



# Australian Government

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## Civil Aviation Safety Authority

I, SHANE PATRICK CARMODY, Director of Aviation Safety, on behalf of CASA, make this instrument under 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 S. Carmody]**

Shane Carmody  
Director of Aviation Safety

25 June 2020

### Civil Aviation Order 48.1 Amendment Instrument 2020 (No. 1)

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**1 Name of instrument**

This instrument is the *Civil Aviation Order 48.1 Amendment Instrument 2020 (No. 1)*.

**2 Commencement**

This instrument commences on the day of registration.

**3 Amendment of *Civil Aviation Order 48.1 Instrument 2019***

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

#### Schedule 1 *Civil Aviation Order 48.1 Instrument 2019*

**[1] Paragraph 5.1**

*insert*

***Fatigue Compliance Declaration form*** means the CASA form of that name, approved in writing by CASA from time to time.

*Note* The Fatigue Compliance Declaration form is available on the CASA website.

**[2] Paragraph 5.1, definition of *transition date***

*repeal and substitute*

***transition date***, for an AOC holder or a Part 141 operator (the ***person***) means:

- (a) 1 July 2021 — unless subparagraph (b) applies; or
- (b) 1 October 2021 — but only if the person:
  - (i) is:
    - (A) an AOC holder, other than an AOC holder engaged in regular public transport (***RPT***) operations in high capacity aircraft to whom CAO 82.5 applies; or
    - (B) a Part 141 operator; and
  - (ii) applied to CASA for an FRMS on or before 30 June 2021.

*Note* If the 30 June 2021 application date mentioned in sub-subparagraph (b) (ii) of the definition of ***transition date*** is not complied with by relevant AOC holders and Part 141 operators, a trial FRMS

approval under Appendix 7 will not be issued by CASA for the 1 October 2021 transition date and operators must be operating under 1 or more of the other Appendices, with or without minor variation, from 1 July 2021.

**[3] After subsection 5A**

*insert*

**5AB Fatigue Compliance Declaration form and operations manual — submission to CASA**

5AB.1 For an AOC holder or a Part 141 operator (the *person*) to whom this subsection applies:

- (a) the person's AOC is subject to the condition that the AOC holder must comply with this subsection; and
- (b) the person's Part 141 certificate is subject to the condition that the Part 141 operator must comply with this subsection.

*Note* A person would be in breach of its AOC conditions (for a person who is an AOC holder) or of the regulation 11.068 of CASR conditions imposed on its Part 141 certificate by virtue of this Civil Aviation Order (for a person who is a Part 141 operator) if the person fails to comply with this subsection. A breach of such conditions is considered by CASA to be a serious infringement and can result in suspension or cancellation of a certificate.

5AB.2 This subsection applies to a person who is an AOC holder or a Part 141 operator (the *person*) to whom, by virtue of a relevant provision of subsection 5, this CAO takes effect on and from:

- (a) 1 July 2021; or
- (b) for a person to whom paragraph 5.7 applies — the specified date.

5AB.3 Not later than 1 July 2021 or the specified date, as the case requires, the person must submit to CASA:

- (a) a signed, dated, accurate and completed Fatigue Compliance Declaration form for the operations that the person will conduct on and after 1 July 2021 or the specified date (the *operations*); and
- (b) the person's up-to-date operations manual for the operations.

*Note* These materials may be submitted to CASA at any time up to and including, but not later than, 1 July 2021 or, for opted in operators, the specified date. Early submission is encouraged.

5AB.4 In this subsection:

***operations manual:***

- (a) for an AOC holder — has the same meaning as in regulation 215 of CAR; and
- (b) for a Part 141 operator — has the meaning given by regulation 141.030 of CASR.

**[4] Subsection 6, definition of AOC holder, or holder**

*omit*

except in subsections 4 and 5

*insert*

except in subsections 4, 5 and 5AB