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Volume 1: regulations 1.001–42.1105
Volume 2: regulations 45.005–92.205
Volume 3: regulations 99.005–135.465
Volume 4: regulations 137.005–175.500
Volume 5: regulations 200.005–202.900
Dictionary and Endnotes

Each volume has its own contents

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About this compilation

This compilation

This is a compilation of the *Civil Aviation Safety Regulations 1998* that shows the text of the law as amended and in force on 14 October 2024 (the **compilation date**).

The notes at the end of this compilation (the **endnotes**) include information about amending laws and the amendment history of provisions of the compiled law.

Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Register (www.legislation.gov.au). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the Register for the compiled law.

Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

Editorial changes

For more information about any editorial changes made in this compilation, see the endnotes.

Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the Register for the compiled law.

Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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Part 45—Display of nationality marks, registration marks and aircraft registration identification plates

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Subpart 45.A—Preliminary

45.005 Application of Part 45

- (1) This Part applies in relation to the operation of an Australian aircraft required to be registered under Division 47.C.1.
- (2) However, this Part does not apply to a Part 103 aircraft (other than a sailplane).

45.010 Key definitions for Part 45

In these Regulations:

aircraft registration identification plate, for an aircraft, means a plate displaying the aircraft's markings.

Australian nationality mark means the capital letters "VH".

character means a letter, a digit or a hyphen.

exhibition means an air show or a film or television production.

45.015 Meaning of *markings* and *set of markings*

- (1) ***Markings***, for an aircraft, are the Australian nationality mark and the aircraft's registration mark, in that order, connected by a hyphen.
- (2) However, if the aircraft is a registered sailplane operating in Australian territory:
 - (a) the aircraft's markings need not include the Australian nationality mark; and
 - (b) if the first letter of the aircraft's registration mark is "G"—the aircraft's markings need not include that first letter.
- (3) A ***set of markings***, for an aircraft, is an instance of the aircraft's markings.

45.020 References to aircraft operating for an exhibition

In this Part, a reference to an aircraft operating for an exhibition includes a reference to the aircraft:

- (a) flying in the exhibition, or in a practice or test flight for the exhibition; or
- (b) flying between locations where the aircraft is participating in the exhibition or in the practice or test flight; or
- (c) flying between a location where the aircraft is participating in the exhibition, or in the practice or test flight, and the aircraft's base of operations.

45.025 Issue of Manual of Standards for Part 45

For subsection 38(1) of the Act, CASA may issue a Manual of Standards for this Part prescribing matters:

- (a) required or permitted by these Regulations to be prescribed by the Part 45 Manual of Standards; or
- (b) necessary or convenient to be prescribed for carrying out or giving effect to this Part.

Note: The Manual of Standards is a legislative instrument: see subsection 38(1) of the Act.

45.030 Registration holder to provide copies of approvals under this Part to registered operator

- (1) This regulation applies if:
 - (a) the registration holder of an aircraft holds an approval under this Part for the aircraft; and
 - (b) the registration holder is not the registered operator of the aircraft.
- (2) The registration holder contravenes this subregulation if:
 - (a) the aircraft is operated; and
 - (b) the registration holder has not provided a copy of the approval to the registered operator of the aircraft.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 50 penalty units.

Regulation 45.050

Subpart 45.B—Aircraft markings

45.050 Requirements for aircraft markings

- (1) The Part 45 Manual of Standards may prescribe requirements relating to the display of markings on aircraft.
- (2) Without limiting subregulation (1), the Part 45 Manual of Standards may prescribe requirements relating to the following:
 - (a) when markings must be displayed;
 - (b) the number of sets of markings that must be displayed;
 - (c) the location of sets of markings on aircraft;
 - (d) the characters to be used in each set of markings, including height requirements.

45.055 Display of aircraft markings

Aircraft must comply with Part 45 Manual of Standards if operated

- (1) The registration holder and the registered operator of an aircraft each contravene this subregulation if:
 - (a) the aircraft is operated; and
 - (b) a requirement (the **prescribed requirement**) prescribed by the Part 45 Manual of Standards under regulation 45.050 applies to the aircraft; and
 - (c) the prescribed requirement is not met.

Exception—operating with dealer's mark

- (2) Subregulation (1) does not apply if the aircraft is operating with a dealer's mark in accordance with Subpart 47.H.

Exception—approvals

- (3) Subregulation (1) does not apply if:
 - (a) the registration holder of the aircraft holds an approval under regulation 45.065 to display markings other than in accordance with the prescribed requirement; and
 - (b) the requirements specified in the approval are complied with.
- (4) Subregulation (1) does not apply if:
 - (a) the registration holder of the aircraft holds an approval under regulation 45.070:
 - (i) to display markings other than in accordance with the prescribed requirement; or
 - (ii) to display no markings;for the purposes of an exhibition; and

Regulation 45.060

- (b) the aircraft is operated for the exhibition during the period of the approval;
and
- (c) the requirements specified in the approval are complied with.

Exception—certain Commonwealth and State functions

- (5) Subregulation (1) does not apply if the aircraft is operated:
 - (a) in relation to the performance of a function of an authority of the Commonwealth, or an authority or agency of a State; and
 - (b) in circumstances in which knowledge of the operation may:
 - (i) reduce the effectiveness of the performance of the function; or
 - (ii) expose a person to the danger of physical harm or death arising from the actions of another person.

Offence

- (6) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Note: A defendant bears an evidential burden in relation to the matters in subregulation (2) to (5): see subsection 13.3(3) of the *Criminal Code*.

45.060 Designs etc. not to modify, obscure or create confusion about sets of markings

- (1) The registration holder and the registered operator of an aircraft each contravene this subregulation if:
 - (a) the aircraft is operated; and
 - (b) a design, mark or symbol on an aircraft modifies, obscures or creates confusion about a set of markings on the aircraft.
- (2) Subregulation (1) does not apply in relation to:
 - (a) a Defence Force symbol or call-sign on an aircraft operated by the Defence Force; or
 - (b) a design, mark or symbol on an aircraft approved in writing by CASA.
- (3) CASA must not grant an approval under paragraph (2)(b) if granting the approval would adversely affect the safety of air navigation.

Offence

- (4) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Note: A defendant bears an evidential burden in relation to the matters in subregulation (2): see subsection 13.3(3) of the *Criminal Code*.

Regulation 45.065

45.065 Approval to operate with different markings—aircraft of special configuration

- (1) The registration holder of an aircraft may apply to CASA for approval to display markings on the aircraft other than in accordance with a requirement (the ***prescribed requirement***) prescribed by the Part 45 Manual of Standards under regulation 45.050.
- (2) CASA must approve the application if CASA is satisfied that, because of the configuration of the aircraft, the prescribed requirement specified in the application cannot be met.
- (3) The approval must:
 - (a) be in writing; and
 - (b) specify the requirements for the display of markings on the aircraft that must be met.

45.070 Approval to operate with different or no markings—aircraft operated for an exhibition

Applications for approval to display different or no markings at an exhibition

- (1) The registration holder of an aircraft may apply to CASA for approval, for the purposes of an exhibition:
 - (a) to display markings on the aircraft other than in accordance with a requirement (the ***prescribed requirement***) prescribed by the Part 45 Manual of Standards under regulation 45.050; or
 - (b) to display no markings on the aircraft.
- (2) The application for approval must include the following:
 - (a) the kind of exhibition, and the name (if any) of the exhibition;
 - (b) the dates and times during which the aircraft will be operated for the exhibition;
 - (c) the location of the exhibition, including the relevant flight paths;
 - (d) a photograph or drawing of the aircraft showing the colour of the aircraft and any marks the applicant intends the aircraft to bear while it is operated for the exhibition.

Requirements for approvals

- (3) CASA must approve the application if CASA is satisfied that:
 - (a) the aircraft will be operated for an exhibition; and
 - (b) the display of markings in accordance with the prescribed requirement would be inconsistent with the operation of the aircraft for the exhibition; and
 - (c) if the exhibition is in a foreign country—the display of markings in accordance with an approval, or the display of no markings, would not contravene a law of that country.

Regulation 45.070

- (4) The approval must:
- (a) be in writing; and
 - (b) specify the requirements (if any) for the display of markings on the aircraft that must be met while the aircraft is operated for the exhibition; and
 - (c) state the period of the approval.

Markings must be displayed in cockpit and visible to crew

- (5) The registration holder and the registered operator of an aircraft each contravene this subregulation if:
- (a) the registration holder holds an approval under this regulation in relation to the aircraft and an exhibition; and
 - (b) the aircraft is operated for the exhibition; and
 - (c) the Australian nationality mark and the registration mark of the aircraft are not:
 - (i) displayed in the cockpit; and
 - (ii) clearly visible to the aircraft's crew.

Offence

- (6) A person commits an offence of strict liability if the person contravenes subregulation (5).

Penalty: 50 penalty units.

Regulation 45.090

Subpart 45.C—Requirement to display words on certain aircraft

45.090 Requirements for display of words

- (1) The Part 45 Manual of Standards may prescribe requirements relating to the display of specified words on the following kinds of aircraft:
 - (a) aircraft for which a special airworthiness certificate of the kind mentioned in regulation 21.189 is in force;
 - (b) aircraft for which a special airworthiness certificate of the kind mentioned in regulation 21.185 is in force;
 - (c) aircraft for which a provisional certificate of airworthiness is in force;
 - (d) experimental aircraft.
- (2) Without limiting subregulation (1), the Part 45 Manual of Standards may prescribe requirements relating to the following:
 - (a) the words that must be displayed;
 - (b) the location of the words;
 - (c) the manner in which the words must be displayed, including the colour and height of the letters used.

45.095 Display of words

- (1) The registration holder and the registered operator of an aircraft each contravene this subregulation if:
 - (a) the aircraft is operated; and
 - (b) a requirement (the ***prescribed requirement***) prescribed by the Part 45 Manual of Standards under regulation 45.090 applies to the aircraft; and
 - (c) the prescribed requirement is not met.
- (2) Subregulation (1) does not apply if:
 - (a) the registration holder of the aircraft holds an approval under regulation 45.100 to:
 - (i) display words other than in accordance with the prescribed requirement; or
 - (ii) to display no words;for the purposes of an exhibition; and
 - (b) the aircraft is operated for the exhibition during the period of the approval; and
 - (c) any requirements specified in the approval are complied with.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Note: A defendant bears an evidential burden in relation to the matters in subregulation (2): see subsection 13.3(3) of the *Criminal Code*.

45.100 Approval to operate with different or no words—aircraft operated for an exhibition

Applications for approval to display different or no words at an exhibition

- (1) The registration holder of an aircraft may apply to CASA for approval, for the purposes of an exhibition:
 - (a) to display words on the aircraft other than in accordance with a requirement (the ***prescribed requirement***) prescribed by the Part 45 Manual of Standards under regulation 45.090; or
 - (b) to display no words on the aircraft.
- (2) The application for approval must include the following:
 - (a) the kind of exhibition, and the name (if any) of the exhibition;
 - (b) the dates and times during which the aircraft will be operated for the exhibition;
 - (c) the location of the exhibition, including the relevant flight paths;
 - (d) a photograph or drawing of the aircraft showing the colour of the aircraft and any marks the applicant intends the aircraft to bear while it is operated for the exhibition.

Requirements for approvals

- (3) CASA must approve the application if CASA is satisfied that:
 - (a) the aircraft will be operated for an exhibition; and
 - (b) the display of words in accordance with the prescribed requirement would be inconsistent with the operation of the aircraft for the exhibition; and
 - (c) if the exhibition is in a foreign country—the display of words in accordance with an approval, or the display of no words, would not contravene a law of that country.
- (4) The approval must:
 - (a) be in writing; and
 - (b) specify the requirements (if any) for the display of words on the aircraft that must be met while the aircraft is operated for the exhibition; and
 - (c) state the period of the approval.

Prescribed word must be displayed and visible

- (5) The registration holder and the registered operator of an aircraft each contravene this subregulation if:
 - (a) the registration holder holds an approval under this regulation in relation to the aircraft and an exhibition; and
 - (b) the aircraft is operated for the exhibition; and

Regulation 45.100

- (c) if a specified word for the aircraft is prescribed by the Part 45 Manual of Standards under regulation 45.090—the word is not:
 - (i) displayed in the cockpit; and
 - (ii) clearly visible to the aircraft's crew.
- (6) A person commits an offence of strict liability if the person contravenes subregulation (5).

Penalty: 50 penalty units.

Subpart 45.D—Aircraft registration identification plate

45.120 Application of Subpart 45.D

This Subpart applies to an aircraft if:

- (a) the aircraft has a maximum take-off weight of more than 5 700 kg; or
- (b) the aircraft is operating outside Australian territory; or
- (c) the aircraft does not have a manufacturer's data plate attached in accordance with regulation 21.820.

45.125 Plate to be attached to aircraft

- (1) The registration holder and the registered operator of the aircraft each contravene this subregulation if:
 - (a) the aircraft is operated; and
 - (b) a requirement mentioned in subregulation (2) is not met.
- (2) The requirements are the following:
 - (a) the aircraft's markings must be displayed on the aircraft registration identification plate for the aircraft;
 - (b) the method of displaying the aircraft's markings must meet the requirements prescribed by the Part 45 Manual of Standards for the purposes of this paragraph;
 - (c) the plate must be attached to the aircraft in a way that ensures that the plate is not likely to be defaced or to become detached from the aircraft;
 - (d) the plate must be attached at the location on the aircraft prescribed by the Part 45 Manual of Standards for the purposes of this paragraph;
 - (e) the plate must be constructed of the material prescribed by the Part 45 Manual of Standards for the purposes of this paragraph.
- (3) Subregulation (1) does not apply in relation to the requirement mentioned in paragraph (2)(b) if:
 - (a) the registration holder of the aircraft holds an approval under regulation 45.135 to display the aircraft's markings using a different method; and
 - (b) the markings are displayed using that method.
- (4) Subregulation (1) does not apply in relation to the requirement mentioned in paragraph (2)(d) if:
 - (a) the registration holder of the aircraft holds an approval under regulation 45.140 to operate the aircraft with the plate attached in a different place; and
 - (b) the requirements specified in the approval are complied with.
- (5) A person commits an offence of strict liability if the person contravenes subregulation (1).

Regulation 45.130

Penalty: 50 penalty units.

Note: A defendant bears an evidential burden in relation to the matters in subregulation (3) or (4): see subsection 13.3(3) of the *Criminal Code*.

45.130 Removal or alteration of plates

- (1) A person contravenes this subregulation if:
 - (a) the person removes the aircraft registration identification plate from an aircraft; and
 - (b) the removal is not:
 - (i) for the purpose of ensuring compliance with this Part; or
 - (ii) for the purpose of carrying out maintenance on the aircraft in accordance with these Regulations.
- (2) A person contravenes this subregulation if:
 - (a) the person alters the aircraft registration identification plate of an aircraft; and
 - (b) the alteration is not for the purpose of ensuring compliance with this Part.

Offence

- (3) A person commits an offence of strict liability if the person contravenes subregulation (1) or (2).

Penalty: 50 penalty units.

45.135 Approval of method of displaying markings

- (1) The registration holder of an aircraft may apply to CASA for approval of a method of displaying the aircraft's markings on the aircraft registration identification plate for the aircraft.
- (2) CASA must approve the application if CASA is satisfied that the method of displaying the aircraft's markings is similar to marking by etching, stamping or engraving.
- (3) The approval must be in writing.

45.140 Approval for attachment of plate—aircraft of special configuration

- (1) The registration holder of an aircraft (other than a balloon) may apply to CASA for approval to attach the aircraft registration identification plate for the aircraft to the aircraft other than in accordance with paragraph 45.125(2)(d).
- (2) CASA must approve the application if CASA is satisfied that, because of the configuration of the aircraft, the requirements prescribed by the Part 45 Manual of Standards for the purposes of paragraph 45.125(2)(d) cannot be met.

Regulation 45.140

- (3) The approval must:
- (a) be in writing; and
 - (b) specify the requirements for attaching the plate to the aircraft.

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Subpart 47.A—General

47.005 Applicability of Part 47

- (1) This Part sets out:
 - (a) how aircraft are registered; and
 - (b) how registration marks are assigned to aircraft.
- (2) It also sets out how dealer's marks are assigned to manufacturers, distributors and dealers of aircraft, and regulates their use.

47.010 Definitions for Part 47

In this Part:

CDCL has the same meaning as in the *International Interests in Mobile Equipment (Cape Town Convention) Rules 2014*.

eligible person means one of the following:

- (a) a resident of Australia who is:
 - (i) 18 years of age or older; and
 - (ii) an Australian citizen or the holder of a permanent visa (within the meaning of the *Migration Act 1958*);
- (b) a corporation incorporated under the *Corporations Act 2001*;
- (c) a body incorporated under a law (other than the *Corporations Act 2001*) in force in Australia;
- (d) the Commonwealth, a State or a Territory;
- (e) an agency of the Commonwealth, a State or a Territory;
- (f) a foreign corporation that is lawfully carrying on business in Australia.

IDERA has the same meaning as in the *International Interests in Mobile Equipment (Cape Town Convention) Rules 2014*.

owner, of an aircraft, includes a part-owner of the aircraft who is appointed under regulation 47.020.

Note: The owner of an aircraft who becomes its registration holder must, if he or she is not eligible to be its registered operator, appoint an eligible person as the registered operator: see regulation 47.100.

registered operator has the meaning given by regulation 47.100.

47.012 Issue of Manual of Standards for Part 47

For the purposes of subsection 98(5A) of the Act, CASA may issue a Manual of Standards for this Part prescribing matters:

- (a) required or permitted by these Regulations to be prescribed by the Part 47 Manual of Standards; or

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- (b) necessary or convenient to be prescribed for carrying out or giving effect to this Part.

Note: A Manual of Standards is a legislative instrument: see subsection 98(5AA) of the Act.

47.015 Requirement for aircraft to be registered

- (1) For paragraph 20AA(1)(b) of the Act, an aircraft is required to be registered unless it is one of the following:
 - (a) an aircraft that is not intended to be used as an aircraft;
 - (b) an aircraft that, under Subpart 200.B, is exempt from these Regulations;
 - (c) an unmanned free balloon;
 - (d) a permanently tethered balloon;
 - (e) a kite;
 - (f) a model aircraft;
 - (g) a parachute;
 - (h) a rocket;
 - (i) an aircraft that is prescribed by an instrument under subregulation (1B) for the purposes of this paragraph;
 - (j) an aircraft that is registered under the law of a foreign country referred to in subregulation (2);
 - (k) an aircraft that satisfies all the following conditions:
 - (i) it has been manufactured in Australia for delivery outside Australia to a foreign operator;
 - (ii) it is registered under the law of a foreign country referred to in subregulation (2);
 - (iii) it displays nationality and registration marks in accordance with the law of that country;
 - (iv) it has no certificate of airworthiness issued, or rendered valid, under the law of that country;
 - (v) it is flown within Australia only for a purpose mentioned in paragraph 21.197(1)(b) or (c);
 - (l) a Part 103 aircraft mentioned in subparagraph 103.005(4)(b)(i), (ii), (iva), (v), (vi) or (vii) that is listed with a Part 103 ASAO;
 - (m) a Part 103 aircraft mentioned in subparagraph 103.005(4)(b)(iii) or (iv);
 - (n) an RPA (other than a large RPA or an aircraft prescribed for the purposes of subregulation 47.096(2)) that is being operated only:
 - (i) for the purposes of a test flight; and
 - (ii) in circumstances applicable to the aircraft and the test flight that are prescribed by the Part 101 Manual of Standards for the purposes of subregulation 101.099B(1).

Note: For registration requirements affecting aircraft for which a special flight permit is issued, see subregulation 21.197(3).

- (1B) For the purposes of subsection 98(5A) of the Act and paragraph 47.015(1)(i) of this regulation, CASA may issue an instrument prescribing:

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- (a) classes of medium RPA, small RPA, very small RPA or micro RPA; or
- (b) particular medium RPA, small RPA, very small RPA or micro RPA.

Note 1: An instrument made under paragraph (a) is a legislative instrument: see subsection 98(5AA) of the Act.

Note 2: An instrument made under paragraph (b) is not a legislative instrument: see subsection 98(5AB) of the Act.

- (2) For paragraph (1)(j) and subparagraph (1)(k)(ii), the foreign countries are:
 - (a) the Contracting States; and
 - (b) any other foreign country with which Australia has an agreement that allows an aircraft registered under the law of that country to be operated in Australia.

Note: For the definition of *Contracting State* see section 3 of the Act.

47.020 Appointment of person to act on behalf of owners

If an aircraft is owned by more than 1 person, and is required to be registered under Division 47.C.1, the owners must, to register the aircraft, appoint one of them to act on their behalf.

Subpart 47.B—The Australian Civil Aircraft Register

47.025 Australian Civil Aircraft Register

CASA must keep a register called the Australian Civil Aircraft Register, or ensure that it is kept, in accordance with this Subpart.

Note: The Australian Civil Aircraft Register is the successor to the Aircraft Register mentioned in regulation 8 of CAR: see regulation 202.221.

47.030 Access to Australian Civil Aircraft Register

- (1) CASA must make the entries in the Australian Civil Aircraft Register about aircraft registered under Division 47.C.1 available for inspection by members of the public at reasonable times and places, and subject to reasonable conditions.
- (2) CASA may comply with subregulation (1) by making the information in those entries accessible on the internet or by another suitable electronic means.

47.035 Correction of Register

CASA must correct the information recorded in an entry in the Australian Civil Aircraft Register as soon as practicable after becoming aware that the entry is out of date or otherwise incorrect.

Note: An aircraft registration holder who finds out that anything in the Australian Civil Aircraft Register in relation to the aircraft is not correct must tell CASA about the change that should be made to the Register: see regulation 47.115.

47.040 Seeking information about Register

- (1) If CASA thinks that there may be an error in the Australian Civil Aircraft Register in relation to an aircraft, CASA may ask the aircraft registration holder, in writing, to give CASA information that may show the accuracy of the entry.

Note: Information that must be given to CASA under subregulation (1) may include a copy of a relevant document.

- (2) A request under subregulation (1) must:
 - (a) describe the information; and
 - (b) specify a period of at least 28 days, starting when the request is given to the registration holder, during which the registration holder must give CASA the information.

