part 141 operator, has the meaning given by subregulation 141.015(2) of CASR.

**authorised Part 142 activity** for a Part 142 operator, has the meaning given by subregulation 142.015(3) of CASR.

**authorised weather forecast** means, in Australia, a weather forecast made by the Bureau of Meteorology for aviation purposes, and in a foreign country by a person or body authorised in the foreign country by the foreign authority to provide weather forecasts for aviation purposes.

**authorised weather report** means, in Australia, a weather report made by a specified organisation, person, equipment or service, and in a foreign country, by a person or body authorised in the foreign country by the foreign authority to provide weather reports.

**aviation distress signal** means any of the signals described in section 1.1, *Distress signals*, of Appendix 1 to Annex 2, *Rules of the Air*, to the Chicago Convention.

#### **Item 5 – Part 1 of the Dictionary (definition of *cabin crew member*)**

Item 5 repeals the current definition of ***cabin crew member*** in Part 1 of the Dictionary and replaces it with a revised definition that re-orders the clauses of the current definition to clarify its intent.

#### **Item 6 – Part 1 of the Dictionary (definition of *cargo*)**

Item 6 repeals the previous definition of ***cargo*** in Part 1 of the Dictionary and replaces it with a new definition that clarifies that the term includes things “to be carried” on an aircraft, in addition to things “carried” on the aircraft.

#### **Item 7 – Part 1 of the Dictionary**

Item 7 inserts a definition for ***cargo transport operation*** in Part 1 of the Dictionary. The definition provides that this class of operation involves the carriage of cargo and crew only with two exceptions – the carriage of the possessions of the operator or pilot in command for the purpose of business or trade, and an operation that is a medical transport operation.

#### **Item 8 – Part 1 of the Dictionary (definition of *carry-on baggage*)**

Item 8 repeals the previous definition of ***carry-on baggage*** in Part 1 of the Dictionary and replaces it with a revised definition. The revisions are drafting/technical in nature and do not substantially change the meaning of the term.

#### **Item 9 – Part 1 of the Dictionary**

Item 9 inserts the following definitions in Part 1 of the Dictionary:

**checking** means the assessment of the proficiency of the personnel of an aircraft operator or the operator of a flight simulation training device to ensure that the personnel are competent.

**child** means a person who has turned two but has not turned 13. In order to align with international standards and practice, this definition lowers the age range to commence at the age of two, as opposed to the previous age of three.

**combination recorder** means an item of equipment that combines the functions of a flight data recorder and cockpit voice recorder.

**compartment** of an aircraft is defined to include the space inside a non-compartmentalised fuselage. Not all aircraft fuselages are compartmentalised.

**configuration deviation list** for an aircraft means one that is prepared, approved and contains the information specified in accordance with the definition.

**constable** has the meaning given by subsection 3(1) of the *Crimes Act 1914*.

**contaminated** for a runway means that more than 25 per cent of the take-off and landing area is covered by water, slush, snow or ice, in accordance with the specifics of the definition.

**continuing airworthiness management service** has the meaning given by subregulation 42.575(1) of CASR.

#### **Item 10 – Part 1 of the Dictionary**

Item 10 repeals the current definition of **corporation** and replaces it with a revised definition to include references to Parts 119 and 149 of CASR.

#### **Item 11 – Part 1 of the Dictionary**

Item 11 inserts the following definitions in Part 1 of the Dictionary:

**cost-sharing** defines in what circumstances a flight is a **cost-sharing** flight. The definition of **passenger transport operation** excludes a cost-sharing flight, meaning that such flights do not have to comply with the high safety standards applicable to a commercial passenger transport operation. Under the previous definition of a cost-sharing flight, all persons on board (including the pilot) must share equally in paying for the direct costs of the flight. The new definition revises the current definition by requiring the pilot to pay a share of the direct costs that is at least equal to the amount that would be paid by each person if the direct costs were shared equally by all persons on board. This provides additional flexibility for the conduct of the flight as a private flight and permits cost contributions by passengers to be of varying amounts.

**crew member** means a person on the aircraft who falls into one of three broad categories of persons: persons authorised by the aircraft operator to carry out specified functions relating to the operation, maintenance, use of, or safety of the aircraft, its occupants or cargo, and who are trained to carry out such functions; persons who are giving or receiving training or being tested for a qualification; and persons who are authorised by CASA or the operator to carry out an audit, check, examination, inspection or test of the aforementioned persons.

**crew station** for a crew member of an aircraft means a position on the aircraft that is designed and equipped to enable the crew member to carry out their assigned duties.

