



Australian Government

Civil Aviation Safety Authority

I, SHANE PATRICK CARMODY, Director of Aviation Safety, on behalf of CASA, make this instrument under paragraph 28BA (1) (b) and subsection 98 (4A) of the *Civil Aviation Act 1988*.

[Signed S. Carmody]

Shane Carmody
Director of Aviation Safety

15 November 2019

Civil Aviation Order 48.1 Amendment Instrument 2019 (No. 1)

1 Name of instrument

This instrument is the *Civil Aviation Order 48.1 Amendment Instrument 2019 (No. 1)*.

2 Commencement

This instrument commences on the day it is registered.

3 Amendment of Civil Aviation Order 48.1

Schedule 1 amends *Civil Aviation Order 48.1 Instrument 2019*.

Schedule 1 Amendments

[1] After paragraph 5.9

insert

5.10 A reference in subparagraph 5.3 (c), 5.4 (b), 5.5 (c) or 5.6 (c) to a person complying with the requirements of an applicable CAO, the 2013 CAO or the 2013/2016 CAO (as the case requires) (the **relevant CAO**), means the person must comply with the relevant CAO unless CASA, in writing, approves limited or minor non-compliance by the person with the requirements of a specified provision of the relevant CAO:

- (a) for the purposes of an emergency service operation; and
- (b) subject to compliance with safety conditions expressed in the approval.

5A Approval of non-compliance

5A.1 CASA may, on application or on its own initiative, by instrument in writing, approve limited or minor non-compliance with the requirements of a specified provision of this CAO.

5A.2 An approval has the effect that the specified provision of this CAO does not apply to the AOC holder to whom the approval applies, provided that any conditions expressed in the approval are complied with.

Note The expression AOC holder includes a Part 141 certificate holder: see the definition of **AOC holder** in subsection 6.

- 5A.3 An approval mentioned in paragraph 5A.2 has the effect that the specified provision of this CAO does not apply to the AOC holder's flight crew members.
 - 5A.4 CASA must not grant an approval unless CASA is satisfied that compliance with the approval, including any conditions of the approval, will preserve an acceptable level of aviation safety.
 - 5A.5 An instrument of approval is a legislative instrument if the instrument is expressed to apply to a class of AOC holders.
 - 5A.6 An instrument of approval is not a legislative instrument if the instrument is expressed to apply to a particular AOC holder.
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