Note: CASA may cancel the registration of an aircraft if the registration holder fails to comply with a request for information made under subregulation (1): see regulation 47.132.

- (3) A registration holder must comply with a request made under subregulation (2).

Penalty: 10 penalty units.

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- (4) An offence under subregulation (3) is an offence of strict liability.

47.045 Communicating with CASA

- (1) A notice that, under this Part, must be given to CASA may be delivered, posted, sent by fax or sent by e-mail.

Note: The address, fax number and e-mail address for notices can be found in the advisory circular for this Part or on CASA's website: www.casa.gov.au.

- (2) CASA may refuse to accept a notice that is not legible.

47.050 Accuracy of information in Register

- (1) CASA must give, to the registration holder of an aircraft registered under Division 47.C.1, a copy of the information in the Australian Civil Aircraft Register that relates to the holder and the aircraft.
- (2) CASA must give the copy of the information within 28 days after:
- (a) the end of 3 years after the day on which:
 - (i) an aircraft is registered; or
 - (ii) if the aircraft's certificate of registration is transferred—the certificate is transferred; and
 - (b) the end of each period of 3 years after that day.
- (3) Within 28 days after the day when the registration holder is given the copy of the information, the holder must:
- (a) if necessary, correct the information on the copy about the aircraft and the holder; and
 - (b) return the copy to CASA.

Maximum penalty: 10 penalty units.

- (4) An offence against subregulation (3) is an offence of strict liability.
- (5) Information given to CASA for subregulation (3) must not be used as evidence of an offence against regulation 47.115.
- (6) This regulation is not intended to limit the operation of regulations 47.035 and 47.040.

47.055 Entries in Register etc not conclusive evidence of title to aircraft

- (1) An entry in the Australian Civil Aircraft Register in relation to an aircraft is not conclusive evidence of the existence of a legal or beneficial property interest in the aircraft.
- (2) A certificate of registration for an aircraft is not conclusive evidence of the existence of a legal or beneficial property interest in the aircraft.

Subpart 47.C—Registration of aircraft

Division 47.C.1—Registration of aircraft other than certain RPA

47.058 Application of this Division

This Division applies to aircraft other than aircraft to which Division 47.C.2 applies.

Note: Division 47.C.2 primarily deals with the registration of medium RPA, small RPA, very small RPA and micro RPA.

47.060 Applying for registration of unregistered aircraft

- (1) An application to register an unregistered aircraft may be made by the owner or a person who is acting on behalf of, and at the direction or request of, the owner.
- (2) The application must be made:
 - (a) in writing; or
 - (b) orally (by telephone or in person).

Note: An oral application must be confirmed in writing in accordance with regulation 47.070. If an oral application is not confirmed in writing in accordance with that regulation, the registration lapses: see regulation 47.130.

- (3) An application for registration made in writing must:
 - (a) be made in an approved form; and
 - (b) include the information set out in regulation 47.065; and
 - (c) be signed by the person making the application.
- (4) An application for registration made in writing must also include a declaration, signed by the person making the application:
 - (a) that the aircraft will be used as an aircraft; and
 - (b) if the aircraft has not been registered before—that the aircraft has never been registered; and
 - (c) if the aircraft has been registered before (whether in Australia or not)—that the aircraft is not, at the time of the application, registered on a foreign civil aircraft register.

47.065 Information required for registration—general

For paragraph 47.060(3)(b), and subject to regulation 47.075, the following information must be included in an application for registration of an aircraft:

- (a) the owner's name and address;
- (aa) if the aircraft is owned by more than 1 person—the name and signature of the owner who is appointed to act on behalf of the owners; and
- (b) if the application is made by a person on behalf of the owner—the name and address of the person making the application;

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- (c) if the owner proposes to appoint another person as the registered operator of the aircraft—the registered operator’s name and postal address, and:
 - (i) if the registered operator is an individual—his or her home address; or
 - (ii) if the registered operator is a corporation—the corporation’s registered address;
- (d) for an aircraft that has a type certificate, type acceptance certificate or provisional type certificate:
 - (i) the number of the certificate (if applicable); and
 - (ii) the production certificate number (if applicable); and
 - (iii) the manufacturer, and the country and year of manufacture, of the aircraft; and
 - (iv) the aircraft model; and
 - (v) the aircraft serial number;

Note: For paragraph (d), the aircraft’s manufacturer, model and serial number are those set out on the aircraft’s data plate.

- (e) for an aircraft to which paragraph (d) does not apply—the following:
 - (i) the aircraft manufacturer (if applicable);
 - (ii) the aircraft builder (if applicable);
 - (iii) whether the aircraft is a manned free balloon, an airship, a glider, a power-driven aeroplane, a rotorcraft or an ornithopter;
 - (iv) the country and year of manufacture of the aircraft;
 - (v) the aircraft model;
 - (vi) the aircraft serial number;
 - (vii) if the aircraft is power-driven—the number of engines and whether they are piston, turbopropeller or jet turbine engines;
 - (viii) the number of seats including seats for the crew;
 - (ix) whether the aircraft is able to be used on land, on water, or on both;
- (f) if a registration mark has been reserved for the aircraft, and the reservation has not lapsed—the registration mark;
- (g) if the aircraft has been imported:
 - (i) the name of the country from which the aircraft was imported; and
 - (ii) the aircraft’s registration mark, if any, in that country; and
 - (iii) evidence, provided by the national aviation authority of that country, that the aircraft is not on the aircraft register of that country.

Note: If the application for registration is an oral application, CASA will ask for the information mentioned in this regulation during the oral application.

47.070 Confirmation of oral application

- (1) A person who has applied orally for the registration of an aircraft must give to CASA a written confirmation of the application.
- (2) The confirmation:
 - (a) must be in an approved form; and
 - (b) must include the information required by regulation 47.065; and

- (c) must be received by CASA within 14 days after the day on which the oral application was made.

47.075 CASA may ask for further information

- (1) If CASA reasonably requires further information to enable it to consider an application for the registration of an aircraft, CASA may ask the applicant, in writing, to give CASA the information.
- (2) CASA must describe the information in the request.
- (3) CASA may refuse to consider, or cease considering, the application until the applicant complies with the request.

47.080 Registration of aircraft

- (1) CASA must register an aircraft if the application for the registration of the aircraft is made in accordance with regulation 47.060.
 - (1A) However, if:
 - (a) the aircraft has been registered before (the *old registration*); and
 - (b) the old registration was cancelled; and
 - (c) the aircraft was subject to an IDERA at the time of the cancellation;CASA must not register the aircraft unless subregulation (1B) or (1C) applies to the aircraft.
 - (1B) This subregulation applies to the aircraft if:
 - (a) the old registration was cancelled at the request of:
 - (i) the authorised party under the IDERA; or
 - (ii) if the aircraft was subject to a CDCL at the time of the cancellation—the certified designee under the CDCL; or
 - (b) CASA is satisfied, on the basis of written evidence provided by the person who has applied for the registration of the aircraft, that the authorised party under the IDERA, or the certified designee under the CDCL, as the case may be, has consented to CASA registering the aircraft.
 - (1C) This subregulation applies to the aircraft if CASA is satisfied, after reasonable enquiries, that:
 - (a) for an aircraft that was subject to a CDCL at the time of the cancellation of the old registration—the certified designee under the CDCL and the authorised party under the IDERA have both ceased to exist; or
 - (b) for an aircraft that was not subject to a CDCL at the time of the cancellation of the old registration—the authorised party under the IDERA has ceased to exist.
- (2) If CASA registers an aircraft, CASA must enter the following information about the aircraft in the Australian Civil Aircraft Register:
 - (a) the registration mark assigned to the aircraft;

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- (b) whether the aircraft is a manned free balloon, an airship, a glider, a power-driven aeroplane, a rotorcraft or an ornithopter;
- (c) its manufacturer, model and serial number;
- (d) its country and year of manufacture;
- (e) the name and address of the owner;
- (f) the name and address of the registered operator;
- (g) the day on which it was registered.

47.085 Interim certificate of registration

- (1) If CASA registers an aircraft on the basis of an oral application, CASA must:
 - (a) issue an interim certificate of registration for the aircraft; and
 - (b) tell the applicant:
 - (i) the time and date from which the interim registration is in force; and
 - (ii) a unique number that identifies the registration.

Note 1: An interim certificate includes the information set out in paragraph 47.080(2)(a) and the applicable provisions in paragraphs 47.080(2)(c) to (g).

Note 2: If the oral application is not confirmed in accordance with regulation 47.070, the registration of the aircraft lapses: see regulation 47.130.

- (2) If CASA registers an aircraft on the basis of an oral application, the aircraft registration holder must not allow the aircraft to be taken outside Australia before CASA issues the certificate of registration for the aircraft.

Maximum penalty: 50 penalty units.

Note: An interim certificate of registration is not covered by the provisions of Annex 7 to the Chicago Convention, so is only valid for flights within Australia.

- (3) An offence against subregulation (2) is an offence of strict liability.
- (4) An interim certificate of registration for an aircraft ceases to be in force on the earlier of the following:
 - (a) the day that CASA gives the certificate of registration to the aircraft's registration holder;
 - (b) 14 days after the day on which CASA registered the aircraft on the basis of an oral application.

47.090 Issue of certificate of registration

If CASA:

- (a) registers an aircraft because it has received a written application; or
- (b) receives confirmation of an oral application for the registration of an aircraft;

CASA must give a certificate of registration for the aircraft to the aircraft's owner (the **registration holder**).

Note: The certificate of registration replaces any interim certificate of registration issued under regulation 47.085.

47.095 Period of registration

The registration of an aircraft has effect unless, in accordance with these Regulations, it lapses, is suspended or is cancelled.

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Division 47.C.2—Registration of medium RPA, small RPA, very small RPA and micro RPA

47.096 Application of this Division

- (1) This Division applies to the following aircraft:
 - (a) a medium RPA;
 - (b) a small RPA;
 - (c) a very small RPA;
 - (d) a micro RPA.
- (2) However, this Division does not apply to an RPA that is prescribed by an instrument under subregulation (3) for the purposes of this subregulation.

Note: Division 47.C.1 applies to an aircraft to which this Division does not apply—see regulation 47.058.
- (3) For the purposes of subsection 98(5A) of the Act and subregulation (2) of this regulation, CASA may issue an instrument prescribing:
 - (a) classes of aircraft; or
 - (b) particular aircraft.

Note 1: An instrument made under paragraph (a) is a legislative instrument: see subsection 98(5AA) of the Act.

Note 2: An instrument made under paragraph (b) is not a legislative instrument: see subsection 98(5AB) of the Act.

47.096A Registration requirements for certain RPA

- (1) A person commits an offence of strict liability if:
 - (a) the person operates, or conducts an operation using, an aircraft that is required to be registered under this Division; and
 - (b) the aircraft is not registered under this Division.

Penalty: 50 penalty units.
- (2) A person commits an offence of strict liability if:
 - (a) the person supervises the operation by another person of an aircraft that is required to be registered under this Division; and
 - (b) the other person is under 16 years old; and
 - (c) the aircraft is not registered under this Division.

Penalty: 50 penalty units.

47.097 Application for registration of certain RPA

- (1) A person may apply to CASA to register an aircraft as an RPA.

Note: In addition to this regulation, Part 11 contains provisions relating to an application for registration under this Division.

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- (2) However, an individual may apply to register an aircraft as an RPA under this Division only if the individual is at least 16 years old.

Note: The person who applies to register the aircraft will be the registration holder of the aircraft: see the definition of *registration holder* in Part 1 of the Dictionary.

Payment of unmanned aircraft levy

- (4) An application to register an aircraft as an RPA under this Division must be accompanied by the unmanned aircraft levy (if any) for the application.

Waiver or refund of unmanned aircraft levy

- (5) CASA may, on behalf of the Commonwealth, waive the payment of unmanned aircraft levy under subregulation (4), or refund levy that has been paid under that subregulation, if CASA is satisfied that there are exceptional circumstances justifying the waiver or refund.
- (6) The waiver or refund:
- (a) may be of the whole or part of the levy; and
 - (b) may be made by CASA on its own initiative, or on written application in the approved form by the applicant for the registration.

47.098 Registration of certain RPA

- (1) Subject to regulation 11.055, on an application under regulation 47.097, CASA must register an aircraft as an RPA under this Division if CASA is satisfied that the aircraft is required to be registered as provided by regulation 47.015.
- (2) If CASA registers an aircraft as an RPA under this Division, CASA must, as soon as practicable:
- (a) enter the following information about the aircraft in the Australian Civil Aircraft Register:
 - (i) the serial number on the aircraft or, if there is no serial number, the registration mark assigned by CASA to the aircraft;
 - (ii) whether the aircraft is registered as an RPA;
 - (iii) the name and address of the registration holder of the aircraft;
 - (iv) the day on which the aircraft was registered;
 - (v) the manufacturer of the aircraft;
 - (vi) the manufacturer's model (if any) of the aircraft;
 - (vii) any other information required by the approved form for the application; and
 - (b) issue a certificate of registration for the aircraft to the registration holder of the aircraft.

47.099 Period of registration

The registration of an aircraft under this Division:

- (a) begins at the time when the aircraft is registered; and

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- (b) ends at the end of the period of 12 months beginning from the day when the registration begins, unless sooner cancelled.

Example: If an RPA is registered on 15 October 2022, the registration of the RPA will generally end at the end of 14 October 2023.

Note: For cancellation of a registration, see regulations 47.131C and 47.132.

47.099B Requirement to produce certificate of registration (or copy)

- (1) A person who operates, or conducts an operation of, an RPA must produce a certificate of registration, or a copy of such a certificate, in relation to the aircraft for inspection on a demand made by a person covered by subregulation (2).
- (2) For the purposes of subregulation (1), this subregulation covers the following persons:
- (a) an authorised person;
 - (b) a member or special member of the Australian Federal Police;
 - (c) a member of a police force or a police service of a State or Territory.
- (3) A person (the *offender*) commits an offence of strict liability if:
- (a) the offender operates, or conducts an operation of, an RPA; and
 - (b) a person makes a demand of the offender under subregulation (1); and
 - (c) the offender fails to comply with the demand.

Penalty: 5 penalty units.

- (4) A person who supervises the operation by another person of an RPA must produce a certificate of registration, or a copy of such a certificate, in relation to the aircraft for inspection on a demand made by a person covered by subregulation (2).
- (5) A person (the *supervisor*) commits an offence of strict liability if:
- (a) the supervisor supervises the operation by another person of an RPA; and
 - (b) the other person is under 16 years old; and
 - (c) a person makes a demand of the supervisor under subregulation (4); and
 - (d) the supervisor fails to comply with the demand.

Penalty: 5 penalty units.

Subpart 47.D—Registered operator

47.100A Application of Subpart 47.D

This Subpart applies in relation to an aircraft required to be registered under Division 47.C.1.

Note: See regulation 47.058.

47.100 Identity of registered operator of aircraft

(1) If the registration holder of an aircraft is an eligible person, the holder is the aircraft's **registered operator**.

(2) However, the registration holder may appoint another eligible person as the registered operator.

(3) If the registration holder is not an eligible person, the registration holder must appoint an eligible person to be the registered operator.

Note: If the registration holder of an aircraft is not an eligible person, and no eligible person is appointed as the registered operator, CASA must suspend the aircraft's registration: see regulation 47.131A.

(4) The appointment of a registered operator has effect unless the appointment is cancelled or otherwise ceases to have effect.

Note: Regulation 202.222 provides that a reference in CAR to the holder of a certificate of registration of an aircraft is taken to be a reference to the registered operator of the aircraft. Under CAR, the holder of the certificate of registration is responsible for the maintenance and continuing airworthiness of the aircraft.

(4A) Subject to this regulation, the appointment of a registered operator of an aircraft may be cancelled by:

- (a) the registration holder of the aircraft; or
- (b) the registered operator.

(5) If the registration holder of an aircraft:

- (a) appoints a person as the aircraft's registered operator; or
- (b) cancels the appointment of a person as the aircraft's registered operator;

the registration holder must, within 14 days after the appointment or cancellation, give CASA a notice in an approved form, including the aircraft's registration mark, manufacturer, model and serial number.

(5AA) If a person cancels the appointment of the person as an aircraft's registered operator as referred to in paragraph (4A)(b), the person must, within 14 days after the cancellation, give CASA a notice in an approved form, including the aircraft's registration mark, manufacturer, model and serial number.

(5A) A person commits an offence of strict liability if the person fails to comply with a requirement under subregulation (5) or (5AA).

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Penalty: 10 penalty units.

- (5B) If CASA finds out, other than by a notice given in accordance with subregulation (5), that the appointment of the registered operator of an aircraft has ceased to have effect, CASA must, within 5 business days, inform the aircraft's registration holder in writing.
- (6) A notice of the appointment of a registered operator must also include:
- (a) the registered operator's name and postal address, and:
 - (i) if the registered operator is an individual—his or her home address; or
 - (ii) if the registered operator is a corporation—the address of the corporation's registered office; and
 - (b) the date of the appointment of the registered operator; and
 - (c) evidence that the registered operator accepts the appointment.
- (7) A notice of the cancellation of the appointment of a registered operator given under subregulation (5) or (5AA) must include the date of the cancellation.
- Note: If the appointment of the registered operator is cancelled and another registered operator is not appointed, the registration holder becomes the aircraft's registered operator. However, if the registration holder is not an eligible person, CASA must suspend the aircraft's registration: see regulation 47.131A.
- (8) If CASA receives a notice that complies with this regulation, CASA must:
- (a) amend the Australian Civil Aircraft Register to show the name and address of the new registered operator; and
 - (b) in writing, notify the registration holder and the new registered operator about the amendment of the Register.

Subpart 47.E—Transfer of ownership of aircraft

47.105A Application of Subpart 47.E

This Subpart applies in relation to an aircraft required to be registered under Division 47.C.1.

Note: See regulation 47.058.

47.105 Meaning of *former owner* and *new owner*

For this Subpart, if the ownership of an aircraft is transferred, the transferor is the *former owner* and the transferee is the *new owner*.

47.110 Transfer of ownership

- (1) In this regulation, **transfer notice** means a notice in an approved form that relates to the transfer of ownership of an aircraft and:
 - (a) shows:
 - (i) the aircraft's registration mark, manufacturer, model and serial number; and
 - (ii) the date of the transfer; and
 - (iii) the former owner's name and address; and
 - (iv) the new owner's name and address; and
 - (b) either:
 - (i) is signed by the former owner; or
 - (ii) is signed by a person acting on behalf of, and at the direction or request of, the former owner.
- (2) If a transfer notice is signed by a person acting on behalf of the former owner, it must include evidence of the person's authority to do so.
- (3) This regulation sets out how, if the ownership of an aircraft is transferred, the new owner becomes the aircraft's registration holder.
- (4) In accordance with the timetable mentioned in subregulation (4A), the former owner, or a person acting on behalf of the former owner, must:
 - (a) give CASA a transfer notice; and
 - (b) give the new owner:
 - (i) a copy of the transfer notice; and
 - (ii) the aircraft's certificate of registration.
- (4A) The documents mentioned in subregulation (4) must be given to CASA and the new owner:
 - (a) as soon as practicable after the transfer; and
 - (b) in any case, within 14 days after the transfer.

Regulation 47.110

- (5) Within 28 days after the transfer, the new owner must apply to become the registration holder.
- Note: If the aircraft's new owner does not apply to be the new registration holder within 28 days after the day of the transfer, CASA must suspend the aircraft's registration: see regulation 47.131.
- (6) An application must:
- (a) be in an approved form; and
 - (c) either:
 - (i) be signed by the new owner; or
 - (ii) if the application is made by a person on behalf of the new owner—include the name, address and signature of the person making the application.
- (7) CASA must, if it receives a transfer notice and an application that complies with subregulation (6):
- (a) amend the Australian Civil Aircraft Register to show the new owner as the registration holder; and
 - (b) give a certificate of registration to the new owner.
- Note 1: The new owner, as the registration holder, is also the registered operator of the aircraft unless the new owner appoints another person as the registered operator: see regulation 47.100.
- Note 2: If the new owner is not an eligible person, the new owner must appoint an eligible person as the registered operator: see subregulation 47.100(3).
- (8) Subregulation (7) has effect subject to subregulation (9).
- (9) CASA must not take any action under subregulation (7) in relation to an aircraft unless CASA is satisfied, on the basis of written evidence provided by the former owner, that:
- (a) in the case of an aircraft that is subject to an IDERA, and is not subject to a CDCL—the authorised party under the IDERA has consented to the action being taken; or
 - (b) in the case of an aircraft that is subject to a CDCL—the certified designee under the CDCL has consented to the action being taken.

Subpart 47.F—Administration of Australian Civil Aircraft Register

47.115 Notice of error in information in Register

If an aircraft registration holder finds out that anything in the Australian Civil Aircraft Register in relation to the aircraft is no longer correct, the holder must tell CASA in writing, within 14 days after finding out, about the change that should be made.

Maximum penalty: 10 penalty units.

47.130 Lapsing of registration

If the aircraft was registered following an oral application, the registration lapses if:

- (a) CASA does not receive a written confirmation of the application in accordance with regulation 47.070; or
- (b) within 14 days after the day the oral application was made, CASA has not received a written confirmation that includes all the information mentioned in regulation 47.065; or
- (c) CASA receives a document purporting to be a written confirmation that includes information that differs in a significant way from the corresponding information given orally to CASA.

47.131 Suspension and cancellation of registration following a transfer of ownership

- (1) This regulation applies if:
 - (a) the ownership of an aircraft registered under Division 47.C.1 is transferred; and
 - (b) the new owner does not, within 28 days after the day of the transfer, make an application that complies with subregulation 47.110(6) to be the aircraft's registration holder.
- (2) CASA must, by written notice given to the new owner, suspend the aircraft's registration.
- (3) The suspension remains in force until the first-occurring of the following:
 - (a) CASA issues a new certificate of registration to the new owner;
 - (b) CASA cancels the registration.
- (4) If the new owner does not, within 3 months after the day the aircraft's registration was suspended, make an application that complies with subregulation 47.110(6) to be the aircraft's registration holder, CASA must, by written notice given to the new owner, cancel the registration.

Regulation 47.131A

47.131A Suspension and cancellation of registration if registered operator is not an eligible person

- (1) If CASA becomes aware that the registered operator of an aircraft is not an eligible person, CASA must, by written notice given to the registration holder of the aircraft, suspend the aircraft's registration.