**critical fuelling point** for fuelling an aircraft means an aircraft fuel tank filling point or vent outlet, or ground fuelling equipment.

**defined point after take-off** defines this term for a rotorcraft flying in performance class 2 or performance class 2 with exposure, as these terms are defined in item 8.

**demonstration** for the emergency evacuation of an aircraft, means the demonstration of the evacuation conducted by the aircraft's manufacturer for the purpose of the aircraft's type certification.

**demonstration additional number** of cabin crew members for an aircraft means the number by which the number of cabin crew members used in the demonstration of the emergency evacuation of the aircraft exceeds the greater of a 1:50 ratio (cabin crew member to aircraft passenger seats), and one cabin crew member for each passenger cabin.

**direct costs** of a flight means the costs actually and necessarily incurred for a flight, without a view to making a profit. This term is relevant to the rules for a cost-sharing flight under which the pilot must pay a proportionate share of the direct costs of the flight.

**dispensing operation** is given the meaning in subregulation 138.010(3) of CASR.

**dry** for a surface area of a runway for a take-off or landing means that the runway has no visible moisture and is not contaminated.

**EASA** means European Aviation Safety Agency.

**emergency evacuation procedures** means the procedures for the evacuation of the aircraft's passengers and crew from the aircraft in an emergency.

**emergency service operation** means an aircraft operation conducted by a Commonwealth, State or Territory authority that is prescribed in the Part 138 MOS, for law enforcement or saving or protecting persons or property.

### **Item 12 of the Dictionary (definition of *exposition*)**

Item 12 repeals the previous definition and substitutes an updated definition of **exposition** for both Australian air transport operators and approved self-administering aviation organisations.

### **Item 13 - Part 1 of the Dictionary**

Item 13 inserts the following definitions in Part 1 of the Dictionary:

**external load operation** has the meaning given by subregulation 138.010(2) of CASR.

**final approach and take-off area** for the operation of a rotorcraft at an aerodrome means the area from which the take-off commenced or over which the final phase of approach to hover is completed.

**flight base number** of cabin crew members for a flight means, for an aircraft with a maximum passenger seat configuration, the greater of one cabin crew member for each 50 or part of 50 fitted passenger seats, and one cabin crew member for each passenger compartment.

**flight dispatcher** for an Australian air transport operator, means a person designated by the operator to control and supervise flight operations.

**flight instructor** has the meaning given by regulation 61.010 of CASR.

**flight preparation (alternate aerodromes) requirements** means the requirements published in the Part 91 MOS related to flight preparation and alternate aerodromes, pursuant to subregulation 91.235(1) of CASR.

**flight preparation (Part 121 alternate aerodromes) requirements** means the requirements published in the Part 121 MOS related to flight preparation and alternate aerodromes, pursuant to subregulation 121.170(1) of CASR.

**flight preparation (weather assessments) requirements** means the requirements published in the Part 91 MOS related to flight preparation and weather assessments, pursuant to subregulation 91.230(1) of CASR.

**fuelling** is defined to include refuelling and defuelling.

**graded runway strip** is defined to include an area delineated by gable or cone markers.

**helideck** means an area on a ship, or a floating or fixed structure, intended for the arrival or departure of rotorcraft.

**highly volatile fuel** means the specified fuels and fuel mixtures.

**hot fuelling** of an aircraft means the fuelling of the aircraft with an engine running.

**IFR** (short for instrument flight rules) means the rules and procedures set out in Part 91 of CASR for flight under instrument meteorological conditions (IMC).

**IFR flight** means a flight conducted under the IFR.

**IMC** (short for instrument meteorological conditions) means meteorological conditions other than visual meteorological conditions (VMC) or meteorological conditions under which air traffic control permits an aircraft to fly under the special visual flight rules (VFR).

**immediately reportable matter** has the meaning given by subsection 3(1) of the *Transport Safety Investigation Act 2003*.

**infant** is defined as a person who has not turned 2.

**inoperative** means the circumstances under which an item for a flight of an aircraft is considered to be inoperative.

**International Regulations** means the *International Regulations for Preventing Collisions at Sea, 1972* in the *Convention on the International Regulations for Preventing Collisions at Sea*, as amended and in force for Australia from time to time.

**in the vicinity of a non-controlled aerodrome** has the meaning given by regulation 91.360 of CASR.

**journey log** means the journey log required for flights under Parts 121, 133 or 135 of CASR, as applicable.

#### **Item 14 – Part 1 of the Dictionary (definition of *key personnel*)**

Item 14 repeals the current definition of *key personnel* in Part 1 of the Dictionary and substitute a revised definition for an Australian air transport operator, an aerial work operator and an approved self-administering aviation organisation.

