



Australian Government
Civil Aviation Safety Authority

I, PHILIPPA JILLIAN SPENCE, Director of Aviation Safety, on behalf of CASA, make this instrument under 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 P. Spence]

Pip Spence
Director of Aviation Safety

24 November 2021

Civil Aviation Order 48.1 Amendment Instrument 2021 (No. 1)

1 Name of instrument

This instrument is the *Civil Aviation Order 48.1 Amendment Instrument 2021 (No. 1)*.

2 Commencement

This instrument commences on 2 December 2021.

3 Amendment of *Civil Aviation Order 48.1 Instrument 2019*

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

Schedule 1 Amendments

[1] Subsection 2, the Note

repeal

[2] Paragraph 4.1, the heading and the chapeau

repeal and substitute

4 Application

4.1 Subject to paragraph 4.2, this CAO applies on and from 2 December 2021 to each of the following:

[3] Subparagraphs 4.1 (c), (d) and (e)

repeal and substitute

- (c) a Part 138 certificate;
- (d) a Part 141 certificate;
- (e) a flight crew member employed by the holder of an AOC or a certificate to which subparagraph (a), (b), (c), or (d) applies;
- (f) for the purposes of subsection 16 — a flight crew member mentioned in that subsection;
- (g) a flight crew member on a flight conducted as a private operation.

[4] Subparagraph 4.3 (b), including the Note

repeal and substitute

(b) for subregulation 11.068 (1) of CASR, conditions on each of the following:

- (i) each Part 138 certificate mentioned in subparagraph 4.1 (c);
- (ii) each Part 141 certificate mentioned in subparagraph 4.1 (d);

Note Conditions on an AOC are imposed under paragraph 28BA (1) (b) of the Act. Conditions on a Part 141 certificate or a Part 138 certificate are imposed under subregulation 11.068 (1) of CASR.

[5] Subparagraph 4.3 (c)

omit

4.1 (d) and (e)

insert

4.1 (e), (f) and (g)

[6] Paragraph 4.4

omit

a Part 141

insert

a Part 138, Part 141,

[7] Paragraph 4.5

repeal

[8] Paragraph 4.6

repeal

[9] Subsection 5

repeal and substitute

5 When the CAO takes effect

- 5.1 Without affecting this CAO as in force immediately before 2 December 2021, this CAO takes effect:
- (a) for an operator who holds an AOC or certificate mentioned in paragraph 4.1 — on and from 2 December 2021; and
 - (b) for a person who is issued with an AOC or certificate mentioned in paragraph 4.1 — on and from the day the AOC or certificate is issued; and
 - (c) for a flight crew member of an operator or person mentioned in subparagraph (a) or (b) — on and from the day mentioned in subparagraph (a) or (b) for the operator or person; and
 - (d) for a flight crew member on a flight conducted as a private operation — on and from 2 December 2021.
- 5.2 Each flight crew member of an operator or person mentioned in paragraph 5.1 must comply with the applicable requirements of this CAO that apply to, and take effect for, the operator or person in accordance with this subsection.

[10] Paragraph 5A.2, the Note

repeal and substitute

Note The expression AOC holder includes the holder of a Part 138 certificate or a Part 141 certificate: see the definition of *AOC holder* in subsection 6.

[11] Subsection 5AB

repeal

[12] Subsection 6, Definitions, paragraph 6.1

insert

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

aerial work operator has the meaning given by the CASR Dictionary.

Note An aerial work operator is the holder of an aerial work certificate.

Part 138 certificate means an aerial work certificate issued under regulation 138.040 of CASR.

Part 138 operator means the holder of a Part 138 certificate.

private operation has the meaning given by the CASR Dictionary.

[13] Subsection 6, Definitions, paragraph 6.1, definition of AOC holder, or holder (including the Note)

repeal and substitute

AOC holder, or *holder*, means the holder of an Air Operator's Certificate issued under Part III, Division 2 of the Act but, except in subsection 4, is also taken to include the holder of one of the following to whom this CAO applies:

- (a) a Part 138 certificate;
- (b) a Part 141 certificate.

Note See also paragraph 6.5.

[14] Subsection 6, Definitions, paragraph 6.1, definition of crew member, including the Note

repeal and substitute

crew member has the meaning given by the CASR Dictionary.

[15] Subsection 6, Definitions, paragraph 6.1, definition of flight crew licence

repeal and substitute

flight crew licence has the meaning given by the CASR Dictionary.

[16] Subsection 6, Definitions, paragraph 6.1, definition of mustering operation

repeal and substitute

mustering operation means an aerial work operation, by a Part 138 operator, to herd or otherwise control livestock, and includes the following:

- (a) aerial livestock spotting;
- (b) aerial humane killing of livestock that is injured or being culled;
- (c) flight training associated with aerial work for any of the activities mentioned in this definition.

[17] Paragraph 6.5

repeal and substitute

6.5 In this CAO, other than subsection 4:

- (a) a reference to an AOC is taken to include a Part 138 certificate or a Part 141 certificate; and
- (b) a reference to an AOC holder, or a holder, is taken to include a Part 138 operator or 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 138 operator or a Part 141 operator.

[18] Subsection 10, Note 1

omit

a Part 141 operator

insert

a Part 138 operator and a Part 141 operator

[19] Subsection 12

omit

commercial (wherever occurring)

insert

non-private

[20] Paragraph 16.2

omit

or a Part 141 operator,

insert

, or a Part 138 operator, or a Part 141 operator,

[21] Appendix 1, subclause 3.1, Note 1

omit

regulation 224 of CAR,

insert

regulation 91.215 of CASR,

[22] Appendix 2, subclause 7.7, Note 1

omit

regulation 224 of CAR,

insert

regulation 91.215 of CASR,

[23] Appendix 3, subclause 5.7, Note 1

omit

regulation 224 of CAR,

insert

regulation 91.215 of CASR,

[24] Appendix 4, subclause 5.7, Note 1

omit

regulation 224 of CAR,

insert

regulation 91.215 of CASR,

[25] Appendix 4A, subclause 4.3, Note 1

omit

regulation 224 of CAR,

insert

regulation 91.215 of CASR,

[26] Appendix 4B, subclause 3.7, Note 1

omit

regulation 224 of CAR,

insert

regulation 91.215 of CASR,

[27] Appendix 5, subclause 3.7, Note 1

omit

regulation 224 of CAR,

insert

regulation 91.215 of CASR,

[28] Appendix 6, subclause 4.7, Note 1

omit

regulation 224 of CAR,

insert

regulation 91.215 of CASR,

[29] Appendix 7, subclause 2.6, including the Note

repeal and substitute

2.6 An AOC holder's exposition or operations manual (as the case requires) must contain the details of the FRMS.

Note 1 See also paragraph 6.4 in subsection 6 in relation to references to expositions and operations manuals.

Note 2 The FRMS may be subject to CASA directions under regulation 11.245 of CASR in the interests of aviation safety — see subclause 7.4 of this Appendix.