Note: Subregulation (1) will not apply if the registration holder of the aircraft is an eligible person: see subregulation 47.100(1).

- (2) The suspension:
- (a) takes effect on the day the notice is given to the registration holder; and
 - (b) ends at the earlier of the following times:
 - (i) when the Australian Civil Aircraft Register is amended, in accordance with subregulation 47.100(8), to show the name and address of a new registered operator;
 - (ii) when CASA cancels the registration.
- (3) If the registration holder does not, within 3 months after the day the aircraft's registration was suspended under this regulation, give a notice under subregulation 47.100(5) appointing an eligible person as the aircraft's registered operator, CASA must, by written notice given to the registration holder, cancel the registration.
- (4) The cancellation takes effect on the day the notice is given to the registration holder.

47.131B Cancellation of registration at holder's request—limitations

CASA must not cancel, under Subpart 11.D, the registration of an aircraft registered under Division 47.C.1 if:

- (a) in the case of an aircraft that is subject to an IDERA, and is not subject to a CDCL—the person who requests the cancellation is not the authorised party under the IDERA; or
- (b) in the case of an aircraft that is subject to a CDCL—the person who requests the cancellation is not the certified designee under the CDCL.

47.131C Cancellation of registration—certain RPA

- (1) CASA must, by written notice given to the registration holder of an RPA registered under Division 47.C.2, cancel the registration of the aircraft if:
- (a) CASA is satisfied that the aircraft has been modified to such an extent that, in accordance with the requirements prescribed by the Part 101 Manual of Standards for the purposes of subregulation 101.099A(1), the aircraft is no longer an aircraft to which the registration applies; or
 - (b) CASA is satisfied that the cancellation of the registration is necessary to maintain the accuracy of the Register.

Note: For review of a decision to cancel a registration, see regulation 201.004.

Regulation 47.132

- (2) CASA may, by written notice given to the registration holder of an RPA registered under Division 47.C.2, cancel the registration of the RPA if another certificate of registration for the RPA is issued to another person.

47.132 Cancellation of registration on other grounds

- (1) CASA must, by written notice given to the registration holder of an aircraft, cancel the registration of the aircraft if CASA becomes aware that the aircraft:
- (a) is registered under the law of another country; or
 - (b) is no longer to be used as an aircraft; or
 - (c) has been stolen or destroyed.
- (2) CASA may, by written notice given to the registration holder of an aircraft, cancel the registration of the aircraft if the registration holder does not comply with a request under subregulation 47.040(1).
- (3) CASA must, by written notice given to the registration holder of an aircraft, cancel the registration of the aircraft if CASA is required, under the *International Interests in Mobile Equipment (Cape Town Convention) Rules 2014*, to de-register the aircraft.
- (4) A cancellation under this regulation takes effect on the day the notice is given to the registration holder.

Regulation 47.139

Subpart 47.G—Reservation, assignment and change of registration marks

47.139 Application of Subpart 47.G

This Subpart applies in relation to an aircraft required to be registered under Division 47.C.1.

Note: See regulation 47.058.

47.140 Meaning of *aircraft* for Subpart 47.G

In this Subpart:

aircraft includes an aircraft that:

- (a) has not yet been built; or
- (b) is being built.

47.145 Reservation of registration mark

- (1) The owner of an aircraft may ask CASA, in writing, to reserve a particular registration mark for the aircraft, whether or not the aircraft is registered.
- (2) The request must be in an approved form and identify the aircraft.
- (3) On receiving a request, CASA must reserve the registration mark for the aircraft unless, under regulation 47.155, the mark must not be reserved for an aircraft.

Note: About registration marks generally: see Part 45.

- (4) The reservation lapses if, 12 months after the day on which the registration mark was reserved, the aircraft is not registered and using the reserved mark.
- (5) In subregulation (1), *owner* includes a person acting on behalf of, and at the direction or request of, the owner.

47.150 Assignment of registration mark

If a person applies for the registration of an aircraft, and:

- (a) CASA has not reserved a registration mark for the aircraft under regulation 47.145; or
 - (b) the reservation of a registration mark for the aircraft has lapsed;
- CASA must assign a registration mark to the aircraft before registering the aircraft.

47.155 Marks that must not be reserved or assigned

The following registration marks must not be reserved for, or assigned to, an aircraft:

Regulation 47.160

- (a) the registration mark of an Australian aircraft;
- (b) a registration mark that has been reserved for an aircraft under regulation 47.145;
- (c) a mark that has been assigned to a dealer;
- (d) a mark that might be confused with any 5-letter combination used in Part II of the International Code of Signals;
- (e) a mark that might be confused with any 3-letter combination beginning with Q used in the Q Code;
- (f) a mark that might be confused with the distress signal SOS;
- (g) a mark that might be confused with an urgency or safety signal.

Examples: Of urgency or safety signals

XXX, PAN and TTT.

47.160 Assigning reserved registration mark to unregistered aircraft

If the owner of an unregistered aircraft:

- (a) reserves a registration mark for the aircraft; and
- (b) makes an application that complies with regulation 47.060 for registration of the aircraft;

CASA must, when it registers the aircraft, give the applicant a certificate of registration showing the reserved mark.

47.165 Change of registration mark

- (1) If the registration holder of a registered aircraft has reserved a registration mark (the **reserved mark**) for the aircraft:
 - (a) the holder; or
 - (b) if the registered operator has the written consent of the registration holder—the registered operator;may apply to CASA to change the aircraft's existing mark to the reserved mark.
- (2) The application must:
 - (a) be received by CASA at least 14 days before the day on which the existing mark is proposed to be changed; and
 - (b) be in an approved form and include the following:
 - (i) the aircraft's existing mark;
 - (ii) the aircraft's manufacturer, model and serial number;
 - (iii) the reserved mark;
 - (iv) the date on which the existing mark is proposed to be changed;
 - (v) if the application is made by a person on behalf of the registration holder or registered operator—the name and address of the person making the application.
- (3) If CASA approves the application, CASA must:
 - (a) as soon as practicable, notify the applicant, in writing, of the approval; and

Regulation 47.165

- (b) on the date specified in the application in accordance with subparagraph (2)(b)(iv), amend the Australian Civil Aircraft Register to show the reserved mark as the registration mark assigned to the aircraft; and
 - (c) as soon as practicable after making the amendment, give the applicant a certificate of registration showing the reserved mark.
- (4) The change of registration mark takes effect on the day the Australian Civil Aircraft Register is amended.

Subpart 47.H—Dealer's marks

47.169 Application of Subpart 47.H

This Subpart applies in relation to an aircraft required to be registered under Division 47.C.1.

Note: See regulation 47.058.

47.170 Definitions for Subpart 47.H

In this Subpart:

aircraft dealer includes a manufacturer or distributor of aircraft.

dealer's plate means a plate made by an aircraft dealer under regulation 47.205.

47.175 Assignment of dealer's marks

- (1) This regulation sets out the way in which an aircraft dealer may be assigned 1 or more marks for use on aircraft manufactured, or being distributed or dealt with, by the dealer.
- (2) An aircraft dealer may apply to be assigned a mark only if the dealer is an eligible person.
- (3) The application must be made in an approved form and must include:
 - (a) the dealer's name and address; and
 - (b) a declaration that the dealer is an eligible person; and
 - (c) evidence that the dealer is engaged in the manufacture, sales or distribution of aircraft in Australia; and
 - (d) a request for a particular number of marks and a statement explaining why the dealer needs that number of marks; and
 - (e) if the application is made by a person on behalf of the dealer—the name and address of the person making the application.
- (4) If the application complies with subregulation (3), CASA must assign to the dealer:
 - (a) the number of marks requested by the dealer; or
 - (b) if CASA thinks that the dealer has applied for more marks than is reasonably required to undertake the dealer's business—a lesser number of marks.

47.180 What marks may be assigned to dealers

A mark that is assigned to an aircraft dealer must be a mark that could be assigned to an aircraft as a registration mark.

Regulation 47.185

47.185 Record of dealer's marks

- (1) CASA must keep a record of dealer's marks that have been assigned to aircraft dealers.
- (2) The information in the record must include:
 - (a) the mark; and
 - (b) the aircraft dealer's name and address.

47.190 How long assignment to dealer remains in effect

The assignment of a dealer's mark to an aircraft dealer has effect unless CASA revokes the assignment.

Note: For revocation of the assignment of a dealer's mark: see regulation 47.225.

47.195 Certificate of assignment of dealer's mark

- (1) If CASA assigns a dealer's mark to an aircraft dealer, CASA must give to the dealer a certificate stating that the mark is assigned to the dealer.
- (2) Each such certificate must be for 1 dealer's mark only.

47.205 Dealer's plate

- (1) If CASA assigns a dealer's mark to an aircraft dealer, the dealer may make 1 dealer's plate bearing that mark.
- (2) The plate must:
 - (a) be a piece of stainless steel (or similar fireproof material) at least 100 mm by 160 mm and at least 1 mm thick; and
 - (b) be engraved with the following in sans serif capital letters:
 - (i) 'VH-' and the mark in letters at least 25 mm high;
 - (ii) 'CIVIL AVIATION SAFETY AUTHORITY' and 'DEALER'S PLATE CASR 1998' in letters at least 8 mm high;set out as shown in the following diagram, in which the letters 'ABC' represent the mark:



Regulation 47.210

47.210 Use of dealer's marks

- (1) An aircraft dealer to whom a dealer's mark is assigned must use the mark only on an aircraft that:
 - (a) is not currently registered in any country; and
 - (b) was manufactured, or is being distributed or dealt with, by the dealer.

Maximum penalty: 10 penalty units.

- (2) If title to, or possession of, an unregistered aircraft on which a dealer's mark is being used passes to another person, the dealer must ensure that the plate is removed from the aircraft before the other person operates the aircraft.

Maximum penalty: 30 penalty units.

- (3) The aircraft dealer must keep records showing:
 - (a) the manufacturer, model and serial number of each aircraft on which the mark was used; and
 - (b) the periods during which it was used on that aircraft.

Maximum penalty: 10 penalty units.

- (4) The aircraft dealer must keep the records for 12 months after the end of the period during which the mark was used on an aircraft.

Maximum penalty: 10 penalty units.

- (5) An offence against subregulation (1), (2), (3) or (4) is an offence of strict liability.

47.215 Aircraft taken to be registered

An unregistered aircraft on which a dealer's mark is being used is taken to be registered during any period in which it is being operated in Australia if:

- (a) the aircraft carries the corresponding dealer's plate; and
- (b) the possession of the aircraft remains with the dealer.

Note: Flying an unregistered aircraft may be an offence: see subsection 20AA(1) of the Act.

47.220 Annual report to CASA on aircraft using dealer's marks

- (1) An aircraft dealer to whom a dealer's mark has been assigned must, within 1 month after the end of each reporting period, give CASA a report showing the manufacturer, model and serial number of each aircraft on which the mark was used during that period.

Maximum penalty: 30 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.
- (3) In subregulation (1):

Regulation 47.225

reporting period means:

- (a) the period of 12 months beginning on the day on which the mark was assigned to the dealer; or
- (b) each consecutive period of 12 months at the end of which the mark is still assigned to the dealer; or
- (c) a period of less than 12 months beginning on the day on which the mark was assigned to the dealer, or an anniversary of that day, and ending on the day on which the assignment of the mark is revoked or otherwise ceases.

47.225 Revocation of assignment of dealer's mark etc

- (1) CASA must revoke the assignment of a dealer's mark to a person if the person:
 - (b) ceases to be an aircraft dealer, or an eligible person; or
 - (c) fails to comply with this Subpart.
- (2) If CASA revokes such an assignment, it must tell the person in writing that it has done so.
- (3) The person must return the certificate of assignment of the mark to CASA within 14 days after receiving the notice of the revocation.

Maximum penalty: 10 penalty units.

- (4) An offence against subregulation (3) is an offence of strict liability.

Part 60—Synthetic training devices

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Subpart 60.C—Basic instrument flight trainers

Subpart 60.A—Preliminary

60.005 Applicability

This Part applies to synthetic training devices that may be used by a person to gain aeronautical experience.

60.010 Definitions for Part 60

In this Part:

Manual of Standards means the document called ‘Manual of Standards (MOS) – Part 60’ published by CASA, as in force from time to time.

master QTG, for a synthetic training device, means the QTG approved for the device under this Part.

QTG (or **qualification test guide**), for a synthetic training device, means a document that:

- (a) shows that:
 - (i) the performance and handling qualities of the synthetic training device agree, within the limits set out in the Manual of Standards, with those of the aircraft to which it relates; and
 - (ii) all applicable requirements in these Regulations have been met; and
- (b) includes the following information that relates to the matters mentioned in paragraph (a):
 - (i) data relating to the performance and handling qualities of the aircraft and synthetic training device;
 - (ii) the validation tests, and all functions and subjective tests for the device.

user, of a flight simulator or flight training device, means the person who uses the simulator or device in a training, testing or checking program.

Subpart 60.B—Flight simulators and flight training devices

60.015 Definitions for Subpart 60.B

In this Subpart:

flight simulator qualification, for a flight simulator, means a qualification of the flight simulator under regulation 60.030.

flight simulator qualification certificate, means a certificate issued under regulation 60.035 for a qualified flight simulator.

flight training device qualification, for a flight training device, means a qualification of the flight training device under regulation 60.030.

flight training device qualification certificate, means a certificate issued under regulation 60.035 for a qualified flight training device.

operator, of a flight simulator or flight training device, means the person who is responsible for the maintenance and operation of the simulator or device.

qualification level, for a flight simulator or flight training device, has the meaning given by regulation 60.020.

60.020 Qualification levels

- (1) The qualification level of a flight simulator is the level mentioned in column 2 of an item in table 60.020-1 met by the simulator, determined in accordance with the standards in the Manual of Standards.

Table 60.020-1 Flight simulator qualification levels

Item	Levels
1	Level A
2	Level B
3	Level C
4	Level D

- (2) The qualification level of a flight training device is the level mentioned in column 2 of an item in table 60.020-2 met by the device, determined in accordance with the standards in the Manual of Standards.

Table 60.020-2 Flight training device qualification levels

Item	Levels
1	FAA Level 4

Regulation 60.025

Item	Levels
2	FAA Level 5
3	FAA Level 6
4	FAA Level 7
5	EASA Level 1
6	EASA Level 2
7	EASA Level 3

60.025 Application for flight simulator qualification or flight training device qualification

- (1) The operator of a flight simulator or flight training device may apply to CASA, in writing, for qualification of the simulator or device.

Note 1: An application must be in the approved form, include all the information required by these Regulations and be accompanied by every document required by these Regulations—see regulation 11.030.

Note 2: Part 11 deals with applications and decision making.

- (2) An application must include:
- (a) a QTG for the simulator or device; and
 - (b) a document describing the quality system that the operator proposes to use to satisfy regulation 60.060.

Note: For further guidance see Advisory Circulars 60-1, 60-3 and 60-4.

60.030 Initial evaluation and qualification

- (1) If CASA receives an application for the qualification of a flight simulator or flight training device, CASA must conduct an evaluation (an **initial evaluation**) of the simulator or device, including consideration of:
- (a) any inspection or trial of the simulator or device; and
 - (b) the data provided in the QTG; and
 - (c) information available from any test conducted during the initial evaluation.

Note: CASA may arrange for an evaluation to be conducted by an evaluation team: see regulation 60.090.

- (2) If, after the initial evaluation, CASA is satisfied that:
- (a) the operator's quality system will be suitable for the simulator or device; and
 - (b) the simulator or device meets a qualification level;

CASA must qualify the simulator or device at the qualification level.

Note: Under regulation 201.004, an application may be made to the Administrative Review Tribunal for review of:

- (a) a decision refusing to qualify, or cancelling, suspending or varying, the qualification of, a simulator or device; or
- (b) a decision imposing a condition on the qualification of a device.

Regulation 60.035

- (3) CASA may qualify a simulator or device that will simulate a new type of aircraft for which fully validated aircraft data is not available at an interim qualification level that is based on partially validated aircraft data.
- (4) An interim qualification level applies for the period agreed between CASA and the operator of the simulator or device.
- (5) If CASA qualifies a simulator or device, it must at the same time approve the QTG for the simulator or device.

60.035 Issue of flight simulator qualification certificate or flight training device qualification certificate

- (1) CASA must issue a flight simulator qualification certificate to the operator of a flight simulator, or a flight training device qualification certificate to the operator of a flight training device, if CASA qualifies the simulator or device.
- (2) The certificate must include the name of the operator and:
 - (a) include information identifying the simulator or device; and
 - (b) specify the aircraft that is simulated by the simulator or device; and
 - (c) specify the qualification level for the simulator or device.

60.040 Period of validity of flight simulator qualification or flight training device qualification

- (1) A flight simulator qualification or flight training device qualification is in force for:
 - (a) 12 months from the date of issue of the flight simulator qualification certificate or flight training device qualification certificate; or
 - (b) if a shorter period is specified in the certificate—that period.
- (2) However, a qualification ceases to be in force if:
 - (a) it is cancelled by CASA under regulation 60.050; or
 - (b) there is a change of operator of the simulator or device; or
 - (c) the simulator or device is deactivated or relocated.
- (3) A qualification is not in force for the period of any suspension imposed by CASA under regulation 60.050.

60.045 Recurrent evaluation of qualified flight simulator or qualified flight training device

- (1) The operator of a qualified flight simulator or qualified flight training device may, within 60 days before the expiry of the flight simulator qualification or flight training device qualification, ask CASA, in writing, to conduct an evaluation (a *recurrent evaluation*) of the simulator or device.

Note: CASA may arrange for an evaluation to be conducted by an evaluation team: see regulation 60.090.

Regulation 60.050

- (2) Subject to subregulation (3), regulations 60.030 and 60.035 apply in respect of a recurrent evaluation in the same way as they apply to the initial evaluation.
- (3) During a recurrent evaluation, a qualified flight simulator or qualified flight training device must be assessed against:
 - (a) the qualification level at which the simulator or device was qualified at the initial qualification or accreditation of the simulator or device in Australia; or
 - (b) if CASA has changed the qualification level since the initial evaluation—the qualification level as changed.

60.050 Variation, cancellation or suspension of flight simulator qualification or flight training device qualification

- (1) CASA may, by notice in writing to the operator of a qualified flight simulator or qualified flight training device, vary, cancel or suspend the qualification of the simulator or device if:
 - (a) the simulator or device no longer meets the qualification level specified in its qualification certificate; or
 - (b) the operator has failed to comply with a requirement of this Part in relation to the simulator or device.
- (2) If an operator receives a notice of variation or cancellation under subregulation (1), the operator must return the qualification certificate to CASA within 14 days after receiving the notice.
- (3) If CASA varies a qualification, CASA must reissue the qualification certificate specifying the qualification as varied.

60.055 Flight simulator and flight training device approvals—persons other than Part 141 operators and Part 142 operators

- (1) This regulation applies to a person, other than a Part 141 operator or a Part 142 operator, who proposes to be the user of a qualified flight simulator or a qualified flight training device.
- (1AA) The person must apply to CASA, in writing, for approval to use the simulator or device.
 - Note 1: See Advisory Circulars 60-2 and 60-4.
 - Note 2: An application must be in the approved form, include all the information required by these Regulations and be accompanied by every document required by these Regulations—see regulation 11.030.
 - Note 3: Part 11 deals with applications and decision making.
- (1A) Subject to regulation 11.055, CASA may grant the approval.
 - Note: Under regulation 201.004, an application may be made to the Administrative Review Tribunal for review of:
 - (a) a decision refusing to grant, or cancelling, suspending or varying, an approval; or
 - (b) a decision imposing a condition on an approval.
- (2) In considering whether to grant an approval, CASA must take into account:

Regulation 60.060

- (a) the differences between the characteristics of the flight simulator or flight training device and the characteristics of a specific type (or a specific make, model and series) of aircraft, whether or not the user operates such an aircraft; and
 - (b) the proposed user's operating and training competencies.
- (3) CASA may also take into account any other matter that affects the way the simulator or device operates or may be used.
- (5) An approval continues in force unless the applicable flight simulator qualification or flight training device qualification ceases to be in force.
- (6) However, if CASA is satisfied that any matter that was taken into account under subregulation (2) or (3) has changed, CASA may, by notice in writing to the user, vary, suspend or cancel the approval.

60.060 Quality system—operators other than Part 141 operators and Part 142 operators

- (1) This regulation applies to the operator of a qualified flight simulator or a qualified flight training device, other than a Part 141 operator or a Part 142 operator.
- (1A) The operator must establish and maintain a quality system that ensures the correct operation and maintenance of the simulator or device.
- (2) The quality system must cover at least the following matters:
 - (a) quality policy;
 - (b) management responsibility;
 - (c) document control;
 - (d) resource allocation;
 - (e) quality procedures;
 - (f) internal audit.

Note: The quality system may be structured according to the size and complexity of the operator's organisation, in accordance with the requirements set out in the following documents:

- (a) AS/NZS ISO 9001:2000 Quality Management System Requirements;
- (b) SQAP:2000 Simulator Quality Assurance Program Standard published by the FAA.

60.065 Ongoing fidelity requirements

- (1) The operator of a qualified flight simulator or qualified flight training device must, progressively during the 12 months after the issue of the applicable flight simulator qualification certificate or flight training device qualification certificate, perform:
 - (a) all validation tests mentioned in the master QTG for the simulator or device; and

Regulation 60.070

- (b) all functions and subjective tests within the current (and any planned) training program (or an equivalent sample approved by CASA).
- (2) The operator must establish a configuration management system to ensure the continued integrity of the equipment and software of the simulator or device.
- (3) The operator must maintain an on-going modification program to ensure that the equipment, software and performance of the simulator or device accurately simulates the aircraft specified in the certificate.
- (4) The operator must notify each user of the simulator or device, before its use, if the simulator or device is unsuitable for any training, testing or checking sequence specified in the certificate.