#### **Item 15 – Part 1 of the Dictionary**

Item 15 inserts the following definitions in the Dictionary:

*landing minima* means the minimum values of the listed matters that are used for determining whether an aerodrome may be used for landing. The matters relate to visibility and cloud ceiling height.

*landing minima requirements* for an aerodrome, means the landing minima requirements prescribed in the Part 91 MOS, pursuant to subregulation 91.435(1) of CASR.

*landing weight* for an aircraft means the total weight of the aircraft, including its load, at landing.

#### **Item 16 – Part 1 of the Dictionary (definition of *lowest safe altitude*)**

Item 16 repeals the previous definition in Part 1 of the Dictionary and substitute a revised definition of *lowest safe altitude* that requires the altitude to be calculated with a method specified in the Part 173 MOS, the operator's exposition or the operator's operations manual.

#### **Item 17 – Part 1 of the Dictionary**

Item 17 inserts the following definitions in Part 1 of the Dictionary:

*low-risk electronic device* means a digital mobile telephone, a hand-held personal digital assistant, or an electronic device to which the specified standard applies and the device transmits only in a way that meets the standard. This term is relevant in rules related to the use of electronic devices in the vicinity of aircraft fuelling operations.

*master minimum equipment list* has the meaning given in regulation 91.925 of CASR.

#### **Item 18 – Part 1 of the Dictionary (definition of *maximum carrying capacity*)**

Item 18 repeals the definition of *maximum carrying capacity* in Part 1 of the Dictionary.

#### **Item 19 – Part 1 of the Dictionary**

Item 19 inserts the following definitions in Part 1 of the Dictionary:

*maximum certificated passenger seating capacity* for an aircraft means the maximum passenger seating capacity permitted under the aircraft's Australian or foreign type certificate or supplemental type certificate.

*maximum landing weight* for an aircraft means the maximum landing weight permitted by the aircraft's flight manual, other document published by the manufacturer, or the aircraft's certificate of airworthiness, as applicable.

**maximum operational passenger seat configuration** for an aircraft means the maximum passenger seat capacity, excluding crew stations, approved by CASA for the operator and specified in the operator's operations manual, if any. The definition makes reference to regulation 201.030 of CASR. This regulation will be introduced into the CASR by a separate amendment regulation.

**maximum payload capacity** for an aircraft means the maximum payload permitted under the aircraft's Australian or foreign type certificate or supplemental type certificate.

**maximum take-off weight** for an aircraft means the maximum take-off weight for the aircraft permitted by the flight manual for the aircraft, other document published by the manufacturer, or the aircraft's certificate of airworthiness, as applicable.

**medical transport operating site** for a rotorcraft means a site at which a take-off or landing of the rotorcraft is conducted for a medical transport operation, and over which the rotorcraft is required to operate, that has characteristics and meets any conditions prescribed in the Part 133 MOS.

**medical transport operation** has the meaning given by clause 70 of Part 2 of the Dictionary.

**medical transport specialist** means a crew member for a flight who carries out specified duties relating to a medical transport operation, other than a flight crew member or an air crew member. The Part 119 MOS may prescribe other kinds of crew members to be medical transport specialists.

**MEL** has the meaning given by regulation 91.925 of CASR for a minimum equipment list.

**military aerodrome** means an aerodrome controlled by a part of the Defence Force.

#### **Item 20 – Part 1 of the Dictionary (definition of *minimum equipment list*)**

Item 20 repeals the definition of **minimum equipment list** and substitutes a definition which is the meaning given by regulation 91.925 of CASR.

#### **Item 21 – Part 1 of the Dictionary**

Item 21 inserts the following definitions in Part 1 of the Dictionary:

**MMEL** has the meaning given by regulation 91.925 of CASR for a master minimum equipment list.

**multi-flight journey** means a journey to a destination that involves more than one flight, by the same operator using the same aircraft.

**non-command pilot's seat** means the seat of the aircraft not normally occupied by the pilot in command.

**normal cruising speed** for an aeroplane or rotorcraft means a speed stated in the flight manual as a normal cruising speed.

**NVIS flight** means a flight conducted using a night vision imaging system.

**one-engine inoperative cruising speed** for an aeroplane, means any speed stated in the flight manual as a cruising speed with one engine inoperative.



**operational control** for a flight of an aircraft means control over the initiation, continuation, diversion or ending of the flight, in the interests of the safety, regularity and efficiency of the flight.

