



Civil Aviation Legislation Amendment (Flight Operations—Fees and Other Consequential Amendments) Regulations 2021

I, General the Honourable David Hurley AC DSC (Retd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 27 May 2021

David Hurley
Governor-General

By His Excellency's Command

Michael McCormack
Deputy Prime Minister and Minister for Infrastructure, Transport and Regional
Development

Contents

| | | |
|--|--------------------|----------|
| 1 | Name..... | 1 |
| 2 | Commencement | 1 |
| 3 | Authority..... | 1 |
| 4 | Schedules..... | 1 |
| Schedule 1—Fees | | 2 |
| Part 1—Amendments commencing day after registration | | 2 |
| <i>Civil Aviation (Fees) Regulations 1995</i> | | 2 |
| Part 2—Amendments commencing 2 December 2021 | | 4 |
| Division 1—Main amendments | | 4 |
| <i>Civil Aviation (Fees) Regulations 1995</i> | | 4 |
| Division 2—Other amendments | | 4 |
| <i>Civil Aviation (Fees) Regulations 1995</i> | | 4 |
| Schedule 2—Other amendments | | 6 |
| Part 1—Amendments commencing day after registration | | 6 |
| <i>Civil Aviation Safety Amendment (Part 121) Regulations 2018</i> | | 6 |
| <i>Civil Aviation Safety Amendment (Part 133) Regulations 2018</i> | | 6 |
| <i>Civil Aviation Safety Amendment (Part 135) Regulations 2018</i> | | 6 |
| Part 2—Amendments commencing 2 December 2021 | | 7 |
| <i>Air Navigation (Aircraft Noise) Regulations 2018</i> | | 7 |
| <i>Air Navigation (Essendon Fields Airport) Regulations 2018</i> | | 7 |
| <i>Air Navigation (Gold Coast Airport Curfew) Regulations 2018</i> | | 7 |
| <i>Air Services Regulations 2019</i> | | 7 |
| <i>Aviation Transport Security Regulations 2005</i> | | 8 |
| <i>Disability Discrimination Regulations 2019</i> | | 8 |

1 Name

This instrument is the *Civil Aviation Legislation Amendment (Flight Operations—Fees and Other Consequential Amendments) Regulations 2021*.

2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

| Commencement information | | |
|--|--|-----------------|
| Column 1 | Column 2 | Column 3 |
| Provisions | Commencement | Date/Details |
| 1. Sections 1 to 4 and anything in this instrument not elsewhere covered by this table | The day after this instrument is registered. | 2 June 2021 |
| 2. Schedule 1, Part 1 | The day after this instrument is registered. | 2 June 2021 |
| 3. Schedule 1, Part 2 | 2 December 2021. | 2 December 2021 |
| 4. Schedule 2, Part 1 | The day after this instrument is registered. | 2 June 2021 |
| 5. Schedule 2, Part 2 | 2 December 2021. | 2 December 2021 |

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

This instrument is made under the following:

- (a) the *Air Navigation Act 1920*;
- (b) the *Air Services Act 1995*;
- (c) the *Aviation Transport Security Act 2004*;
- (d) the *Civil Aviation Act 1988*;
- (e) the *Disability Discrimination Act 1992*.

4 Schedules

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—Fees

Part 1—Amendments commencing day after registration

Civil Aviation (Fees) Regulations 1995

1 Part 3 of Schedule 1 (table item 3.3)

After “Approval of”, insert “a permissible unserviceability under regulation 37 of CAR in the form of”.

2 Part 8 of Schedule 1 (table item 8.44)

Omit “Approval of a special flight authorisation—processing and consideration”, substitute “Special flight authorisation under regulation 135A of CAR—processing and consideration of application”.

3 Part 24 of Schedule 1 (at the end of the table)

Add:

| | | |
|-------|--|----|
| 24.18 | Approval under regulation 91.045 of CASR—processing and consideration of application | HR |
| 24.19 | Approval under Subpart 91.Y of CASR in respect of minimum equipment lists—processing and consideration of application | HR |
| 24.20 | Special flight authorisation under Subpart 91.Z of CASR—processing and consideration of application | HR |
| 24.21 | Approval under regulation 103.020 of CASR—processing and consideration of application | HR |
| 24.22 | Approval under regulation 119.025 of CASR—processing and consideration of application | HR |
| 24.23 | Approval under regulation 121.010 of CASR—processing and consideration of application | HR |
| 24.24 | Approval under regulation 131.035 of CASR—processing and consideration of application | HR |
| 24.25 | Approval under regulation 133.015 of CASR—processing and consideration of application | HR |
| 24.26 | Approval under regulation 135.020 of CASR—processing and consideration of application | HR |
| 24.27 | Approval under regulation 138.025 of CASR—processing and consideration of application | HR |
| 24.28 | Approval under regulation 119.095 of CASR of a significant change for an Australian air transport operator—processing and consideration of application | HR |
| 24.29 | Approval under regulation 131.105 of CASR of a significant change for a balloon transport operator—processing and consideration of application | HR |
| 24.30 | Approval under regulation 138.064 of CASR of a significant change for an aerial work operator—processing and consideration of application | HR |
| 24.31 | Provision of service (however described) under or for CASR for which a person applies and for which no other fee is payable under this | HR |

Schedule—processing and consideration of application

4 Part 24 of Schedule 1 (at the end of the Part)

Add:

Note: Although the provisions of CASR mentioned in items 24.18 to 24.30 of the table in this Part have not commenced, the applications mentioned in those items may be made, processed and considered on or after 7 June 2021: see Division 202.EAA.1 of CASR.