60.070 Modification of qualified flight simulator or qualified flight training devices

- (1) The operator of a qualified flight simulator or qualified flight training device must notify CASA, in writing, if it proposes to modify the equipment or software of the simulator or device in a way that will change the characteristics of the simulator or device.
 - (2) If CASA receives a notice under subregulation (1), CASA may conduct an evaluation (a *special evaluation*) of the simulator or device as it is proposed to be modified.
 - (3) Subject to subregulations (4) and (5), regulations 60.030 and 60.035 apply in respect of a special evaluation in the same way as they apply to the initial evaluation.
 - (4) If CASA decides not to conduct a special evaluation:
 - (a) the operator may make the proposed modification of the simulator or device; and
 - (b) the flight simulator or flight training device qualification continues to be in force.
 - (5) During a special evaluation, a simulator or device must be assessed against:
 - (a) the qualification level at which the simulator or device was qualified at the initial qualification or accreditation of the simulator or device in Australia; or
 - (b) if CASA has changed the qualification level since the initial evaluation—the qualification level as changed.
- Note: CASA may arrange for an evaluation to be conducted by an evaluation team: see regulation 60.090.
- (6) This regulation does not apply to the modification of a device for the purpose of a change in the qualification level of the simulator or device.

60.075 Change in qualification level of qualified flight simulator or qualified flight training device

- (1) The operator of a qualified flight simulator or qualified flight training device may ask CASA, in writing, to change the qualification level of the simulator or device.

Note: For further guidance about qualification levels see the Manual of Standards.

- (2) If CASA receives a request under subregulation (1), it must conduct a special evaluation of the simulator or device, applying the standards in the Manual of Standards.

Note: CASA may arrange for an evaluation to be conducted by an evaluation team: see regulation 60.090.

- (3) If CASA changes the qualification level, it must:
 - (a) approve any resulting amendments to the master QTG of the simulator or device; and
 - (b) issue a revised flight simulator qualification certificate or flight training device qualification certificate.

60.080 Deactivation, relocation or reactivation of qualified flight simulator or qualified flight training device

- (1) The operator of a qualified flight simulator or qualified flight training device must notify CASA, in writing, if the simulator or device is deactivated.
- (2) An operator must notify CASA, in writing, before the operator reactivates or relocates a simulator or device, and CASA may then conduct a special evaluation of the simulator or device.

Note 1: A flight simulator qualification or flight training device qualification ceases to be in force if the simulator or device is deactivated or relocated: see paragraph 60.040(2)(c).

Note 2: CASA may arrange for an evaluation to be conducted by an evaluation team: see regulation 60.090.

- (3) During a special evaluation, a flight simulator or flight training device must be assessed against:
 - (a) the qualification level at which the simulator or device was qualified at the initial qualification or accreditation of the simulator or device in Australia; or
 - (b) if CASA has changed the qualification level since the initial evaluation—the qualification level as changed.

60.085 Change of operator of qualified flight simulator or qualified flight training device

- (1) The operator of a qualified flight simulator or qualified flight training device must notify CASA, in writing, of any proposed change of operator of the simulator or device.

Regulation 60.090

- (2) If there is a change of operator of a simulator or device:
 - (a) the former operator must give to the new operator the records mentioned in regulation 60.095 that apply to the simulator or device; and
 - (b) the new operator may apply to CASA, in writing, for qualification of the simulator or device.
- (3) An application under paragraph (2)(b) must be accompanied by a plan of transfer setting out in detail how the new operator will comply with the requirements of this Subpart.
- (4) If CASA is satisfied that the new operator is able to comply with the requirements of this Subpart, CASA must:
 - (a) approve the plan; and
 - (b) issue a new flight simulator qualification certificate or flight training device qualification certificate.

Note: A flight simulator qualification or flight training device qualification ceases to be in force if there is a change of operator: see paragraph 60.040(2)(b).

60.090 Evaluation teams

CASA may:

- (a) arrange for an evaluation mentioned in this Subpart to be conducted by an evaluation team; and
- (b) appoint a person to be an evaluation team leader, having regard to the skills, qualifications and experience necessary to undertake the evaluation.

Note: See Advisory Circulars 60-1 and 60-4.

60.095 Records

- (1) The operator of a qualified flight simulator or qualified flight training device must keep the following records relating to the simulator or device for at least 3 years after the simulator or device is decommissioned:
 - (a) the master QTG;
 - (b) modification records;
 - (c) quality system records.
- (2) The operator must also keep the results of each test carried out under subregulation 60.065(1) for the simulator or device for at least 3 years after the test.
- (3) If there is a change of operator of a simulator or device, the new operator must keep the records and test results relating to the simulator or device that were kept by the former operator.

Subpart 60.C—Basic instrument flight trainers

Note: This Subpart heading is reserved for future use.

Part 61—Flight crew licensing

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 - 61.1525 Limitations on exercise of privileges of glider pilot licences—flight review
 - 61.1530 Limitations on exercise of privileges of glider pilot licences—medical certificates
 - 61.1535 Limitations on exercise of privileges of glider pilot licences—carriage of documents
 - 61.1540 Requirements for grant of glider pilot licences
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Subpart 61.A—Preliminary

Division 61.A.1—General

61.005 What Part 61 is about

- (1) This Part sets out the licensing scheme for pilots and flight engineers of registered aircraft.
- (2) Subpart 61.A sets out:
 - (a) preliminary matters; and
 - (b) when a flight crew licence, rating or endorsement is not required.
- (3) Subpart 61.B sets out:
 - (a) the general requirements for the grant of a flight crew licence, rating or endorsement; and
 - (b) the requirements for the grant of a flight crew licence, rating or endorsement in recognition of an overseas or military qualification.

Note: A reference to a flight crew licence includes a glider pilot licence: see the definition of *flight crew licence* in regulation 61.010.
- (4) Subpart 61.C sets out rules relating to a certificate of validation of an overseas qualification, including:
 - (a) requirements for the grant of a certificate of validation; and
 - (b) the effect of a certificate of validation.
- (5) Subpart 61.D sets out obligations that apply to all holders of flight crew licences, ratings and endorsements.
- (6) Subpart 61.E:
 - (a) sets out limitations that apply to the exercise of the privileges of all pilot licences; and
 - (b) provides for the authorisations to taxi an aircraft and to operate an aircraft radio.

Note: A reference to a pilot licence does not include a glider pilot licence: see the definition of *pilot licence* in regulation 61.010.
- (7) Subparts 61.G to 61.K make particular provision for each kind of pilot licence, including:
 - (a) the privileges of the licence; and
 - (b) limitations on the exercise of the privileges; and
 - (c) the requirements for the grant of the licence.
- (8) Subparts 61.L to 61.U provide for ratings and endorsements on pilot licences, setting out:
 - (a) the privileges of each rating or endorsement; and

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- (b) limitations on the exercise of the privileges of the rating or endorsement;
and
 - (c) the requirements for the grant of the rating or endorsement; and
 - (d) for the flight instructor, simulator instructor and flight examiner ratings—
obligations that apply to the holder of the rating.
- (9) Subparts 61.V to 61.Y provide for flight engineer licences, and ratings and endorsements on flight engineer licences.
- (10) Subpart 61.Z makes particular provision for glider pilot licences.

61.007 Application of Part 61

- (1) This Part applies to flight in a registered aircraft of any of the following categories:
- (a) aeroplane;
 - (b) helicopter;
 - (c) powered-lift aircraft;
 - (d) gyroplane;
 - (e) airship.
- (2) The Part applies also to flight in a glider that is a registered sailplane.

61.010 Definitions for Part 61

In this Part:

aerial application endorsement means an endorsement mentioned in column 1 of table 61.1120.

aerial application operation means a flight that is carried out by an aircraft to apply application material.

aerial application proficiency check means an assessment, against the standards mentioned in the Part 61 Manual of Standards, of a pilot's competency to exercise the privileges of an aerial application rating.

aeronautical experience: see regulation 61.075.

aeronautical knowledge examination, for a flight crew licence, rating or endorsement, means an examination set under regulation 61.215 for the grant of the licence, rating or endorsement.

aeroplane: see regulation 61.025.

approved course of professional development, for a provision of this Part, means a course of professional development for which the provider holds an approval under regulation 61.040 for the provision.

approved course of training, for a provision of this Part, means a course of training:

- (a) for which the provider holds an approval under regulation 61.040 for the provision; or
- (b) that a Part 141 or 142 operator is authorised to conduct; or
- (c) that a person holds an approval under regulation 141.035 or 142.040 to conduct.

approved flight simulation training device: a flight simulation training device is an ***approved flight simulation training device*** for a purpose if:

- (a) a Part 141 operator's operations manual, or a Part 142 operator's exposition, states that the device may be used for the purpose; or
- (b) the operator of the device holds an approval under regulation 60.055 or 61.040 to use the device for the purpose; or
- (c) the device is:
 - (i) qualified (however described) by the national aviation authority of a recognised foreign State; and
 - (ii) approved for the purpose by the national aviation authority.

approved flight simulator: a flight simulator is an ***approved flight simulator*** for a purpose if:

- (a) a Part 141 operator's operations manual, or a Part 142 operator's exposition, states that the simulator may be used for the purpose; or
- (b) the operator of the simulator holds an approval under regulation 60.055 to use the simulator for the purpose; or
- (c) the simulator is:
 - (i) qualified (however described) by the national aviation authority of a recognised foreign State; and
 - (ii) approved for the purpose by the national aviation authority.

associated: an aircraft category rating is ***associated*** with a pilot licence if:

- (a) for an application for the pilot licence—the application includes an application for the rating; or
- (b) in any other case—the rating was granted on the basis of the applicant having met the requirements for the grant of the pilot licence with the rating.

Note: An aircraft category rating has effect only for the pilot licence with which it is associated: see regulation 61.725.

aviation English language proficiency assessment means an aviation English language proficiency assessment conducted under regulation 61.255.

aviation English language proficiency assessor means the holder of an approval under regulation 61.270 to conduct an aviation English language proficiency assessment.

azimuth guidance operation means an instrument approach operation using azimuth bearings for lateral navigation guidance.

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basic instrument flight training means flight training in the units of competency for instrument flight mentioned in the Part 61 Manual of Standards for the grant of a private pilot licence or commercial pilot licence.

category of aircraft: see regulation 61.015.

category specific: a rating or endorsement is **category specific** if the rating or endorsement applies only to an aircraft category that is specified on the rating or endorsement.

Certificate IV in Training and Assessment means a Certificate IV in Training and Assessment issued by a registered training organisation under the Australian Qualifications Framework.

Note: See www.aqf.edu.au/.

certificate of validation means a certificate of validation granted under Subpart 61.C.

circling approach means an extension of an instrument approach operation that includes a visual circling manoeuvre to position an aircraft for a landing.

class of aircraft: see regulation 61.020.

conduct, as a verb, means:

- (a) in relation to a flight operation—to occupy a flight control seat in an aircraft while the operation takes place; or
- (b) in relation to a simulated flight operation—to occupy a flight control seat in a flight simulation training device while the simulated operation takes place; or
- (c) in relation to an operation of a tethered helicopter—to occupy a flight control seat in the tethered helicopter while the operation takes place.

course deviation indicator operation means an instrument approach operation using a course deviation indicator for lateral navigation guidance.

cross-country flight means a flight along a pre-planned route during which the pilot uses geometry, topography or radio navigation aids to determine the aircraft's position and course.

cross-country flight time means flight time accrued during a cross-country flight.

cruise relief type rating means:

- (a) a cruise relief co-pilot type rating; or
- (b) a cruise relief flight engineer type rating.

current:

- (a) for an aviation English language proficiency assessment—see regulation 61.260; and
- (b) for a recreational aviation medical practitioner's certificate held by:
 - (i) a student pilot—see subregulation 61.114(6); and

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- (ii) a recreational pilot licence holder—see subregulation 61.405(3); and
- (c) for a certificate of validation or medical certificate—means a certificate that is in force.

differences training, for a variant, means the training mentioned in regulation 61.200 for the variant.

dual cross-country flight time means cross-country flight time that is conducted in dual flight.

dual flight means flight conducted while receiving training from a pilot instructor occupying a flight control seat in an aircraft that is fitted with fully functional dual controls.

dual flight check means an in-flight assessment by a flight instructor of the competency of a student pilot to conduct a solo training flight.

dual instrument flight time means instrument flight time that is conducted in dual flight.

dual instrument ground time means instrument ground time that is conducted in dual simulated flight.

dual instrument time means:

- (a) dual instrument flight time; or
- (b) dual instrument ground time.

dual simulated flight means simulated flight conducted while receiving training from a pilot instructor occupying a flight control seat in a flight simulation training device that is fitted with fully functional dual controls.

duration, of a flight, means:

- (a) for a flight in an aeroplane or gyroplane—the time from the moment the aircraft begins moving, whether or not under its own power, in preparation for flight until the moment it comes to rest at the end of the flight; or
- (b) for a flight in a helicopter or powered-lift aircraft—the time from the moment the aircraft's rotor blades start turning until the moment the rotor blades stop turning after the aircraft comes to rest at the end of the flight; or
- (c) for a flight in an airship—the time from the moment the airship is released from its mooring until the moment it is tethered at the end of the flight; or
- (d) for a flight in a glider—the time from the moment the glider first begins moving in preparation for flight, whether being towed or not, until the moment it comes to rest at the end of the flight.

endorsement means a flight crew endorsement.

equivalent, for an overseas flight crew licence, rating or endorsement: an overseas flight crew licence, rating or endorsement (however described) is **equivalent** to a flight crew licence, rating or endorsement granted under this Part (an **Australian authorisation**) if it allows the holder to conduct substantially the same activities as the Australian authorisation.

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examiner means:

- (a) a flight examiner; or
- (b) a flight engineer examiner.

examiner rating means:

- (a) a flight examiner rating; or
- (b) a flight engineer examiner rating.

flight means flight in:

- (a) an aeroplane; or
- (b) a helicopter; or
- (c) an airship; or
- (d) a glider, other than a hang glider, powered hang glider, paraglider or powered paraglider; or
- (e) a gyroplane; or
- (f) a powered-lift aircraft.

flight activity endorsement means an endorsement mentioned in column 1 of table 61.1145.

flight crew endorsement means an endorsement granted under this Part on a flight crew licence.

flight crew licence means:

- (a) a pilot licence; or
- (b) a flight engineer licence; or
- (c) a glider pilot licence.

flight crew rating means a rating granted under this Part on a flight crew licence.

flight engineer examiner means the holder of a flight engineer examiner rating.

flight engineer examiner endorsement means an endorsement mentioned in column 1 of table 61.1495.

flight engineer flight test endorsement means an endorsement mentioned in column 1 of Part 1 of table 61.1495.

flight engineer instructor means the holder of a flight engineer instructor rating.

flight engineer training endorsement means an endorsement mentioned in column 1 of table 61.1430.

flight examiner means the holder of a flight examiner rating.

flight examiner endorsement means an endorsement mentioned in column 1 of table 61.1310.

flight instructor means the holder of a flight instructor rating.

flight review means an assessment of the competency of a flight crew member to perform:

- (a) for the holder of a pilot licence or flight engineer licence—an activity authorised by a flight crew rating that the crew member holds; or
- (b) for the holder of a glider pilot licence—an activity authorised by the licence.

flight simulation training device means:

- (a) a qualified flight simulator; or
- (b) a qualified flight training device; or
- (c) a synthetic trainer that is approved under Civil Aviation Order 45.0; or
- (d) a device that meets the qualification standards prescribed by a legislative instrument under regulation 61.045; or
- (e) a device that is qualified (however described) by the national aviation authority of a recognised foreign State.

flight test, for a flight crew licence, rating or endorsement, means a test conducted under regulation 61.245 for the licence, rating or endorsement.

flight test endorsement means an endorsement mentioned in column 1 of Part 1 of table 61.1310.

flight time as:

- (a) a pilot: see regulation 61.080; and
- (b) a co-pilot: see regulation 61.085; and
- (c) a pilot in command: see regulation 61.090; and
- (d) a pilot in command under supervision: see regulation 61.095; and
- (e) a flight engineer: see regulation 61.100.

flight training, for a flight crew licence, rating or endorsement, means the training mentioned in regulation 61.195 for the licence, rating or endorsement.

glider activity means:

- (a) operating a Part 103 aircraft that is a glider; or
- (b) providing training in operating a Part 103 aircraft that is a glider.

glider organisation means a sport aviation body that administers glider activities.

initial flight training means dual flight conducted for training in the units of competency mentioned in the Part 61 Manual of Standards for the grant of a recreational pilot licence.

instructor means:

- (a) a flight instructor; or
- (b) a simulator instructor; or
- (c) a flight engineer instructor.

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instructor proficiency check means an assessment, against the standards mentioned in the Part 61 Manual of Standards, of an instructor's competency to conduct flight training.

instructor rating means:

- (a) a flight instructor rating; or
- (b) a simulator instructor rating; or
- (c) a flight engineer instructor rating.

instrument endorsement means an endorsement mentioned in column 1 of table 61.890.

instrument flight time: see regulation 61.105.

instrument ground time: see regulation 61.110.

instrument proficiency check means an assessment, against the standards mentioned in the Part 61 Manual of Standards, of a pilot's competency to pilot an aircraft under the IFR.

instrument time means:

- (a) instrument flight time; or
- (b) instrument ground time.

knowledge deficiency report means a report prepared, and given to a person, under regulation 61.230.

licence means a flight crew licence.

licence document: see regulation 61.175.

low-level endorsement means an endorsement mentioned in column 1 of table 61.1075.

low-level operation means an operation below 500 ft AGL, other than the following:

- (a) climbing from take-off;
- (b) descending for the purpose of landing;
- (c) an aerial application operation.

maximum certificated passenger seating capacity, for an aircraft, means the maximum passenger seating capacity stated in the aircraft's type certificate, foreign type certificate, supplemental type certificate or foreign supplemental type certificate.

maximum certificated take-off weight, for an aircraft, means the maximum take-off weight stated in the aircraft's type certificate, foreign type certificate, supplemental type certificate or foreign supplemental type certificate.

medical exemption means:

- (a) for the conduct of a solo flight by a student pilot—an approval under regulation 61.040 to conduct the solo flight without holding a current medical certificate or recreational aviation medical practitioner's certificate; and
- (b) for the exercise of the privileges of a flight crew licence or rating—an approval under regulation 61.040 to exercise the privileges of the licence or rating without holding a current medical certificate or recreational aviation medical practitioner's certificate.

medical practitioner means a person entitled to practise as a medical practitioner under a law of a State or Territory.

multi-crew, in relation to an aircraft, means that the aircraft is certificated for operation by a crew of at least 2 pilots.

multi-crew operation means an operation that requires at least 2 pilots in:

- (a) a multi-crew aircraft; or
- (b) an aircraft that is equipped, and required by these Regulations, to be operated by a crew of at least 2 pilots.

multi-crew pilot licence training course means a course of training for the grant of a multi-crew pilot licence conducted by a Part 142 operator.

multi-crew type rating means a pilot type rating authorising its holder to pilot an aircraft of the type covered by the rating in a multi-crew operation.

multi-engine aeroplane means an aeroplane that has 2 or more engines, other than:

- (a) a multi-engine centre-line thrust aeroplane; or
- (b) an aeroplane that is prescribed by a legislative instrument under regulation 61.050 as an aeroplane that is included in the single-engine aeroplane class.

multi-engine centre-line thrust aeroplane means an aeroplane with 2 or more engines that:

- (a) has the thrust line along the longitudinal axis of the aeroplane; and
- (b) has no asymmetric handling effect about the normal axis in the event of an engine failure.

night VFR endorsement means an endorsement mentioned in column 1 of table 61.980.

night vision goggles means a self-contained binocular night vision enhancement device that:

- (a) is helmet-mounted or otherwise worn by a person; and
- (b) can detect and amplify light in both the visual and near infra-red bands of the electromagnetic spectrum.

night vision imaging system endorsement means an endorsement mentioned in column 1 of table 61.1025.