**operational flight plan** means the plan that meets the requirements of regulations 121.175, 133.135 or 135.145 of CASR, as applicable to the operator of the aircraft.

**operational safety-critical personnel** means the personnel who carry out or are responsible for specified safety-related work.

## **Item 22 – Part 1 of the Dictionary (definition of *operator*)**

Item 22 repeals the previous definition of **operator** and substitutes an updated definition that refers to the Air Operator's Certificate (AOC) or other certificate holder, or the person, organisation or enterprise otherwise engaged in aircraft operations.

## **Item 23 – Part 1 of the Dictionary**

Item 23 inserts the following definitions in Part 1 of the Dictionary:

**Part 91 Manual of Standards** means the MOS issued by CASA under regulation 91.040 of CASR.

**Part 119 Manual of Standards** means the MOS issued by CASA under regulation 119.045 of CASR.

**Part 121 Manual of Standards** means the MOS issued by CASA under regulation 121.015 of CASR.

**Part 121 operation** means an operation mentioned in subregulation 121.005(1) of CASR.

**Part 121 proficiency check** means a proficiency check that complies with regulation 121.580 of CASR.

**Part 133 operation** means an operation mentioned in regulation 133.005 of CASR.

**Part 135 operation** means an operation mentioned in regulation 135.005 of CASR.

**Part 138 Manual of Standards** means the MOS issued by CASA under regulation 138.020 of CASR.

**passenger transport operation** means an aircraft operation that involves the carriage of passengers but does not include an operation of an aircraft with a special certificate of airworthiness, a cost-sharing flight or a medical transport operation.

**passenger with reduced mobility** means a person who is likely to require special conditions and assistance on board an aircraft in an emergency, because the person's mobility is impaired, or because the person has another impairment.

**performance class** means performance class 1, performance class 2, performance class 2 with exposure, or performance class 3.

**performance class 1** for a stage of flight of a rotorcraft has the meaning given by the Part 133 MOS.

*performance class 2* for a stage of flight of a rotorcraft has the meaning given by the Part 133 MOS.

*performance class 2 with exposure* for a stage of flight of a rotorcraft has the meaning given by the Part 133 MOS.

*performance class 3* for a stage of flight of a rotorcraft has the meaning given by the Part 133 MOS.

#### **Item 24 – Part 1 of the Dictionary (definition of *personnel*)**

Item 24 repeals the previous definition of *personnel* and substitutes a revised definition for an air transport operator, aerial work operator or an approved self-administering aviation organisation, and includes employees and persons otherwise engaged.

#### **Item 25 – Part 1 of the Dictionary**

Item 25 inserts the following definitions in Part 1 of the Dictionary:

*pilot in command under supervision* has the meaning given by regulation 61.010 of CASR.

*polar region* means the areas specified.

*prescribed single-engine aeroplane* has the meaning given by regulation 135.240 of CASR.

*protective breathing equipment* means equipment designed to prevent a person from having to breathe in, and protect the person's eyes from, toxic gases and fumes.

*published lowest safe altitude* means the lowest safe altitude for a route or route segment that is published in authorised aeronautical information.

*radio station licence* for an Australian aircraft means an apparatus or class licence issued under the *Radiocommunications Act 1992* for radio equipment on board an aircraft, and the foreign equivalent for a foreign aircraft.

*rectification interval* has the meaning given by regulation 91.925 of CASR.

#### **Item 26 – Part 1 of the Dictionary (definition of *recurrent training*)**

Item 26 repeals the previous definition of *recurrent training* and substitutes a revised definition for the training of the personnel of an aircraft operator or the operator of a flight simulation training device.

#### **Item 27 – Part 1 of the Dictionary**

Item 27 inserts the following definitions in Part 1 of the Dictionary.

*required* in relation to a flight crew member for a flight has the meaning given by subregulation 91.605(2) of CASR.

*restricted person* means a deportee or a removee within the meaning of the *Migration Act 1958*, a person in custody, or a passenger carried on an aircraft because the passenger has been refused entry to a country or whose passport does include a visa required for entry to the passenger's destination country.

*rotorcraft* means a helicopter, gyroplane or powered-lift aircraft.

**runway strip** means a defined area at an aerodrome intended to reduce the risk of damage to aircraft running off a runway, and protect aircraft flying over the area during take-off, landing or a missed approach.

**RVSM airspace** means the airspace at or above flight level 290 specified in the definition. This definition relates to airspace at or above flight level 290 for which reduced vertical separation minima apply and in which aircraft may be separated by 1000 ft vertically.

**safety management system** for an Australian air transport operator, means the safety management system set out in the operator's exposition.