Part 2—Amendments commencing 2 December 2021

Division 1—Main amendments

Civil Aviation (Fees) Regulations 1995

5 Subregulation 3(1) (definition of ASETPA)

Repeal the definition.

6 Part 3 of Schedule 1 (table item 3.3)

Repeal the item.

7 Part 5 of Schedule 1 (table items 5.4, 5.5 and 5.30 to 5.33)

Repeal the items.

8 Part 8 of Schedule 1 (table items 8.1 to 8.30, 8.32 to 8.37 and 8.41 to 8.45)

Repeal the items.

9 Part 14 of Schedule 1 (table items 14.1, 14.2 and 14.3)

Omit “air traffic controller licence”, substitute “ATC licence”.

Division 2—Other amendments

Civil Aviation (Fees) Regulations 1995

10 Before regulation 1

Insert:

Part 1—Preliminary

11 Before regulation 4

Insert:

Part 2—Fees

12 After regulation 6

Insert:

Part 3—Application, saving and transitional provisions

Division 1—Amendments made by the Civil Aviation Legislation Amendment (Flight Operations—Fees and Other Consequential Amendments) Regulations 2021

7 Amendments made by the *Civil Aviation Legislation Amendment (Flight Operations—Fees and Other Consequential Amendments) Regulations 2021*

The amendments made by Division 1 of Part 2 of Schedule 1 to the *Civil Aviation Legislation Amendment (Flight Operations—Fees and Other Consequential Amendments) Regulations 2021* do not apply to processing or considering an application on or after 2 December 2021 if:

- (a) the application was made before 2 December 2021; and
- (b) under Division 202.EAA.1 of CASR, the old Regulations (within the meaning of that Division) continue to apply in relation to the application.

13 Part 24 of Schedule 1 (note)

Repeal the note.

Schedule 2—Other amendments

Part 1—Amendments commencing day after registration

Civil Aviation Safety Amendment (Part 121) Regulations 2018

1 Item 1 of Schedule 1 (paragraph 121.275(1)(a))

Before “duties”, insert “safety”.

Civil Aviation Safety Amendment (Part 133) Regulations 2018

2 Item 1 of Schedule 1 (paragraph 133.230(1)(a))

Before “duties”, insert “safety”.

Civil Aviation Safety Amendment (Part 135) Regulations 2018

3 Item 1 of Schedule 1 (paragraph 135.270(1)(a))

Before “duties”, insert “safety”.

Part 2—Amendments commencing 2 December 2021

Air Navigation (Aircraft Noise) Regulations 2018

4 Subsection 4(1) (definition of *maximum take-off weight*)

Omit “of an aircraft, has the same meaning as in the *Civil Aviation Regulations 1988*”, substitute “for an aircraft, has the same meaning as in the *Civil Aviation Safety Regulations 1998*”.

Air Navigation (Essendon Fields Airport) Regulations 2018

5 Section 5 (definition of *maximum take-off weight*)

Omit “*Civil Aviation Regulations 1988*”, substitute “*Civil Aviation Safety Regulations 1998*”.

6 Paragraph 11(b)

Omit “*Civil Aviation Regulations 1988*”, substitute “*Civil Aviation Safety Regulations 1998*”.

Air Navigation (Gold Coast Airport Curfew) Regulations 2018

7 Section 5 (definition of *maximum take-off weight*)

Omit “*Civil Aviation Regulations 1988*”, substitute “*Civil Aviation Safety Regulations 1998*”.

8 Paragraph 14(b)

Omit “*Civil Aviation Regulations 1988*”, substitute “*Civil Aviation Safety Regulations 1998*”.

Air Services Regulations 2019

9 Section 4 (definition of *air traffic*)

Omit “*Civil Aviation Regulations 1988*”, substitute “*Civil Aviation Safety Regulations 1998*”.

10 Section 4 (definition of *IFR flight*)

Repeal the definition, substitute:

IFR flight has the same meaning as in the *Civil Aviation Safety Regulations 1998*.

Note: IFR is short for instrument flight rules.

11 Section 4 (definition of *VFR flight*)

Repeal the definition, substitute:

VFR flight has the same meaning as in the *Civil Aviation Safety Regulations 1998*.

Note: VFR is short for visual flight rules.

Aviation Transport Security Regulations 2005

12 Regulation 1.03 (definition of air traffic control)

Omit “*Civil Aviation Regulations 1988*”, substitute “*Civil Aviation Safety Regulations 1998*”.

Disability Discrimination Regulations 2019

13 Paragraph 6(1)(b)

Repeal the paragraph, substitute:

- (b) regulations 121.270, 121.275, 133.225, 133.230, 135.265 and 135.270 of the *Civil Aviation Safety Regulations 1998*;
- (c) regulation 131.405 of the *Civil Aviation Safety Regulations 1998*, including the Part 131 Manual of Standards to the extent it prescribes requirements for the purposes of paragraph (1)(b) of that regulation.