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night vision imaging system proficiency check means an assessment, against the standards mentioned in the Part 61 Manual of Standards, of a pilot's competency to pilot a helicopter using a night vision imaging system.

operational endorsement means any of the following endorsements:

- (a) an aerial application endorsement;
- (b) a flight activity endorsement;
- (c) a flight examiner endorsement;
- (d) an instrument endorsement;
- (e) a low-level endorsement;
- (f) a night VFR endorsement;
- (g) a night vision imaging system endorsement;
- (h) a private instrument endorsement;
- (i) a training endorsement;
- (j) a flight engineer examiner endorsement;
- (k) a flight engineer training endorsement.

operational rating means any of the following ratings:

- (a) an aerial application rating;
- (b) an examiner rating;
- (c) an instructor rating;
- (d) an instrument rating;
- (e) a low-level rating;
- (f) a night VFR rating;
- (g) a night vision imaging system rating;
- (h) a private instrument rating.

operator proficiency check means an assessment conducted by an operator in accordance with its training and checking responsibilities under these Regulations of whether a person has the aeronautical skills and knowledge required by the operator.

overseas endorsement means an authorisation (however described) granted by the national aviation authority of a Contracting State, in accordance with Annex 1 to the Chicago Convention, that is equivalent to a flight crew endorsement.

overseas flight crew licence means an authorisation (however described) granted by the national aviation authority of a Contracting State, in accordance with Annex 1 to the Chicago Convention, that is equivalent to a flight crew licence.

overseas medical certificate means a medical certificate (however described) granted by the national aviation authority of a Contracting State, in accordance with Annex 1 to the Chicago Convention, that is equivalent to a medical certificate.

overseas rating means an authorisation (however described) granted by the national aviation authority of a Contracting State, in accordance with Annex 1 to the Chicago Convention, that is equivalent to a flight crew rating.

pilot, used as a noun, means a person authorised under this Part to manipulate the flight controls of an aircraft during flight.

pilot, used as a verb, means:

- (a) to manipulate the flight controls of an aircraft during flight; or
- (b) to occupy a flight control seat in an aircraft during flight.

pilot in command under supervision means a pilot, other than a student pilot, who performs the duties and functions of the pilot in command of an aircraft under the supervision of a pilot who is authorised by the operator of the aircraft to conduct the supervision.

pilot instructor means:

- (a) a flight instructor; or
- (b) a simulator instructor.

pilot licence means any of the following licences:

- (a) an air transport pilot licence;
- (b) a commercial pilot licence;
- (c) a multi-crew pilot licence;
- (d) a private pilot licence;
- (e) a recreational pilot licence.

private instrument endorsement means an endorsement mentioned in column 1 of table 61.935.

privilege, in relation to a flight crew licence, rating or endorsement, means an activity that the holder of the licence, rating or endorsement is authorised, under this Part, to conduct.

published lowest safe altitude has the meaning given by subregulation 178(7) of CAR.

rating means a flight crew rating.

recent photograph, at a particular time, means a photograph taken within 6 months before that time.

recognised aeroplane means an aeroplane:

- (a) that is on the register of aircraft kept by a Contracting State; or
- (b) that is a State aircraft.

recognised foreign State means any of the following:

- (a) Canada;
- (b) Hong Kong;
- (c) New Zealand;

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- (d) United States of America;
- (e) the following EASA member States:
 - (i) Belgium;
 - (ii) Czech Republic;
 - (iii) Denmark;
 - (iv) Finland;
 - (v) France;
 - (vi) Germany;
 - (vii) Ireland;
 - (viii) Italy;
 - (ix) Netherlands;
 - (x) Norway;
 - (xi) Portugal;
 - (xii) Spain;
 - (xiii) Sweden;
 - (xiv) Switzerland;
 - (xv) United Kingdom;
- (f) any other foreign country prescribed by a legislative instrument under regulation 61.047.

recognised gyroplane means a gyroplane:

- (a) that is on the register of aircraft kept by a Contracting State; or
- (b) that is a State aircraft.

recognised helicopter means a helicopter:

- (a) that is on the register of aircraft kept by a Contracting State; or
- (b) that is a State aircraft.

recognised powered-lift aircraft means a powered-lift aircraft:

- (a) that is on the register of aircraft kept by a Contracting State; or
- (b) that is a State aircraft.

recreational aircraft means a single-engine aircraft that:

- (a) is certificated for single-pilot operation; and
- (b) has a maximum certificated take-off weight of less than 1 500 kg; and
- (c) is not rocket-powered or turbine-powered.

recreational aviation medical practitioner's certificate means a certificate from a medical practitioner to the effect that the holder meets the modified Austroads medical standards.

recreational pilot licence endorsement means an endorsement mentioned in regulation 61.485.

simulated flight engineer time means time spent in a flight simulation training device during which a flight engineer is performing the duties of a flight engineer.

simulated flight time means time spent in a flight simulation training device during which a pilot is performing the duties of a pilot.

simulated IMC means flight in an aircraft or flight simulation training device during which the pilot is prevented from viewing the external horizon.

simulator instructor means the holder of a simulator instructor rating.

single-pilot operation means an operation in an aircraft, other than a multi-crew operation.

single-pilot type rating means a pilot type rating authorising its holder to pilot an aircraft of the type covered by the rating in a single-pilot operation.

solo, in relation to a flight of an aircraft, means a flight in which the pilot is the sole occupant of the aircraft.

standard instrument departure means a departure under the IFR in accordance with an instrument departure procedure.

successfully participating: a person is ***successfully participating*** in an operator's training and checking system for an operation if:

- (a) the person is employed by the operator; and
- (b) the operator's training and checking system covers the operation; and
- (c) the person has met the requirements under the system for entry into the system; and
- (d) the person is permitted under the system to be assigned by the operator for duty for the operation.

tethered flight time means the duration of a flight in a tethered helicopter.

tethered helicopter means a helicopter tethered to a base that allows hovering but not free flight.

training endorsement means an endorsement mentioned in column 1 of table 61.1235.

training provider, for a person undertaking flight training, means:

- (a) the Part 141 or 142 operator conducting the training; or
- (b) the person conducting the training who holds an approval under regulation 141.035 or 142.040 to conduct the training.

type rating means:

- (a) a pilot type rating; or
- (b) a flight engineer type rating; or
- (c) a cruise relief type rating.

type specific: a rating or endorsement is ***type specific*** if the rating or endorsement applies only to an aircraft type that is specified on the rating or endorsement.

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variant, in relation to an aircraft model (the **first model**), means another aircraft model that CASA has prescribed by a legislative instrument under regulation 61.055 as a variant of the first model.

61.015 Definition of *category* of aircraft for Part 61

Each of the following is a **category** of aircraft:

- (a) aeroplane;
- (b) helicopter;
- (c) powered-lift aircraft;
- (d) gyroplane;
- (e) airship.

61.020 Definition of *class* of aircraft for Part 61

- (1) Each of the following is a **class** of aircraft:
 - (a) single-engine aeroplane;
 - (b) multi-engine aeroplane;
 - (c) single-engine helicopter;
 - (ca) powered-lift aircraft;
 - (d) single-engine gyroplane;
 - (e) airship.
- (2) For this Part, the single-engine aeroplane class includes:
 - (a) multi-engine centre-line thrust aeroplanes; and
 - (b) multi-engine aeroplanes that are prescribed by a legislative instrument under regulation 61.050 (Prescription of multi-engine aeroplanes included in single-engine aeroplane class).

61.025 Definition of *aeroplane* for Part 61

Aeroplane means an aeroplane that has flight controls providing control of the aeroplane in 3 axes and includes a touring motor glider being operated under Part 91.

61.035 Issue of Manual of Standards for Part 61

- (1) For paragraph 98(5A)(a) of the Act, CASA may issue a Manual of Standards for this Part that sets out matters relating to flight crew licences.
- (2) In particular, the Manual of Standards may set out standards for the following:
 - (a) approvals under regulation 61.040;
 - (b) aeronautical and other knowledge required by this Part for the grant of a licence, rating or endorsement;
 - (c) flight training;
 - (d) other training and development requirements;
 - (e) flight tests;

- (f) aviation and general English language proficiency;
- (g) general operating competencies for:
 - (i) aircraft of a particular class or type; and
 - (ii) activities authorised by operational ratings and endorsements;
- (h) competency in the use of an airborne collision avoidance system;
- (i) flight reviews;
- (k) instrument proficiency checks;
- (l) night vision imaging system proficiency checks;
- (m) aerial application proficiency checks;
- (n) instructor proficiency checks;
- (o) competencies for glider pilot licences.

61.040 Approvals by CASA for Part 61

- (1) If a provision of this Part refers to a person or organisation holding an approval under this regulation, the person or organisation may apply to CASA for the approval.
- (2) Subject to regulation 11.055, CASA must grant the approval if the following requirements are met:
 - (a) if the approval relates to a course or program:
 - (i) the course or program covers all the units of competency mentioned in the Part 61 Manual of Standards for the course or program; and
 - (ii) the course or program meets the standards (if any) mentioned in the Part 61 Manual of Standards for the course or program;
 - (b) if the approval relates to any other thing for which there are standards in the Part 61 Manual of Standards—the thing meets the standards;
 - (c) for any other approval—the applicant meets the requirements (if any) for the approval mentioned in the provision.
- (3) Subregulation 11.055(1B) applies to the granting of an approval mentioned in paragraph 61.1515(1)(b) (Limitations on exercise of privileges of glider pilot licences—general).

61.045 Prescription of qualification standards for flight simulation training devices

For paragraph 98(5A)(a) of the Act, CASA may, by legislative instrument, prescribe qualification standards for flight simulation training devices.

61.047 Prescription of recognised foreign States

For paragraph 98(5A)(a) of the Act, CASA may, by legislative instrument, prescribe foreign countries as recognised foreign States.

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61.050 Prescription of multi-engine aeroplanes included in single-engine aeroplane class

For paragraph 98(5A)(a) of the Act, CASA may, by legislative instrument, prescribe aeroplanes that are included in the single-engine aeroplane class.

61.055 Prescription of type ratings and variants—multi-crew aircraft

- (1) For paragraph 98(5A)(a) of the Act, CASA may, by legislative instrument, prescribe, for multi-crew aircraft:
 - (a) the type ratings that may be granted for multi-crew operation; and
 - (b) the aircraft models that are variants of each other; and
 - (c) in relation to each variant—the variants for which differences training is required; and
 - (d) the type ratings for which the flight review or instrument proficiency check requirements may be met by completion of a single flight review; and
 - (e) the type ratings for which the instrument proficiency check requirements may be met by completion of a single instrument proficiency check.
- (2) For paragraph 98(5A)(a) of the Act, if 2 or more aircraft models are variants of each other, CASA may, by legislative instrument, prescribe that the models are no longer variants of each other only if satisfied that:
 - (a) the complexity of one of the models' systems; or
 - (b) a difference in their performance or handling characteristics;requires the provision of additional flight training to enable a person to pilot an aircraft of that model safely.

61.060 Prescription of type ratings—single-pilot aircraft

- (1) For paragraph 98(5A)(a) of the Act, CASA may, by legislative instrument, prescribe:
 - (a) for a type of aircraft that is certificated for single-pilot operation—whether a single-pilot type rating is required; and
 - (b) for aircraft for which single-pilot type ratings are required:
 - (i) the type ratings that may be granted for single-pilot operation; and
 - (ii) the aircraft models that are variants of each other; and
 - (iii) in relation to each variant—the variants for which differences training is required; and
 - (c) the type ratings for which the flight review or instrument proficiency check requirements may be met by completion of a single flight review; and
 - (d) the type ratings for which the instrument proficiency check requirements may be met by completion of a single instrument proficiency check.
- (2) However, CASA may prescribe that a single-pilot type rating is required for an aircraft only if satisfied that:
 - (a) the complexity of the aircraft's systems; or
 - (b) its performance or handling characteristics;

requires the provision of additional flight training to enable a person to pilot an aircraft of that type safely.

61.061 Prescription of type-rated aircraft—flight review requirements for class ratings

For paragraph 98(5A)(a) of the Act, CASA may, by instrument, prescribe types of aircraft in which the conduct of a flight review or instrument proficiency check for a pilot type rating meets the flight review requirements for a class rating.

61.062 Prescription of types of aircraft for additional limitations on class ratings

For paragraph 98(5A)(a) of the Act, CASA may, by instrument, prescribe types of aircraft in which the privileges of a class rating may not be exercised unless the holder of the rating has completed flight training and a flight review in an aircraft of the type.

61.063 Prescription of types of single engine helicopters for flight reviews

For paragraph 98(5A)(a) of the Act, CASA may, by instrument, prescribe types of single-engine helicopters that may be used to conduct flight reviews for other types of single-engine helicopters.

61.065 Conduct of unauthorised activities—holders of flight crew licences

- (1) The holder of a flight crew licence commits an offence if:
 - (a) the holder conducts an activity mentioned in this Part while:
 - (i) piloting a registered aircraft; or
 - (ii) acting as flight engineer of a registered aircraft; or
 - (iii) acting as an instructor or examiner; and
 - (b) the holder is not authorised under this Part to conduct the activity.

Penalty: 50 penalty units.

- (2) An offence against this regulation, other than an offence for a contravention of regulation 61.385 (Limitations on exercise of privileges of pilot licences—general competency requirement), is an offence of strict liability.

Note: See also subsection 20AB(1) of the Act for an offence of performing any duty that is essential to the operation of an Australian aircraft during flight time without holding a relevant civil aviation authorisation or being otherwise authorised by or under these Regulations to perform the duty.

Division 61.A.2—Flight time and other aeronautical experience

61.070 Flight to which Division 61.A.2 applies

For this Division:

flight means flight in:

- (a) an aeroplane; or
- (b) a helicopter, other than a tethered helicopter; or
- (c) an airship; or
- (d) a glider, other than a hang glider, powered hang glider, paraglider or powered paraglider; or
- (e) a gyroplane; or
- (f) a powered-lift aircraft.

61.075 Definition of *aeronautical experience* for Part 61

A person's *aeronautical experience* is as follows:

- (a) for a pilot—the total of:
 - (i) the person's flight time as a pilot; and
 - (ii) the person's simulated flight time; and
 - (iii) the person's tethered flight time;
- (b) for a flight engineer—the total of:
 - (i) the person's flight time as a flight engineer; and
 - (ii) the person's simulated flight engineer time.

61.080 Definition of *flight time* as pilot for Part 61

A person's *flight time* as a pilot is:

- (a) the duration of the following flights:
 - (i) a solo flight by the person;
 - (ii) a flight in which the person receives flight training;
 - (iii) if the person is a flight instructor—a flight during which the person exercises the privileges of his or her flight instructor rating;
 - (iv) if the person is a flight examiner—a flight during which the person exercises the privileges of his or her flight examiner rating; and
- (b) the person's flight time as pilot in command; and
- (c) the person's flight time as pilot in command under supervision; and
- (d) the person's flight time as a co-pilot.

61.085 Definition of *flight time* as co-pilot for Part 61

A person's *flight time* as a co-pilot is any period, during flight in an aircraft that, under these Regulations, must be flown with a flight crew of at least 2 pilots, in

which the person is performing co-pilot duties other than as pilot in command under supervision.

Note: A co-pilot is a pilot on board an aircraft in a piloting capacity other than the pilot in command or a pilot who is on board the aircraft for the sole purpose of receiving flight training; see the definition of *co-pilot* in Part 1 of the Dictionary.

61.090 Definition of *flight time* as pilot in command for Part 61

A person's *flight time* as pilot in command of an aircraft is the duration of a flight for which the person is the pilot in command of the aircraft.

61.095 Definition of *flight time* as pilot in command under supervision for Part 61

- (1) A person's *flight time* as pilot in command under supervision is the duration of a flight if:
 - (a) the person holds a pilot licence; and
 - (b) the person performs all the duties of the pilot in command for the flight; and
 - (c) subregulation (2) or (3) applies to the flight.
- (2) For paragraph (1)(c), this subregulation applies to the flight if:
 - (a) the flight is conducted by an operator that has training and checking responsibilities; and
 - (b) the pilot in command of the flight is authorised by the operator or the operator's Part 142 operator to conduct the supervision of the person.
- (3) For paragraph (1)(c), this subregulation applies to the flight if:
 - (a) the person is supervised by a flight instructor or flight examiner; and
 - (b) the person is not receiving flight training.

61.100 Definition of *flight time* as flight engineer for Part 61

A person's *flight time* as a flight engineer is:

- (a) if the person is a flight engineer—the duration of a flight during which the person performs the duties of a flight engineer; and
- (b) if the person is a flight engineer instructor—the duration of a flight during which the person exercises the privileges of his or her flight engineer instructor rating; and
- (c) if the person is a flight engineer examiner—the duration of a flight during which the person exercises the privileges of his or her flight engineer examiner rating; and
- (d) if the person is the holder of a cruise relief flight engineer type rating—any time spent performing the duties of a flight engineer during flight.

61.105 Definition of *instrument flight time* for Part 61

- (1) A person's *instrument flight time* is:
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- (a) for the holder of an authorisation mentioned in subregulation (2) other than a flight instructor or flight examiner—any time spent piloting an aircraft solely by reference to instruments and without external visual reference points in IMC or simulated IMC; and
 - (b) for a person who does not hold an authorisation mentioned in subregulation (2)—any dual instrument flight time; and
 - (c) for a flight instructor—any time spent conducting training mentioned in regulation 61.1165, or a flight review, during dual instrument flight time in IMC; and
 - (d) for a flight examiner—any time spent conducting a flight test or proficiency check during instrument flight time in IMC.
- (2) For paragraph (1)(a), the authorisations are as follows:
- (a) an instrument rating;
 - (b) a private instrument rating;
 - (c) for flight in an aeroplane or powered-lift aircraft—an air transport pilot licence;
 - (d) for flight in an aeroplane—a multi-crew pilot licence.

61.110 Definition of *instrument ground time* for Part 61

A person's *instrument ground time* is:

- (a) for the holder of an authorisation mentioned in subregulation 61.105(2) other than a simulator instructor or flight examiner—any time spent conducting simulated flight in a flight simulation training device solely by reference to instruments and without simulated external visual reference points; and
- (b) for a person who does not hold an authorisation mentioned in subregulation 61.105(2)—any dual instrument ground time.

Division 61.A.3—Performing flight crew duties without licence, rating or endorsement

Subdivision 61.A.3.1—Student pilots

61.112 Flying as a student pilot

- (1) Subject to regulations 61.113 to 61.115, a person who does not hold a pilot licence is authorised to pilot an aircraft if:
 - (a) the pilot in command of the aircraft is a flight instructor and the flight is for the purpose of the person receiving flight training; or
 - (b) the flight is for a flight test for a pilot licence, or a rating or endorsement on a pilot licence, for the person; or
 - (c) the flight is:
 - (i) approved by, and conducted under the supervision of, a flight instructor authorised by a Part 141 or 142 operator to conduct the supervision; and
 - (ii) conducted under the VFR; and
 - (iii) conducted in accordance with the flight instructor's approval.
- (2) Subject to regulations 61.113 to 61.115, the holder of a recreational pilot licence is authorised to pilot a recreational aircraft under the VFR at night, or a non-recreational aircraft, if:
 - (a) the pilot in command of the aircraft is a flight instructor and the flight is for the purpose of receiving flight training; or
 - (b) the flight is for a flight test for another pilot licence or a rating or endorsement on a pilot licence; or
 - (c) the flight is:
 - (i) approved by, and conducted under the supervision of, a flight instructor authorised by a Part 141 or 142 operator to conduct the supervision; and
 - (ii) conducted under the VFR; and
 - (iii) conducted in accordance with the flight instructor's approval.
- (3) For subparagraphs (1)(c)(i) and (2)(c)(i), a flight is conducted under the supervision of a flight instructor if the instructor:
 - (a) provides guidance to the person in relation to the flight; and
 - (b) during the flight:
 - (i) is on board the aircraft; or
 - (ii) is at the aerodrome from which the flight began; or
 - (iii) is flying within 15 nautical miles of the aerodrome reference point for the aerodrome from which the flight began; and
 - (c) can be contacted during the flight by radio or other electronic means.

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- (4) For regulations 61.405 to 61.415 (which are about medical requirements), piloting an aircraft in accordance with subregulation (3) does not constitute the exercise of the privileges of a pilot licence.

Note: A person authorised to pilot an aircraft by this regulation is a *student pilot*: see Part 1 of the Dictionary.

61.113 General requirements for student pilots

- (1) A student pilot is authorised to conduct a solo flight in an aircraft only if the student pilot:
 - (a) has an ARN; and
 - (b) is at least 15.
- (2) A student pilot is not authorised to pilot an aircraft carrying passengers.
- (3) A student pilot is authorised to pilot an aircraft on a solo flight in another Contracting State's airspace only if the student pilot has the permission (however described) of the Contracting State.
- (4) A student pilot is not authorised to pilot an aircraft other than a registered aircraft.

61.114 Solo flights—medical requirements for student pilots

- (1) Subregulation (2) applies to:
 - (a) the conduct of a solo flight in an aircraft other than a recreational aircraft; or
 - (b) the conduct of a solo flight in a recreational aircraft under the VFR at night.
- (2) A student pilot is authorised to conduct the flight only if:
 - (a) the student pilot:
 - (i) holds a class 1 or 2 medical certificate; and
 - (ii) carries the medical certificate on the flight; or
 - (b) the student pilot:
 - (i) holds a medical exemption for the flight; and
 - (ii) carries a copy of the exemption on the flight.
- (3) Subregulation (4) applies to the conduct of a solo flight in a recreational aircraft by day, other than by the holder of a recreational pilot licence.
- (4) A student pilot is authorised to conduct the flight only if:
 - (a) the student pilot:
 - (i) holds a class 1 or 2 medical certificate; and
 - (ii) carries the medical certificate on the flight; or
 - (b) the student pilot:
 - (i) holds a current recreational aviation medical practitioner's certificate; and
 - (ii) meets the requirements mentioned in subregulation (5); or

- (c) the student pilot:
 - (i) holds a medical exemption for the flight; and
 - (ii) carries a copy of the exemption on the flight.
- (5) For subparagraph (4)(b)(ii), the requirements are as follows:
 - (a) the student pilot must have:
 - (i) given CASA a copy of his or her recreational aviation medical practitioner's certificate; and
 - (ii) received from CASA a written acknowledgement of the receipt of the copy;
 - (b) the student pilot must carry both of the following on the flight:
 - (i) a copy of the certificate;
 - (ii) a copy of the acknowledgement mentioned in subparagraph (a)(ii);
 - (c) the student pilot must comply with any limitations or conditions stated on the certificate;
 - (d) the student pilot must meet the modified Austroads medical standards.

Note: For when a person meets the modified Austroads medical standards, see regulation 67.262.

- (6) In this regulation:

current: a recreational aviation medical practitioner's certificate for a student pilot is **current** for the shortest of the following periods:

- (a) the period beginning on the day the certificate is signed by the medical practitioner and ending 24 months after that day;
- (b) if, when the student pilot conducts a solo flight the student pilot is at least 65—the period beginning on the day the certificate is signed by the medical practitioner and ending 12 months after that day;
- (c) if the certificate states the period for which it applies—the period beginning on the day the certificate is signed by the medical practitioner and ending at the end of the stated period.

61.115 Solo flights—recent experience requirements for student pilots

- (1) A student pilot is authorised to conduct a solo flight in an aircraft only if:
 - (a) the student pilot has, within the previous 30 days and in the same type of aircraft, successfully completed a dual flight check; and
 - (b) as a result of the flight, his or her solo flight time since he or she last successfully completed a dual flight check would not exceed 3 hours.
- (2) However, paragraph (1)(b) does not apply to the student pilot if the student pilot is enrolled in an integrated training course.
- (3) In addition, paragraph (1)(b) does not apply to a student pilot in relation to the conduct of a solo flight in an aircraft if the pilot is undergoing training, conducted by a Part 141 operator, for the grant under Part 61 of a private pilot licence, or commercial pilot licence, with a rating for that category of aircraft, and:

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- (a) the pilot holds a recreational pilot licence with such a rating; or
- (b) the Part 141 operator certifies, in writing, that the operator is satisfied that:
 - (i) the student pilot is competent to safely conduct a solo flight in an aircraft of the same category; and
 - (ii) the student pilot has met the competency standards for the grant, under Part 61, of a recreational pilot licence with a rating for that category of aircraft.

61.116 Student pilots authorised to taxi aircraft

A student pilot is authorised to taxi an aircraft if the student pilot is approved to taxi the aircraft by a flight instructor.

Note: See regulation 91.415 for an offence relating to taxiing aircraft without being authorised to do so.

61.117 Identity checks—student pilots

- (1) CASA may, by written notice given to a student pilot, require the student pilot to provide evidence of his or her identity in accordance with paragraph 6.57(1)(a) of the *Aviation Transport Security Regulations 2005*.
- (2) The student pilot commits an offence if:
 - (a) CASA has not told the student pilot, in writing, that he or she has complied with the requirement; and
 - (b) the student pilots an aircraft.