**seaplane** includes an aeroplane with a floating hull.

**search and rescue body** means any of a State or Territory police service or the Australian Federal Police, the Australian Defence Force, and the Australian Maritime Safety Authority.

**significant change** for an Australian air transport operator, has the meaning given by regulation 119.020 of CASR.

**single-pilot operation** has the meaning given by regulation 61.010 of CASR.

**special flight authorisation** means an authorisation granted under regulation 91.970 of CASR.

**special VFR** means the visual flight rules prescribed by the Part 91 MOS.

**specified aircraft performance category** for an aircraft means the aircraft performance category prescribed, for an aircraft's velocity at threshold, in the Part 91 MOS.

**specified IFR cruising level** for a track has the meaning given by regulation 91.280 of CASR.

**specified VFR cruising level** for a track has the meaning given by regulation 91.280 of CASR.

**stage** of a flight of a rotorcraft means any of the following: take-off, take-off and initial climb, en route, and approach and landing, or baulked landing.

**standard visual signal** means a light, hand or ground signal prescribed and displayed in accordance with the requirements of the Part 91 MOS.

**State** of an operator means the country in which the aircraft operator's principal place of business is located and if there is no such place, the country in which the operator's permanent residence is located.

#### **Item 28 – Part 1 of the Dictionary (definition of *successfully participating*)**

Item 28 repeals the definition of *successfully participating* in Part 1 of the Dictionary.

#### **Item 29 – Part 1 of the Dictionary**

Item 29 inserts the following definitions in Part 1 of the Dictionary:

**suitable forced landing area** has the meaning given by regulation 133.010 of CASR or regulation 135.015 of CASR, as applicable.

**suitable person** sets out what persons may occupy an emergency exit row or a seat adjacent to an emergency exit of an aircraft.

**supplemental oxygen** means oxygen provided to an aircraft occupant by purpose-designed equipment to supplement the oxygen available in the atmosphere inside the aircraft.

**take-off decision point** for a take-off of a rotorcraft means the point mentioned in the rotorcraft's flight manual from which, if an engine failure is recognised, the take-off may be safely rejected or the take-off may be continued safely.

**take-off minima** means the minimum values of specified meteorological conditions that are used to determine whether an aerodrome may be used for take-off of aircraft.

**take-off minima requirements** for an aerodrome has the meaning given by subregulation 91.435(1) of CASR.

**take-off weight** for a flight of an aircraft means the total weight of the aircraft, including its load at the start of the aircraft's take-off run or take-off manoeuvre, as applicable.

**task specialist operation** has the meaning given by subregulation 138.010(4) of CASR.

**TAWS-Class A** means a terrain awareness and warning system that meets specified technical standards.

**TAWS-Class B** means a terrain awareness and warning system that gives aural alerts and meets specified technical standards.

**threshold** of a runway means the beginning of the portion of the runway that is useable for landing.

**track** means the projection on the earth's surface of the path of an aircraft, usually expressed in degrees from North (true or magnetic).

$V_{AT}$  sets out the short form representation of velocity at threshold.

**VFR** (short for visual flight rules) means the rules and procedures under the CASR and CAR for flight in VMC.

**VFR flight** means a flight conducted under the VFR.

**visibility** means the ability, as determined by atmospheric conditions and expressed in units of distance, to see and identify prominent objects.

**VMC** (short for visual meteorological conditions) means meteorological conditions that meet the VMC criteria.

**VMC criteria** for a class of aircraft and a class of airspace, means the applicable criteria prescribed by the Part 91 MOS.

**weight and balance documents** for a flight of an aircraft means documents that set out the aircraft's load for the flight and its distribution during the flight.

**weight and balance limits**, for an aircraft means the weight and balance limits set out in the aircraft flight manual instructions.

*wet* for a runway means that the surface area required for take-off or landing is not dry and not contaminated.

**Item 30 – Clause 3 of Part 2 of the Dictionary**

Item 30 repeals clause 3 of Part 2 of the Dictionary and substitutes a revised definition of *air transport operation* to mean a passenger transport operation, cargo transport operation or medical transport operation that is conducted for hire or reward, or is prescribed by an instrument issued under regulation 201.025 of CASR.

**Item 31 – At the end of Part 2 of the Dictionary**

Item 31 adds a definition of *medical transport operation* at the end of Part 2 of the Dictionary.

**Item 32 – Clause 1 of Part 3 of the Dictionary**

Item 32 repeals the definitions of *approved maintenance organisation* and *Subpart 42.F organisation* in Part 3 of the Dictionary.