Penalty: 50 penalty units.

- (3) An offence against this regulation is an offence of strict liability.

61.118 Production of medical certificates etc. and identification—student pilots

- (1) CASA may direct a student pilot to produce any or all of the following documents for inspection by CASA:
 - (a) unless the student pilot holds a medical exemption to conduct a solo flight—the student pilot's medical certificate or recreational aviation medical practitioner's certificate;
 - (b) a document that includes a photograph of the student pilot showing the student's full face and his or her head and shoulders:
 - (i) that was issued within the previous 10 years by the government, or a government authority, of:
 - (A) the Commonwealth or a State or Territory; or
 - (B) a foreign country, or a state or province (however described) of a foreign country; and
 - (ii) that has not expired or been cancelled.
- (2) The student pilot commits an offence if:

- (a) CASA directs the student pilot to produce a document under subregulation (1); and
- (b) the student pilot does not produce the document before the earlier of the following:
 - (i) when the student pilot next conducts a solo flight;
 - (ii) within 7 days after the direction is given.

Penalty: 50 penalty units.

- (3) An offence against this regulation is an offence of strict liability.

Subdivision 61.A.3.2—Other circumstances in which flight crew duties may be performed without licence, rating or endorsement

61.119 Flying without licence—flight engineer duties

A person who does not hold a flight engineer licence is authorised to perform the duties of a flight engineer in a registered aircraft while:

- (a) receiving flight training from a flight engineer instructor; or
- (b) taking a flight test for a flight engineer licence or a flight crew rating or endorsement on a flight engineer licence.

61.120 Operation of aircraft radio without licence

A person who does not hold a flight crew licence, or who holds a recreational pilot licence but does not hold a flight radio endorsement, is authorised to transmit on an aviation safety radio frequency if:

- (a) the transmission is made while receiving training for a flight crew licence or flight radio endorsement; and
- (b) the transmission is approved by an instructor; and
- (c) the transmission is for the purpose of:
 - (i) safely conducting a flight that is approved by a flight instructor; or
 - (ii) receiving training in the use of an aircraft radio.

Note 1: A person is prohibited from transmitting on an aviation safety radio frequency unless the person is authorised or qualified to do so: see regulation 91.625.

Note 2: For the definition of *aviation safety radio frequency*, see the Dictionary.

61.125 Conducting flight activities without rating or endorsement

- (1) A person who holds a pilot licence, but does not hold a rating or endorsement for the conduct of an activity for which a rating or endorsement is required under this Part, is authorised to conduct the activity if:
 - (a) the activity is conducted while:
 - (i) receiving flight training for the rating or endorsement; or
 - (ii) taking a flight test for the rating or endorsement; or
 - (iii) meeting the aeronautical experience requirements for the rating or endorsement; and

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- (b) the activity is approved by, and conducted under the supervision of, a flight instructor.
- (2) A person who holds a flight engineer licence, but does not hold a rating or endorsement for the conduct of an activity for which a rating or endorsement is required under this Part, is authorised to conduct the activity if:
 - (a) the activity is conducted while:
 - (i) receiving flight training for the rating or endorsement; or
 - (ii) taking a flight test for the rating or endorsement; or
 - (iii) meeting the aeronautical experience requirements for the rating or endorsement; and
 - (b) the activity is approved by, and conducted under the supervision of, a flight engineer instructor.

61.126 Conducting flight activities without having met proficiency check or flight review

- (1) A person who holds a flight crew licence, but has not met the proficiency check requirements for the conduct of an activity for which a proficiency check is required under this Part, is authorised to conduct the activity while the person undertakes the proficiency check.
- (2) A person who holds a flight crew licence, but has not met the flight review requirements for the conduct of an activity for which a flight review is required under this Part, is authorised to conduct the activity while the person undertakes the flight review.

61.130 Operation of helicopter using auto flight control system without licence or rating

- (1) This regulation applies to a person who, apart from this regulation, would not be authorised under this Part to pilot a helicopter.
- (2) The person is authorised to pilot the helicopter using the helicopter's auto flight control system if:
 - (a) the person is approved to do so by the helicopter's:
 - (i) operator; and
 - (ii) pilot in command; and
 - (b) the person does so under the supervision of the pilot in command.

61.135 Authorisation to conduct flight training or flight test without holding type rating

- (1) An instructor may apply to CASA, in writing, for authorisation to conduct training for the grant of a pilot type rating or flight engineer type rating in an aircraft for which the instructor does not hold the rating.

- (2) An examiner may apply to CASA, in writing, for authorisation to conduct a flight test required for the grant of a pilot type rating or flight engineer type rating for an aircraft for which the examiner does not hold:
 - (a) the pilot type rating or flight engineer type rating; or
 - (b) a training endorsement; or
 - (c) a flight test endorsement.
- (3) Subject to regulation 11.055, CASA must grant the authorisation.
- (4) Subject to regulations 141.050 and 142.050, if CASA grants the authorisation, the person is authorised to conduct the training or flight test in accordance with the authorisation.

61.140 Authorisation to test aircraft without holding type rating

- (1) The holder of a flight crew licence may apply to CASA, in writing, for authorisation to act as a flight crew member of an aircraft for which the person does not hold a pilot type rating or flight engineer type rating during a flight conducted for the purpose of:
 - (a) testing the aircraft; or
 - (b) conducting an experiment in relation to the aircraft.
- (2) Subject to regulation 11.055, CASA must grant the authorisation.
- (3) If CASA grants the authorisation, the person is authorised to act as a flight crew member during the flight in accordance with the authorisation.

61.145 Piloting glider without holding glider pilot licence

- (1) A person is authorised to pilot a glider without holding a glider pilot licence if the person:
 - (a) holds an authorisation, granted by a glider organisation, that permits the holder to pilot a glider as pilot in command; and
 - (b) operates the glider in accordance with the organisation's operations manual or exposition (whichever is applicable).
- (2) A person (a ***student pilot***) is authorised to pilot a glider without holding a glider pilot licence if:
 - (a) the pilot in command of the glider holds an authorisation from a glider organisation that permits the holder to conduct training and assessment in a glider; and
 - (b) the flight is for the purpose of training, or assessing the competency of, the student pilot to pilot a glider; and
 - (c) the student pilot meets the requirements (if any) set out in the glider organisation's operations manual or exposition (whichever is applicable) for a student pilot conducting a flight.
- (3) A person (a ***student pilot***) is authorised to pilot a glider without holding a glider pilot licence if:

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- (a) the flight is:
 - (i) approved by, and conducted under the supervision of, a pilot who holds an authorisation from a glider organisation that permits the holder to conduct training and assessment in a glider (the *glider instructor*); and
 - (ii) conducted under the VFR; and
 - (iii) conducted in accordance with the glider instructor's approval; and
- (b) the student pilot meets the requirements (if any) set out in the glider organisation's operations manual or exposition (whichever is applicable) for a student pilot conducting a flight.

Subpart 61.B—Grant of flight crew licences, ratings and endorsements

Division 61.B.1—General

61.150 People who may grant flight crew licences, ratings and endorsements

- (1) CASA may grant any flight crew licence, rating or endorsement.
- (2) Subject to subregulation (8) and regulation 61.1265, a flight examiner may grant the following:
 - (a) a rating on a pilot licence, other than:
 - (i) an aircraft category rating; or
 - (ii) a flight examiner rating; or
 - (iii) a cruise relief flight engineer type rating;
 - (b) an endorsement on a pilot licence, other than a flight test endorsement.
- (3) Subject to subregulation (8) and regulations 61.1175 and 61.1200, a pilot instructor may grant an endorsement on a pilot licence, other than:
 - (a) a flight examiner endorsement; or
 - (b) a training endorsement mentioned in Part 1 or 2 of table 61.1235; or
 - (c) an endorsement for which a flight test is required under this Part.
- (4) Subject to subregulation (8) and regulation 61.1455, a flight engineer examiner may grant the following:
 - (a) a rating on a flight engineer licence, other than a flight engineer examiner rating;
 - (b) an endorsement on a flight engineer licence, other than a flight engineer flight test endorsement;
 - (c) a cruise relief flight engineer type rating.
- (5) Subject to subregulation (8) and regulation 61.1405, a flight engineer instructor may grant a flight engineer training endorsement.
- (6) Subject to subregulation (8) and the limitations (if any) of the person's approval, the holder of an approval under regulation 141.035 or 142.040 (an **approval holder**) may grant a flight crew endorsement for which the holder is approved to conduct flight training.
- (7) Subject to subregulation (8) and the limitations (if any) of the person's approval, the holder of an approval under regulation 61.040 (also an **approval holder**) may grant the following:
 - (a) a flight crew rating, other than an examiner rating;
 - (b) a flight crew endorsement, other than a flight test endorsement or a flight engineer flight test endorsement.

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Subpart 61.B Grant of flight crew licences, ratings and endorsements

Division 61.B.1 General

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- (8) An examiner, instructor or approval holder cannot grant a flight crew rating or endorsement to a person if the person is taken to meet the requirements for the rating or endorsement under:
- (a) regulation 61.275 (Overseas flight crew authorisations—recognition); or
 - (b) regulation 61.285 (Australian Defence Force qualifications—recognition).

Note: A flight crew licence, rating or endorsement granted under a bilateral agreement may only be granted by CASA: see regulation 61.280.

61.155 Applications for flight crew licences, ratings and endorsements

- (1) An application for a flight crew licence, rating or endorsement must be made to a person who may grant the licence, rating or endorsement.

Note: See Subpart 11.B, in particular, regulation 11.030, about applications for authorisations.

- (2) The application must:

- (a) be in writing; and
- (b) if the application is for a pilot licence—include an application for an aircraft category rating.

- (2A) Subregulation (2B) applies if the application is for a flight crew licence and the applicant has not:

- (a) applied to CASA for another flight crew licence in the previous 10 years and submitted with the application a photograph of the applicant; or
- (b) given to CASA, within the previous 10 years, a photograph of the applicant in response to a direction or request in writing by CASA to the applicant.

- (2B) The applicant must also submit to CASA a recent photograph of the applicant, showing the applicant's full face and his or her head and shoulders.

- (3) If the requirements for the grant of a flight crew licence, rating or endorsement (the **second authorisation**) include a requirement that the applicant hold, or be eligible for, another flight crew licence, rating or endorsement (the **first authorisation**), a person may:

- (a) apply for the first and second authorisations at the same time; or
- (b) apply for the second authorisation at any time after applying for the first authorisation, whether or not the first authorisation has been granted before the person applies for the second authorisation.

61.160 Grant of flight crew licences

Subject to regulation 11.055, CASA must grant a flight crew licence to an applicant for the licence if:

- (a) the application complies with regulation 61.155; and
- (b) the applicant:
 - (i) meets the requirements mentioned in this Part for the grant of the licence; and

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- (ii) for a flight crew licence other than a recreational pilot licence—has a current aviation English language proficiency assessment; and
- (iii) for a recreational pilot licence—meets the general English language proficiency requirements mentioned in regulation 61.265.

Note: Despite anything in these Regulations, CASA is not to issue a flight crew licence to an applicant unless certain requirements are met: see regulation 6.57 of the *Aviation Transport Security Regulations 2005*.

61.165 Grant of flight crew ratings

Subject to regulation 11.055, CASA, or an examiner or an approval holder within the meaning of regulation 61.150, must grant a flight crew rating to an applicant for the rating if:

- (a) the application complies with regulation 61.155; and
- (b) for an application to an examiner or approval holder—the examiner or approval holder may, under regulation 61.150, grant the rating; and
- (c) the applicant meets the requirements mentioned in this Part for the grant of the rating.

61.170 Grant of flight crew endorsements

Subject to regulation 11.055, CASA, or an examiner, instructor or an approval holder within the meaning of regulation 61.150, must grant a flight crew endorsement to an applicant for the endorsement if:

- (a) the application complies with regulation 61.155; and
- (b) for an application to an examiner, instructor or approval holder—the examiner, instructor or approval holder may, under regulation 61.150, grant the endorsement; and
- (c) the applicant meets the requirements mentioned in this Part for the grant of the endorsement.

61.175 How CASA issues flight crew licences, ratings and endorsements

- (1) Subregulation (2) applies if:
 - (a) CASA grants a flight crew licence to a person under regulation 61.160; and
 - (b) the person does not already hold a flight crew licence.
- (2) For subregulation (1), CASA must issue to the person a document (the ***licence document***) indicating that the person is authorised to exercise the privileges of:
 - (a) the flight crew licence; and
 - (b) if, at the same time, CASA also grants a flight crew rating or endorsement to the person under regulation 61.165 or 61.170—the rating or endorsement.
- (3) Subregulation (4) applies if:
 - (a) CASA grants a flight crew licence (the ***new licence***) to a person under regulation 61.160; and
 - (b) the person already holds a flight crew licence (the ***existing licence***).

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- (4) For subregulation (3), CASA must issue to the person a new licence document indicating that the person is authorised to exercise the privileges of:
 - (a) the new licence; and
 - (b) the existing licence; and
 - (c) any flight crew ratings and endorsements that the person already holds or that CASA grants at the same time as the new licence.
- (5) Subregulation (6) applies if:
 - (a) CASA grants a flight crew rating or endorsement to a person under regulation 61.165 or 61.170, other than a rating or endorsement granted at the same time as a flight crew licence; and
 - (b) the person already holds a flight crew licence.
- (6) For subregulation (5), CASA must endorse the person's licence document to the effect that the person is authorised to exercise the privileges of the rating or endorsement.

61.180 How examiner, instructor or approval holder issues rating or endorsement

- (1) If an examiner or approval holder grants a flight crew rating to a person under regulation 61.165, the examiner or approval holder must:
 - (a) endorse the person's licence document to the effect that the person is authorised to exercise the privileges of the rating; and
 - (b) give CASA a written notice that the person has met the requirements mentioned in this Part for the grant of the rating.
- (2) If an examiner, instructor or approval holder grants a flight crew endorsement to a person under regulation 61.170, the examiner, instructor or approval holder must:
 - (a) endorse the person's licence document to the effect that the person is authorised to exercise the privileges of the endorsement; and
 - (b) give CASA a written notice that the person has met the requirements mentioned in this Part for the grant of the endorsement.
- (3) An examiner, instructor or approval holder commits an offence if he or she contravenes subregulation (1) or (2).

Penalty: 50 penalty units.
- (4) If CASA is satisfied that the rating or endorsement was issued in error, CASA must cancel the rating or endorsement.
- (5) An offence against this regulation is an offence of strict liability.

61.185 New licence document if licence, rating or endorsement cancelled

- (1) This regulation applies if:

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- (a) a flight crew licence, rating or endorsement is cancelled under Part 16 of CAR or Subpart 11.D; and
 - (b) the holder of the licence, rating or endorsement holds a licence that is not cancelled (the *continuing licence*).
- (2) CASA must issue to the holder a new licence document indicating that the holder is authorised to exercise the privileges of:
- (a) the continuing licence; and
 - (b) any ratings or endorsements that the holder continues to hold.

61.190 Licence holder to comply with limitations and requirements of Part 61

It is a condition of a flight crew licence, rating or endorsement that the holder must comply with:

- (a) the limitations on the exercise of the privileges of the licence, rating or endorsement set out in this Part; and
- (b) the requirements set out in this Part that apply to the holder.

Division 61.B.2—Flight training and other training

61.195 Flight training requirements

- (1) Subregulation (2) applies to flight training for:
 - (a) a flight crew licence; or
 - (b) a flight crew rating; or
 - (c) a flight crew endorsement, other than a design feature endorsement or a flight activity endorsement.

Note: For training, other than flight training, see regulation 61.210.

- (2) For subregulation (1), a requirement in this Part for an applicant for a flight crew licence, rating or endorsement to have completed flight training for the licence, rating or endorsement is met only if:
 - (a) the applicant has received training in all the units of competency mentioned in the Part 61 Manual of Standards for the licence, rating or endorsement; and
 - (b) the training is conducted by:
 - (i) an instructor for a Part 141 or 142 operator that is authorised to conduct flight training for the licence, rating or endorsement; or
 - (ii) the holder of an approval under regulation 141.035 or 142.040 to conduct the training; and
 - (c) the applicant has been assessed as competent in each unit of competency by the instructor or approval holder; and
 - (d) for flight training for the grant of an aircraft class rating or type rating—the training is conducted in accordance with regulation 61.205; and
 - (e) the applicant's training provider has given the applicant a course completion certificate indicating that the requirements of paragraphs (a) and (c) have been met.
- (3) Subregulation (4) applies to flight training for a design feature endorsement or a flight activity endorsement.
- (4) For subregulation (3), a requirement in this Part for an applicant for a flight crew endorsement to have completed flight training for the endorsement is met only if:
 - (a) the applicant has received training in all the units of competency mentioned in the Part 61 Manual of Standards for the endorsement; and
 - (b) the training is conducted by:
 - (i) an instructor; or
 - (ii) the holder of an approval under regulation 61.040 to conduct the training; and
 - (c) the applicant has been assessed as competent in each unit of competency by the instructor or approval holder.

- (5) For paragraphs (2)(c) and (4)(c), the assessment must be conducted against the standards mentioned in the Part 61 Manual of Standards for the licence, rating or endorsement.

61.200 Differences training requirements

A requirement in this Part for the holder of a type rating to have completed differences training for a variant of the aircraft type covered by the rating is met only if:

- (a) the holder has received training in all the units of competency mentioned in the Part 61 Manual of Standards for the rating that are necessary to ensure that the holder is able to exercise the privileges of the rating as safely as the holder would have been able to, had the holder undertaken the flight training for the rating in the variant; and
- (b) the training is conducted by:
 - (i) an instructor for a Part 141 or 142 operator that is authorised to conduct differences training for the variant; or
 - (ii) the holder of an approval under regulation 141.035 or 142.040 to conduct the training; and
- (c) the holder has been assessed by the instructor or approval holder as competent to exercise the privileges of the rating as safely as the holder would have been able to, had the holder undertaken the flight training for the rating in the variant; and
- (d) the training is conducted in accordance with regulation 61.205; and
- (e) the applicant's training provider has given the applicant a course completion certificate indicating that the requirements of paragraphs (a) and (c) have been met.

61.205 When training must not be conducted in aircraft

- (1) For paragraphs 61.195(2)(d), 61.200(d) and 61.747(3)(c), the training must not be conducted in an aircraft with a maximum certificated passenger seating capacity of more than 9 if:
- (a) there is an approved flight simulator for the training available in Australia; or
 - (b) for a rating that applies only to an aircraft with a maximum certificated passenger seating capacity of more than 19 or a maximum certificated take-off weight of more than 8 618 kg—there is an approved flight simulator for the training available outside Australia.
- (2) In this regulation:
- available**, for training, means able to be used for the training.

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61.210 Other approved courses of training or professional development

- (1) A requirement in this Part for a student pilot or an applicant for a flight crew licence, rating or endorsement to have completed an approved course of training or professional development is met only if:
 - (a) for a course that is approved under regulation 61.040—the student or applicant:
 - (i) has received training in all the units of competency mentioned in the Part 61 Manual of Standards for the course; and
 - (ii) has been assessed as competent by the person conducting the course against the standards mentioned in the Part 61 Manual of Standards for the course; or
 - (b) for a course that is conducted by a Part 141 or 142 operator—the student or applicant:
 - (i) has received training in all the units of competency mentioned in the course's syllabus; and
 - (ii) has been assessed by a person mentioned in subregulation (2) as competent against the standards mentioned in the course's syllabus.
- (2) For subparagraph (1)(b)(ii), the persons are as follows:
 - (a) the head of operations of the Part 141 or 142 operator that conducted the training;
 - (b) an instructor who is authorised by the head of operations to conduct the assessment;
 - (c) the holder of an approval under regulation 141.035 or 142.040 to conduct the training.

Division 61.B.3—Aeronautical knowledge examinations

61.215 Aeronautical knowledge examinations—general

- (1) CASA may set aeronautical knowledge examinations for the grant of a flight crew licence, rating or endorsement in accordance with the aeronautical knowledge standards mentioned in the Part 61 Manual of Standards for the licence, rating or endorsement.
- (2) A Part 141 or 142 operator may set aeronautical knowledge examinations for the grant of:
 - (a) a recreational pilot licence; or
 - (b) a flight crew rating other than an instrument rating; or
 - (c) a flight crew endorsement.
- (3) However, a Part 141 or 142 operator may set an aeronautical knowledge examination only if:
 - (a) the examination is set in accordance with the aeronautical knowledge standards mentioned in the Part 61 Manual of Standards for the licence, rating or endorsement; and
 - (b) the operator holds an approval under regulation 61.040 for the examination.
- (4) The examinations may be conducted at the times and places, and in accordance with arrangements, decided by the body setting the examination.

61.220 Aeronautical knowledge examinations—air transport pilot licence

To be eligible to sit the aeronautical knowledge examination for an air transport pilot licence with a particular aircraft category rating, an applicant must:

- (a) hold a commercial pilot licence with that rating; or
- (b) have passed the aeronautical knowledge examination for a commercial pilot licence with that rating; or
- (c) hold an approval under regulation 61.040 to sit the examination.

61.225 Aeronautical knowledge examinations—pass standards

- (1) A requirement in this Part for a person to have passed an aeronautical examination for a flight crew licence, rating or endorsement is met if the person meets the standards mentioned in the Part 61 Manual of Standards for the examination.
- (2) However, a person is taken to have passed an aeronautical knowledge examination only if the person passes all parts of the examination within a period of 2 years.
- (3) If on 3 occasions a person attempts, but fails to pass, an aeronautical knowledge examination, or a part of an examination, the person is not permitted to attempt

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the examination or part again within 3 months beginning on the day the person attempts the examination or part for the third time.

- (4) If on 4 occasions a person attempts, but fails to pass, an aeronautical knowledge examination, or a part of an examination, the person is not permitted to attempt the examination or part again until CASA is satisfied that the person has completed appropriate training.

61.230 Aeronautical knowledge examinations—knowledge deficiency reports

- (1) This regulation applies if a candidate for an aeronautical knowledge examination:
- (a) passes the examination with a score of less than 100%; or
 - (b) fails the examination with a score of at least 51%.
- (2) The body that conducts the examination must:
- (a) prepare a report about the competency standards in which the candidate's knowledge is deficient; and
 - (b) give a copy of the report to the candidate; and
 - (c) if the examination was not conducted by the candidate's training provider—give a copy of the report to the candidate's training provider.

Division 61.B.4—Flight tests

61.235 Flight tests for flight crew licences and ratings—prerequisites

Flight crew licence prerequisites

- (1) Subregulation (2) applies to an applicant for a flight crew licence, other than an applicant who is eligible for the licence under subregulation 61.275(1) (Overseas flight crew authorisations—recognition).
- (2) For subregulation (1), the applicant is eligible to take a flight test for the licence only if:
 - (a) the applicant:
 - (i) is at least the minimum age to hold the licence; and
 - (ii) has passed the aeronautical knowledge examination for the licence; and
 - (iii) has met the flight training requirements for the grant of the licence; and
 - (iv) has met the aeronautical experience requirements for the grant of the licence; and
 - (v) for a flight crew licence other than a recreational pilot licence—has a current aviation English language proficiency assessment; and
 - (vi) for a recreational pilot licence—meets the general English language proficiency requirements mentioned in regulation 61.265; and
 - (aa) for a flight crew licence other than an air transport pilot licence—a person mentioned in subregulation (5), (6) or (7) has certified in writing that the applicant has met the requirements mentioned in paragraph (a); and
 - (b) for a flight crew licence other than an air transport pilot licence, if the applicant passed the aeronautical knowledge examination for the licence with a score of less than 100%:
 - (i) the applicant’s training provider has given the examiner who is to conduct the applicant’s flight test a copy of the applicant’s knowledge deficiency report; and
 - (ii) the applicant satisfies the examiner that the applicant has sufficient knowledge in any competency standard mentioned in the knowledge deficiency report to safely exercise the privileges of the licence; and
 - (c) if the flight test is to be conducted in an aircraft:
 - (i) the applicant holds a current medical certificate of the class required for the exercise of the privileges of the licence; or
 - (ii) if the test is for a recreational pilot licence—the applicant holds a current recreational aviation medical practitioner’s certificate; or
 - (iii) the applicant holds a medical exemption for the exercise of the privileges of the licence.

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Flight crew rating prerequisites

- (3) Subregulation (4) applies to an applicant for a flight crew rating, other than an applicant who is eligible for the rating under subregulation 61.275(2) or (3).
- (4) For subregulation (3), the applicant is eligible to take a flight test for the rating only if:
 - (a) a person mentioned in subregulation (5), (6) or (7) has certified in writing that the applicant:
 - (i) if the application is for an operational rating—has passed the aeronautical knowledge examination for the rating; and
 - (ii) has met the flight training requirements for the grant of the rating; and
 - (iii) has met the aeronautical experience requirements for the rating; and
 - (b) if the test is to be conducted in an aircraft:
 - (i) the applicant holds a current class 1 or 2 medical certificate or recreational aviation medical practitioner's certificate; or
 - (ii) the applicant holds a medical exemption for the exercise of the privileges of the licence.
- (5) For paragraphs (2)(aa) and (4)(a), if the applicant's training provider is a Part 141 operator, the person is:
 - (a) the operator's head of operations; or
 - (b) a person named in the operator's operations manual as responsible for the flight training to which the flight test relates.
- (6) For paragraphs (2)(aa) and (4)(a), if the applicant's training provider is a Part 142 operator, the person is:
 - (a) the operator's head of operations; or
 - (b) a person named in the operator's exposition as responsible for the flight training to which the flight test relates.
- (7) For paragraphs (2)(aa) and (4)(a), if the applicant's training provider is the holder of an approval under regulation 141.035 or 142.040 to conduct the training, the person is the approval holder.

61.240 Consequences of taking flight test when ineligible

An applicant for a flight crew licence or rating is taken not to have passed a flight test if, when the applicant took the flight test, the applicant was not eligible under regulation 61.235 to take the flight test.

61.245 Conduct of flight tests for flight crew licences, ratings and endorsements

- (1) The flight test for a flight crew licence, rating or endorsement must be conducted in:
 - (a) an aircraft or an approved flight simulator for the purpose; and
 - (b) if the flight test is for a rating or endorsement that is limited to a particular category, class or type of aircraft:

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- (i) an aircraft of that category, class or type; or
 - (ii) an approved flight simulator for that category, class or type of aircraft that is appropriate for the flight test.
- (2) However, the flight test for an aircraft class rating or type rating must not be conducted in an aircraft with a maximum certificated passenger seating capacity of more than 9 if:
 - (a) there is an approved flight simulator for the flight test available in Australia; or
 - (b) for a rating that applies only to an aircraft with a maximum certificated passenger seating capacity of more than 19 or a maximum certificated take-off weight of more than 8 618 kg—there is an approved flight simulator for the flight test available outside Australia.
- (3) The flight test must be conducted by an examiner or the holder of an approval under regulation 61.040 to conduct the flight test (the **Part 61 approval holder**) who is nominated by the applicant's training provider.
- (4) However, at any time before the test begins, CASA may, by written notice to the training provider and, if the training provider has nominated an examiner or Part 61 approval holder to conduct the flight test, the examiner or Part 61 approval holder:
 - (a) nominate a different examiner or Part 61 approval holder to conduct the flight test; or
 - (b) require that CASA will conduct the flight test.
- (5) In this regulation:

available, for a flight test, means able to be used for the flight test.

61.250 Pass standards for flight tests

An applicant for a flight crew licence, rating or endorsement passes the flight test for the licence, rating or endorsement if the examiner assesses the applicant's performance in the flight test as meeting the competency standards mentioned in the Part 61 Manual of Standards for the flight test.

Division 61.B.5—English language proficiency

61.255 Aviation English language proficiency assessments

- (1) A person may apply, in writing, to CASA or an examiner for an assessment of the person's aviation English language proficiency.
- (2) The applicant passes the assessment if CASA or the examiner is satisfied that the applicant meets the ICAO level 6 aviation English language proficiency standards mentioned in the Part 61 Manual of Standards.
- (3) If CASA or the examiner is not satisfied that the applicant meets the ICAO level 6 aviation English language proficiency standards mentioned in the Part 61 Manual of Standards, CASA or the examiner must refer the application to an aviation English language proficiency assessor.
- (4) The applicant passes the assessment if the assessor is satisfied that the applicant meets the ICAO level 4, 5 or 6 aviation English language proficiency standards mentioned in the Part 61 Manual of Standards.

61.260 Duration of English language proficiency assessments

A person's aviation English language proficiency assessment is **current** as follows:

- (a) if the person was assessed as meeting the ICAO level 6 aviation English language proficiency standards—*indefinitely*;
- (b) if the person was assessed as meeting the ICAO level 5 aviation English language proficiency standards—for 6 years beginning on the day the assessment is conducted;
- (c) if the person was assessed as meeting the ICAO level 4 aviation English language proficiency standards—for 3 years beginning on the day the assessment is conducted.

61.265 Recreational pilot licences—general English language proficiency

- (1) For subparagraph 61.160(b)(iii), an applicant for a recreational pilot licence must:
 - (a) have been assessed by CASA or an examiner as meeting the general English language proficiency standard mentioned in the Part 61 Manual of Standards; or
 - (b) satisfy a person mentioned in subregulation (2) that the applicant:
 - (i) has successfully completed one of the general English language proficiency tests mentioned in the Part 61 Manual of Standards; and
 - (ii) has sufficient general English language proficiency to safely exercise the privileges of the licence.
- (2) For paragraph (1)(b), the persons are as follows:
 - (a) the head of operations of a Part 141 or 142 operator;

- (b) an instructor who is authorised by the head of operations to assess the applicant's English language proficiency.

61.270 Approval of language proficiency assessors

- (1) A person may apply to CASA, in writing, for approval to conduct aviation English language proficiency assessments.
- (2) Subject to regulation 11.055, CASA must grant the approval if CASA is satisfied that the person has successfully completed an approved course of training in assessment of aviation English language.

Division 61.B.6—Recognition of overseas flight crew authorisations

61.275 Overseas flight crew authorisations—recognition

- (1) Despite anything else in this Part, the holder of an overseas flight crew licence (the **applicant**) is taken to meet the requirements under this Part for the grant of a flight crew licence (an **Australian licence**) with an aircraft category rating if:
 - (a) CASA is satisfied that the overseas flight crew licence and any ratings on that licence are at least equivalent to the Australian licence with that aircraft category rating; and
 - (b) the applicant is at least the minimum age for the grant of the Australian licence; and
 - (c) the applicant holds an authorisation to operate an aircraft radio granted by the national aviation authority of a Contracting State; and
 - (d) either:
 - (i) the applicant's overseas licence states that the applicant meets the ICAO level 4, 5 or 6 aviation English language proficiency standards; or
 - (ii) the applicant has a current aviation English language proficiency assessment; and
 - (e) for an application for a commercial pilot licence:
 - (i) a person mentioned in subregulation (5) certifies in writing that the applicant is competent in each unit of competency mentioned in the Part 61 Manual of Standards for the Australian licence; and
 - (ii) the applicant passes the flight test mentioned in the Part 61 Manual of Standards for the Australian licence; and
 - (ea) for an application for a multi-crew pilot licence or air transport pilot licence—the applicant passes the flight test mentioned in the Part 61 Manual of Standards for the Australian licence; and
 - (f) the applicant has passed the overseas conversion aeronautical knowledge examination mentioned in the Part 61 Manual of Standards for the Australian licence and aircraft category rating.

Note: Despite anything in these Regulations, CASA is not to issue a flight crew licence to an applicant unless certain requirements are met: see regulation 6.57 of the *Aviation Transport Security Regulations 2005*.

- (2) Despite anything else in this Part, the holder of an overseas flight crew licence (the **applicant**) is taken to meet the requirements under this Part for the grant of an aircraft class rating, pilot type rating or flight engineer type rating (an **Australian rating**) if:
 - (a) the applicant holds, or has held, an overseas rating; and
 - (b) CASA is satisfied that the overseas rating is at least equivalent to the Australian rating.

- (3) Despite anything else in this Part, the holder of an overseas flight crew licence (the **applicant**) is taken to meet the requirements under this Part for the grant of an operational rating (an **Australian rating**) if:
- (a) the applicant holds, or has held, an overseas rating; and
 - (b) CASA is satisfied that the overseas rating is at least equivalent to the Australian rating; and
 - (c) a person mentioned in subregulation (5) certifies in writing that the applicant is competent in each unit of competency mentioned in the Part 61 Manual of Standards for the Australian rating; and
 - (d) the applicant passes the aeronautical knowledge examination for the Australian rating; and
 - (e) CASA is satisfied that the applicant has completed the aeronautical experience required for the grant of the Australian rating; and
 - (f) the applicant passes the flight test mentioned in the Part 61 Manual of Standards for the Australian rating.
- (4) Despite anything else in this Part, the holder of an overseas flight crew licence (the **applicant**) is taken to meet the requirements under this Part for the grant of a flight crew endorsement (an **Australian endorsement**) if:
- (a) the applicant holds, or has held, an overseas endorsement; and
 - (b) CASA is satisfied that the overseas endorsement is at least equivalent to the Australian endorsement; and
 - (c) if the requirements for the grant of the endorsement include passing a flight test—the applicant passes the flight test.
- (5) For subparagraph (1)(e)(i) and paragraph (3)(c), the persons are as follows:
- (a) the head of operations of a Part 141 or 142 operator that is authorised to conduct flight training for the Australian licence or rating;
 - (b) a person named in the Part 141 operator's operations manual, or the Part 142 operator's exposition, as responsible for flight training for the licence or rating.

61.280 Grant of flight crew licences, ratings or endorsements under bilateral agreements

CASA may grant a flight crew licence, rating or endorsement to the holder of an overseas flight crew licence in accordance with a bilateral agreement between Australia and the Contracting State whose licensing authority granted the overseas licence.

Note: The holder of a commercial pilot licence or an airline transport pilot licence granted by the Civil Aviation Authority of New Zealand is eligible for an equivalent Australian licence and equivalent ratings and other endorsements: see the *Trans-Tasman Mutual Recognition Act 1997*.

Division 61.B.7—Recognition of Australian Defence Force qualifications

61.285 Australian Defence Force qualifications—recognition

Despite anything else in this Part, a member or former member of the Australian Defence Force is taken to meet the requirements under this Part for the grant of a flight crew licence, rating or endorsement, other than an examiner rating, if the member:

- (a) holds, or has held, a flight crew qualification granted by the Australian Defence Force that CASA is satisfied is at least equivalent to the licence, rating or endorsement; and
- (b) for a flight crew licence:
 - (i) is at least the minimum age for the grant of the licence; and
 - (ii) has a current aviation English language proficiency assessment; and
- (c) meets the aeronautical experience requirements for the licence, rating or endorsement; and
- (f) for an air transport pilot licence:
 - (i) passes the Australian Defence Force conversion aeronautical knowledge examination for the air transport pilot licence mentioned in the Part 61 Manual of Standards; and
 - (ii) completes an approved course of training in multi-crew cooperation; and
 - (iii) passes the flight test mentioned in the Part 61 Manual of Standards for the air transport pilot licence; and
- (g) for an instrument rating—passes:
 - (i) the aeronautical knowledge examination for the rating; and
 - (ii) the flight test mentioned in the Part 61 Manual of Standards for the rating; and
- (h) for an instructor rating—passes the flight test mentioned in the Part 61 Manual of Standards for the rating.

Subpart 61.C—Certificates of validation

61.290 Grant of certificates of validation

- (1) The holder of an overseas flight crew licence may apply to CASA for the grant of a certificate of validation of the licence and any overseas rating or endorsement attached to the licence.
- (2) Subject to regulation 11.055, CASA must grant the certificate of validation if:
 - (a) the applicant is authorised (however described) to exercise the privileges of the overseas flight crew licence and any rating or endorsement attached to the licence; and
 - (b) the applicant has passed any examination or flight test that CASA has, under subregulation (4), determined is required for the applicant.
- (3) For paragraph (2)(a), if the overseas flight crew licence is equivalent to a commercial pilot licence, multi-crew pilot licence or air transport pilot licence, CASA must verify with the issuing authority for the licence that the licence holder is authorised (however described) to exercise the privileges of the licence and any rating or endorsement attached to the licence.
- (4) For paragraph (2)(b), if it is necessary for an applicant to pass an examination or flight test to satisfy CASA that the applicant can safely exercise the privileges of the certificate of validation, CASA may determine that the examination or flight test is required for the applicant.

61.295 Privileges of certificates of validation

Subject to regulations 61.300 and 61.305, the holder of a certificate of validation of an overseas flight crew licence, rating or endorsement that is equivalent to an Australian flight crew licence, rating or endorsement is authorised to conduct any activity that the holder of the equivalent Australian flight crew licence, rating or endorsement is authorised to conduct.

61.300 Limitations on exercise of privileges of certificates of validation—medical certificate

- (1) The holder of a certificate of validation of an overseas flight crew licence is authorised to conduct an activity mentioned in regulation 61.295 only if the holder also holds an overseas medical certificate mentioned in subregulation (2).
- (2) For subregulation (1), the medical certificate must be of at least the class required for the exercise of the privileges of the overseas flight crew licence by the Contracting State whose national aviation authority granted the licence to the holder.

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61.305 Limitations on exercise of privileges of certificates of validation—recent experience, flight review and proficiency check

- (1) The holder of a certificate of validation for an overseas flight crew licence that is equivalent to an Australian pilot licence is authorised to pilot an aircraft only if the holder has complied with the recent experience requirements mentioned in regulation 61.395 for the exercise of the privileges of the Australian pilot licence.
- (2) The holder of a certificate of validation for an overseas rating that is equivalent to an Australian rating is authorised to pilot an aircraft only if the holder has complied with the recent experience requirements mentioned in this Part for the exercise of the privileges of the Australian rating.

61.310 Limitations on exercise of privileges of certificates of validation—carriage of documents

The holder of a certificate of validation is authorised to exercise the privileges of the certificate on a flight only if the holder carries the following documents on the flight:

- (a) his or her certificate of validation;
- (b) his or her overseas flight crew licence;
- (c) his or her overseas medical certificate;
- (d) a document that:
 - (i) includes a photograph of the holder showing the holder's full face and his or her head and shoulders; and
 - (ii) was issued within the previous 10 years by the government, or a government authority, of any of the following:
 - (A) the Commonwealth or a State or Territory;
 - (B) a foreign country, or a state or province (however described) of a foreign country; and
 - (iii) has not expired or been cancelled.

61.315 Conduct of unauthorised activities by holders of certificates of validation

- (1) The holder of a certificate of validation commits an offence if:
 - (a) the holder conducts an activity while:
 - (i) piloting an aircraft; or
 - (ii) acting as flight engineer of an aircraft; or
 - (iii) operating a flight simulation training device; and
 - (b) the holder is not authorised under this Part to conduct the activity.

Penalty: 50 penalty units.

- (2) An offence against this regulation, other than an offence relating to a contravention of regulation 61.385 (Limitations on exercise of privileges of pilot licences—general competency requirement), is an offence of strict liability.

Note: See also subsection 20AB(1) of the Act for an offence of performing any duty that is essential to the operation of an Australian aircraft during flight time without holding a

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relevant civil aviation authorisation or being otherwise authorised by or under these Regulations to perform the duty.

- (3) It is a condition of a certificate of validation that the holder must comply with:
 - (a) the limitations on the exercise of the privileges of the certificate of validation set out in this Subpart; and
 - (b) the requirements set out in this Part that apply to the holder.

61.320 Certificates of validation—period of validity

- (1) A certificate of validation must:
 - (a) not be granted for a period of more than one year; and
 - (b) state the date on which it expires.
- (2) However, a certificate of validation ends on the earliest of the following events:
 - (a) the end of the day stated in the certificate as the date on which it expires;
 - (b) when the holder ceases to be authorised (however described) to exercise the privileges of the overseas flight crew licence, or any rating or endorsement on the licence, to which the certificate relates;
 - (c) when the holder's overseas medical certificate expires.

61.325 Certificates of validation—renewal

- (1) CASA may renew a certificate of validation only if:
 - (a) the person has passed the aeronautical knowledge examination for a flight crew licence under this Part that is equivalent to the overseas flight crew licence to which the certificate relates; or
 - (b) CASA is satisfied that exceptional circumstances justify the renewal.

- (2) In this regulation:

renew, a certificate of validation, includes grant a new certificate of validation to the holder of:

- (a) a current certificate of validation; or
 - (b) a certificate of validation that has expired within the previous 3 months;
- in respect of the same overseas flight crew licence, rating or endorsement.

Subpart 61.D—General obligations of flight crew licence holders

61.335 Identity checks

- (1) CASA may, by written notice given to the holder of a flight crew licence or certificate of validation, require the holder to provide evidence of his or her identity in accordance with paragraph 6.57(1)(a) of the *Aviation Transport Security Regulations 2005*.
- (2) The holder commits an offence if:
 - (a) CASA has not told the holder, in writing, that he or she has complied with the requirement; and
 - (b) the holder exercises the privileges of the licence or certificate.

Penalty: 50 penalty units.

- (3) For subregulation (2), CASA is taken to have told the holder that he or she has complied with the requirement if CASA issues a new licence document or certificate of validation to the holder after giving the holder the notice.
- (4) An offence against this regulation is an offence of strict liability.

61.336 Provision of photograph

- (1) CASA may, by written notice given to the holder of a flight crew licence or certificate of validation, require the holder to give CASA, within 30 days of receiving the notice, a photograph of the holder:
 - (a) showing the holder's full face and his or her head and shoulders; and
 - (b) taken not earlier than 6 months before the date of the notice.
- (2) The holder commits an offence if the holder:
 - (a) has not complied with the requirement; and
 - (b) exercises the privileges of the licence or certificate of validation.

Penalty: 50 penalty units.

- (3) An offence against this regulation is an offence of strict liability.

61.340 Production of licence documents, medical certificates and identification

- (1) CASA may direct the holder of a flight crew licence to produce any or all of the following documents for inspection by CASA:
 - (a) the holder's licence document;
 - (b) unless the holder also holds a medical exemption for the exercise of the privileges of the licence—the holder's medical certificate or recreational aviation medical practitioner's certificate;

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- (c) a document that includes a photograph of the holder showing the holder's full face and his or her head and shoulders:
 - (i) that was issued within the previous 10 years by the government, or a government authority, of:
 - (A) the Commonwealth or a State or Territory; or
 - (B) a foreign country, or a state or province (however described) of a foreign country; and
 - (ii) that has not expired or been cancelled.
- (2) CASA may direct the holder of a certificate of validation to produce any or all of the following documents for inspection by CASA:
 - (a) the holder's certificate of validation;
 - (b) the holder's overseas medical certificate;
 - (c) the holder's overseas flight crew licence;
 - (d) a document that includes a photograph of the holder showing the holder's full face and his or her head and shoulders:
 - (i) that was issued within the previous 10 years by the government, or a government authority, of:
 - (A) the Commonwealth or a State or Territory; or
 - (B) a foreign country, or a state or province (however described) of a foreign country; and
 - (ii) that has not expired or been cancelled.
- (3) The holder of a flight crew licence or certificate of validation commits an offence if:
 - (a) CASA directs the holder to produce a document under subregulation (1) or (2); and
 - (b) the holder does not produce the document within the period mentioned in subregulation (4).

Penalty: 50 penalty units.

- (4) For paragraph (3)(b), the period is as follows:
 - (a) if, when the direction was given, the holder was exercising, had just finished exercising, or was about to exercise, the privileges of the licence or certificate of validation—immediately;
 - (b) in any other case—7 days after the day the direction is given.
- (5) An offence against this regulation is an offence of strict liability.

61.345 Personal logbooks—pilots

- (1) A person who holds a pilot licence, or a certificate of validation of an overseas flight crew licence that is equivalent to a pilot licence, commits an offence if the person does not keep a personal logbook in accordance with this regulation.

Penalty: 50 penalty units.

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- (2) The person must record his or her full name and date of birth in the person's logbook.
- (3) The person must, as soon as practicable after completing each flight, record the following information in the person's logbook for the flight:
 - (a) the date the flight began;
 - (b) the type of aircraft;
 - (c) whether it was a single-engine or multi-engine aircraft;
 - (d) the aircraft's nationality and registration marks;
 - (e) the take-off and landing points for the flight, and for each segment of the flight;
 - (f) the flight time (if any) flown in each of the following capacities:
 - (i) pilot in command;
 - (ii) co-pilot;
 - (iii) pilot in command under supervision;
 - (iv) pilot receiving flight training;
 - (g) if the person is a flight instructor—any flight time spent exercising the privileges of his or her flight instructor rating;
 - (h) if the person is a flight examiner—any flight time spent exercising the privileges of his or her flight examiner rating;
 - (i) whether the flight was by day or night, or both;
 - (j) any instrument flight time;
 - (k) whether the person conducted an instrument approach operation and, if so, the type of instrument approach procedure.
- (4) The person must, as soon as practicable after completing each simulated flight in a flight simulation training device, record the following information in the person's logbook for the simulated flight:
 - (a) the date the simulated flight began;
 - (b) the type of aircraft represented by the device;
 - (c) the simulated flight time (if any) performed in each of the following capacities:
 - (i) pilot in command;
 - (ii) co-pilot;
 - (iii) pilot in command under supervision;
 - (iv) pilot receiving flight training;
 - (d) if the person is a flight instructor or simulator instructor—any time spent exercising the privileges of his or her instructor rating;
 - (e) whether the flight was conducted in simulated day or night conditions, or both;
 - (f) a description of the simulated flight activity.

61.350 Personal logbooks—flight engineers

- (1) A person who holds a flight engineer licence, or a certificate of validation of an overseas flight crew licence that is equivalent to a flight engineer licence,
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commits an offence if the person does not keep a personal logbook in accordance with this regulation.

Penalty: 50 penalty units.

- (2) The person must record his or her full name and date of birth in the person's logbook.
- (3) The person must, as soon as practicable after completing each flight, record the following information in the person's logbook for the flight:
 - (a) the date the flight began;
 - (b) the type of aircraft;
 - (c) the aircraft's nationality and registration marks;
 - (d) the name of the pilot in command;
 - (e) the take-off and landing points for the flight;
 - (f) whether the holder was operating under training or supervision, or was conducting training or supervision;
 - (g) the amount of flight time for which the holder performed the duties of a flight engineer;
 - (h) if the person is a flight engineer instructor—any flight time spent exercising the privileges of his or her flight engineer instructor rating.
- (4) The person must, as soon as practicable after completing each simulated flight in a flight simulation training device, record the following information in his or her personal logbook for the simulated flight:
 - (a) the date the simulated flight began;
 - (b) the type of aircraft represented by the device;
 - (c) if a person acted as pilot in command for the simulated flight—that person's name;
 - (d) a description of the activities conducted during the simulated flight;
 - (e) whether the holder was operating under training or supervision, or was conducting training or supervision;
 - (f) the amount of time for which the holder performed the duties of flight engineer;
 - (g) if the person is a flight engineer instructor—any flight time spent exercising the privileges of his or her flight engineer instructor rating.

61.355 Retention of personal logbooks

- (1) A person commits an offence if:
 - (a) the person is required to keep a personal logbook under regulation 61.345 or 61.350; and
 - (b) the person does not retain the logbook for 7 years after the day the last entry is made in it.

Penalty: 50 penalty units.

- (2) A person commits an offence if:

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- (a) the person is required to keep a personal logbook under regulation 61.345 or 61.350; and
- (b) the person does not ensure that each entry in the logbook is retained unaltered throughout the period mentioned in subregulation (1).

Penalty: 50 penalty units.

- (3) An offence against this regulation is an offence of strict liability.

61.360 False entries in personal logbooks

- (1) The holder of a flight crew licence or certificate of validation commits an offence if:

- (a) the holder makes an entry in his or her personal logbook; and
- (b) the entry is false or misleading.

Penalty: 50 penalty units.

- (2) Paragraph (1)(b) does not apply if the entry is not false or misleading in a material particular.

Note: A defendant bears an evidential burden in relation to the matter mentioned in subregulation (2): see subsection 13.3(3) of the *Criminal Code*.

- (3) CASA may give the holder of a flight crew licence or certificate of validation a written direction to correct an entry in his or her personal logbook in accordance with the direction.
- (4) The holder commits an offence if the holder does not comply with the direction within 14 days after the day the direction is given to the person.

Penalty: 50 penalty units.

- (5) An offence against this regulation is an offence of strict liability.

61.365 Production of personal logbooks

- (1) CASA may direct the holder of a flight crew licence or certificate of validation to produce the holder's personal logbook for inspection by CASA.
- (2) The holder of a flight crew licence or certificate of validation commits an offence if:
 - (a) CASA directs the holder to produce his or her personal logbook under subregulation (1); and
 - (b) the holder does not produce an up to date version of the personal logbook within 7 days after the day the direction is given.

Penalty: 50 penalty units.

- (3) If the holder's personal logbook is kept in electronic form, a requirement to produce the logbook is met if:
 - (a) the holder produces a printed copy of the logbook; and

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- (b) each page is certified by the holder as a true copy of the logbook records set out on the page.
- (4) An offence against this regulation is an offence of strict liability.

Subpart 61.E—Pilot licensing—general limitations and authorisations

Note: Subpart 61.E does not apply to glider pilot licences: see the definition of *pilot licence* in regulation 61.010. Subpart 61.Z deals with glider pilot licences.

Division 61.E.1—General limitations on exercise of pilot licence privileges

61.375 Limitations on exercise of privileges of pilot licences—ratings

- (1) This regulation applies to the holder of a pilot licence.
- (2) The holder is authorised to exercise the privileges of the licence in an aircraft of a particular category only if the holder also holds, as the associated aircraft category rating for the licence, the aircraft category rating for that category of aircraft.

Note: An aircraft category rating has effect only in conjunction with the licence for which it is granted. It does not authorise the exercise, in the aircraft category covered by the rating, of the privileges of any other licence held by the holder of the rating: see the definition of *associated* in regulation 61.010.
- (3) The holder is authorised to exercise the privileges of the licence in an aircraft, other than an aircraft mentioned in subregulation (5), only if the holder also holds an appropriate aircraft class rating for the aircraft.
- (4) For subregulation (3), either of the following is an appropriate aircraft class rating for an aeroplane in the single-engine aeroplane class:
 - (a) the single-engine aeroplane class rating;
 - (b) the multi-engine aeroplane class rating.
- (5) The holder is authorised to exercise the privileges of the licence in:
 - (a) a multi-crew aircraft; or
 - (b) an aircraft:
 - (i) that is certificated for single-pilot operation; and
 - (ii) for which a single-pilot type rating is required by a legislative instrument under regulation 61.060;only if the holder also holds the appropriate pilot type rating for the aircraft type.
- (6) However, the holder is not required to hold the pilot type rating for the aircraft if:
 - (a) the person is acting as a cruise relief co-pilot for the aircraft; and
 - (b) the person holds a cruise relief co-pilot type rating for the aircraft type.
- (7) The holder is authorised to conduct an activity mentioned in column 1 of an item in table 61.375 in the exercise of the privileges of the licence only if the holder also holds the rating mentioned in column 2 of the item.
- (8) However:

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- (a) the holder of a multi-crew pilot licence with an aeroplane category rating is authorised, without holding an instrument rating, to pilot an aeroplane in a multi-crew operation:
 - (i) under the IFR; or
 - (ii) at night under the VFR; and
- (b) the holder of an air transport pilot licence with an aeroplane category rating is authorised, without holding an instrument rating, to pilot an aeroplane:
 - (i) under the IFR; or
 - (ii) at night under the VFR; and
- (c) the holder of an air transport pilot licence with a powered-lift category rating is authorised, without holding an instrument rating, to pilot a powered-lift aircraft:
 - (i) under the IFR; or
 - (ii) at night under the VFR.

Table 61.375 Activities for which ratings are required

Item	Column 1 Activity	Column 2 Rating
1	An operation under the IFR, other than an operation mentioned in item 2	Instrument rating
2	A private operation under the IFR	Either: (a) instrument rating; or (b) private instrument rating
3	An operation at night under the VFR	Either: (a) night VFR rating; or (b) instrument rating
4	An operation at night using a night vision imaging system	Night vision imaging system rating
5	A low-level operation	Either: (a) low-level rating; or (b) aerial application rating
6	An aerial application operation below 500 ft AGL	Aerial application rating
7	An activity mentioned in paragraph 61.1165(a), (c), (d), (e) or (f) in an aircraft An activity mentioned in paragraph 61.1165(g), (h) or (i)	Flight instructor rating
8	An activity mentioned in paragraph 61.1190(a), (c), (d), (e) or (f) in a flight simulation training device An activity mentioned in paragraph 61.1165(b), (j) or (k) or 61.1190(b), (g) or (h)	Either: (a) flight instructor rating; or (b) simulator instructor rating

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Subpart 61.E Pilot licensing—general limitations and authorisations

Division 61.E.1 General limitations on exercise of pilot licence privileges

Regulation 61.380

Table 61.375 Activities for which ratings are required

Item	Column 1 Activity	Column 2 Rating
9	An activity mentioned in regulation 61.1255	Flight examiner rating

61.380 Limitations on exercise of privileges of pilot licences—flight activity and design feature endorsements

- (1) The holder of a pilot licence is authorised to conduct a flight activity mentioned in column 2 of an item in table 61.1145 only if the holder also holds the endorsement mentioned in column 1 of the item.
- (2) The holder of a pilot licence is authorised to exercise the privileges of the licence in an aircraft that has a design feature mentioned in regulation 61.755 for the aircraft only if the holder also holds the design feature endorsement for the design feature.

61.385 Limitations on exercise of privileges of pilot licences—general competency requirement

- (1) The holder of a pilot licence is authorised to exercise the privileges of the licence in an aircraft only if the holder is competent in operating the aircraft to the standards mentioned in the Part 61 Manual of Standards for the class or type to which the aircraft belongs, including in all of the following areas:
 - (a) operating the aircraft's navigation and operating systems;
 - (b) conducting all normal, abnormal and emergency flight procedures for the aircraft;
 - (c) applying operating limitations;
 - (d) weight and balance requirements;
 - (e) applying aircraft performance data, including take-off and landing performance data, for the aircraft.
- (1A) Subregulation (1B) applies if the holder of a pilot licence also holds an operational rating or endorsement.
- (1B) The holder is authorised to exercise the privileges of his or her pilot licence in an activity in an aircraft under the rating or endorsement only if the holder is competent in operating the aircraft in the activity to the standards mentioned in the Part 61 Manual of Standards (if any) for:
 - (a) the class or type to which the aircraft belongs; and
 - (b) the activity.
- (2) The holder of a pilot licence is authorised to exercise the privileges of the licence in an aircraft that has an operative airborne collision avoidance system only if the holder is competent in the use of an airborne collision avoidance system to the standards mentioned in the Part 61 Manual of Standards.

61.390 Limitations on exercise of privileges of pilot licences—operating requirements and limitations

- (1) The holder of a pilot licence is not authorised to conduct an activity in the exercise of the privileges of the licence in an aircraft if:
 - (a) engaging in the activity is a prescribed purpose for subsection 27(9) of the Act; and
 - (b) the operator of the aircraft does not hold an AOC that authorises the conduct of the activity.
- (2) The holder of a pilot licence is not authorised to conduct an activity in the exercise of the privileges of the licence if the conduct of the activity would be an offence against the Act or another provision of these Regulations.

61.395 Limitations on exercise of privileges of pilot licences—recent experience for certain passenger flight activities

- (1) The holder of a pilot licence is authorised to pilot, during take-off or landing, an aircraft of a particular category carrying a passenger by day only if the holder has, within the previous 90 days, in an aircraft of that category or an approved flight simulator for the purpose, conducted, by day or night:
 - (a) at least 3 take-offs; and
 - (b) at least 3 landings;while controlling the aircraft or flight simulator.
- (2) The holder of a pilot licence is authorised to pilot, during take-off or landing, an aircraft of a particular category carrying a passenger at night only if the holder has, within the previous 90 days, in an aircraft of that category or an approved flight simulator for the purpose, conducted, at night:
 - (a) at least 3 take-offs; and
 - (b) at least 3 landings;while controlling the aircraft or flight simulator.
- (3) For paragraphs (1)(a) and (2)(a), each take-off must be followed by a climb to at least 500 ft AGL.
- (4) The holder is taken to meet the requirements of subregulation (1) if:
 - (a) within the previous 90 days, in an aircraft of that category or an approved flight simulator for the purpose, the holder has:
 - (i) successfully completed a relevant check or review; or
 - (ii) passed a flight test for a pilot licence or a rating on a pilot licence; that includes at least one take-off and at least one landing; or
 - (b) both:
 - (i) the holder is successfully participating in an operator's training and checking system for an operation in an aircraft of that category; and
 - (ii) the operator holds an approval under regulation 61.040 for the system for this subregulation and operations in aircraft of that category.

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Subpart 61.E Pilot licensing—general limitations and authorisations

Division 61.E.1 General limitations on exercise of pilot licence privileges

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- (5) Also, the holder is taken to meet the requirements of subregulation (2) if:
- (a) within the previous 90 days, in an aircraft of that category or an approved flight simulator for the purpose, the holder has:
 - (i) successfully completed a relevant check or review; or
 - (ii) passed a flight test for a pilot licence or a rating on a pilot licence; that includes at least one take-off, and at least one landing, at night; or
 - (b) both:
 - (i) the holder is successfully participating in an operator's training and checking system for an operation at night in an aircraft of that category; and
 - (ii) the operator holds an approval under regulation 61.040 for the system for this subregulation and operations in aircraft of that category.

- (6) In this regulation:

relevant check or review means any of the following:

- (a) an instrument proficiency check;
- (b) a night vision imaging system proficiency check;
- (c) an instructor proficiency check;
- (d) an operator proficiency check;
- (e) a flight review.

61.400 Limitations on exercise of privileges of pilot licences—flight review

- (1) For this Part, successful completion of a flight review for a rating on a pilot licence requires demonstration, to a person mentioned in subregulation (2), that the holder of the rating is competent in each unit of competency mentioned in the Part 61 Manual of Standards for the rating.
- (2) For subregulation (1), the persons are as follows:
 - (a) CASA;
 - (b) the holder of an approval under regulation 61.040 for this regulation;
 - (c) a pilot instructor who is authorised to conduct a flight review for the rating.
- (3) The flight review must be conducted in:
 - (a) an aircraft that can be flown under the rating; or
 - (b) an approved flight simulator for the flight review.

61.405 Limitations on exercise of privileges of pilot licences—medical requirements—recreational pilot licence holders

- (1) The holder of a recreational pilot licence is authorised to exercise the privileges of the licence only if:
 - (a) the holder also holds a current class 1 or 2 medical certificate; or
 - (b) the holder:
 - (i) also holds a current recreational aviation medical practitioner's certificate; and

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- (ii) meets the requirements mentioned in subregulation (2); or
 - (c) the holder also holds a medical exemption for the exercise of the privileges of the licence.
- (2) For subparagraph (1)(b)(ii), the requirements are as follows:
- (a) the holder must have:
 - (i) given CASA a copy of the holder's recreational aviation medical practitioner's certificate; and
 - (ii) received from CASA a written acknowledgement of the receipt of the copy;
 - (b) while exercising the privileges of the licence in an aircraft, the holder must carry both of the following on the aircraft:
 - (i) the certificate;
 - (ii) the acknowledgement mentioned in subparagraph (a)(ii);
 - (c) the holder must comply with any limitations or conditions stated on the certificate;
 - (d) the holder must meet the modified Austroads medical standards.

Note: For when a person meets the modified Austroads medical standards, see regulation 67.262.

- (3) In this regulation:

current: a recreational aviation medical practitioner's certificate for the holder of a recreational pilot licence is **current** for the shortest of the following periods:

- (a) the period beginning on the day the certificate was signed by the medical practitioner and ending 24 months after that day;
- (b) if, when the holder exercises the privileges of the licence, the holder is at least 65—the period beginning on the day the certificate was signed by the medical practitioner and ending 12 months after that day;
- (c) if the certificate states the period for which it applies—the period beginning on the day the certificate was signed by the medical practitioner and ending at the end of the stated period.

Note: A licence holder must not exercise the privileges of his or her licence during any period of temporary medical unfitness that could render the holder unable to exercise those privileges safely: see regulation 67.270.

61.410 Limitations on exercise of privileges of pilot licences—medical certificates: private pilot licence holders

- (1) The holder of a private pilot licence is authorised to exercise the privileges of the licence only if the holder also holds:
 - (a) a current class 1 or 2 medical certificate; or
 - (b) a medical exemption for the exercise of the privileges of the licence.
- (2) However, subject to subregulation (3), the holder of a private pilot licence is authorised to exercise the privileges of the licence in a recreational aircraft if:
 - (a) the holder:

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- (i) also holds a current recreational aviation medical practitioner's certificate; and
 - (ii) meets the requirements mentioned in subregulation 61.405(2); and
- (b) the flight is conducted by day under the VFR.
- (3) Regulation 61.465 applies to the holder as if each reference in that regulation to a recreational pilot licence included a reference to a private pilot licence.

Note: A licence holder must not exercise the privileges of his or her licence during any period of temporary medical unfitness that could render the holder unable to exercise those privileges safely: see regulation 67.270.

61.415 Limitations on exercise of privileges of pilot licences—medical certificates: commercial, multi-crew and air transport pilot licence holders

- (1) The holder of a commercial pilot licence, multi-crew pilot licence or air transport pilot licence is authorised to exercise the privileges of the licence only if the holder also holds:
 - (a) a current class 1 medical certificate; or
 - (b) a medical exemption for the exercise of the privileges of the licence.
- (2) However, the holder of a commercial pilot licence or air transport pilot licence is authorised to exercise the privileges of the licence in an activity that would be authorised by a private pilot licence if the holder also holds a current class 2 medical certificate.
- (3) Also, the holder of a commercial pilot licence or air transport pilot licence is authorised to exercise the privileges of the licence in an activity that would be authorised by a recreational pilot licence if the holder:
 - (a) also holds a current recreational aviation medical practitioner's certificate; and
 - (b) meets the requirements mentioned in subregulation 61.405(2).

Note: A licence holder must not exercise the privileges of his or her licence during any period of temporary medical unfitness that could render the holder unable to exercise those privileges safely: see regulation 67.270.

61.420 Limitations on exercise of privileges of pilot licences—carriage of documents

The holder of a pilot licence is authorised to exercise the privileges of the licence on a flight only if the holder carries the following documents on the flight:

- (a) his or her licence document;
- (b) if the holder holds a current class 1 or 2 medical certificate—the medical certificate;
- (c) if the holder holds a recreational aviation medical practitioner's certificate:
 - (i) the medical practitioner's certificate; and
 - (ii) the acknowledgement of receipt mentioned in paragraph 61.405(2)(a);

- (ca) if the holder holds a medical exemption for the flight—a copy of the medical exemption;
- (d) a document that includes a photograph of the holder showing the holder's full face and his or her head and shoulders:
 - (i) that was issued within the previous 10 years by the government, or a government authority, of:
 - (A) the Commonwealth or a State or Territory; or
 - (B) a foreign country, or a state or province (however described) of a foreign country; and
 - (ii) that has not expired or been cancelled.

61.422 Limitations on exercise of privileges of pilot licences—aviation English language proficiency

- (1) The holder of a pilot licence other than a recreational pilot licence is authorised to exercise the privileges of the licence only if the holder has a current aviation English language proficiency assessment.
- (2) Subregulation (3) applies to the holder of a pilot licence that was granted on the basis of regulation 202.272 if the licence was granted in recognition of an old authorisation (within the meaning of regulation 202.261) that was granted on or before 4 March 2008.
- (3) Subregulation (1) does not apply to the holder in relation to the exercise of the privileges of his or her licence in Australian Territory.

61.425 Limitations on exercise of privileges of pilot licences—unregistered aircraft

The holder of a pilot licence is authorised to pilot an aircraft only if the aircraft is registered.

61.427 Removal of certain pilot licence conditions about airspace

- (1) Subregulation (2) applies to a pilot licence granted on the basis of regulation 202.272 or 202.274 if the licence is subject to the condition that operations are limited to:
 - (a) flight within 25 nautical miles of the departure aerodrome; or
 - (b) flight within a flight training area; or
 - (c) flight direct between the departure aerodrome and a flight training area.
- (2) CASA must remove the condition if:
 - (a) the licence holder applies to CASA for the removal of the condition; and
 - (b) the licence holder meets the requirements under this Part for the grant of a private pilot licence or a commercial pilot licence.
- (3) Subregulation (4) applies to a pilot licence granted on the basis of regulation 202.272 or 202.274 if the licence is subject to the condition that operations as pilot in command are limited to uncontrolled airspace and any

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other class of airspace endorsed in the licence holder's personal log book by an instructor before 1 September 2014.

- (4) CASA must remove the condition if:
- (a) the licence holder applies to CASA for the removal of the condition; and
 - (b) the licence holder meets the requirements under this Part for the grant of any of the following:
 - (i) a controlled airspace endorsement;
 - (ii) a private pilot licence;
 - (iii) a commercial pilot licence.

Division 61.E.2—General authorisations for pilot licences

61.430 Holders of pilot licences authorised to taxi aircraft

- (1) A person is authorised to taxi an aircraft of a particular class or type if the person holds:
 - (a) a pilot licence; and
 - (b) the category rating for the category to which aircraft of that class or type belong; and
 - (c) the class rating or type rating for aircraft of that class or type.
- (2) For regulations 61.405 to 61.415, taxiing an aircraft does not constitute the exercise of the privileges of a licence.

Note: See regulation 91.415 for an offence relating to taxiing aircraft without being authorised to do so.

61.435 When holders of pilot licences authorised to operate aircraft radio

- (1) A person is authorised to transmit on an aviation safety radio frequency if the person:
 - (a) holds a private pilot licence, commercial pilot licence, multi-crew pilot licence or air transport pilot licence; or
 - (b) holds a recreational pilot licence with a flight radio endorsement.
- (3) For regulations 61.405 to 61.415, transmitting on an aviation safety radio frequency does not constitute the exercise of the privileges of a licence.

Note 1: A person is prohibited from transmitting on an aviation safety radio frequency unless the person is authorised or qualified to do so: see regulation 91.625.

Note 2: For the definition of *aviation safety radio frequency*, see the Dictionary.

Subpart 61.G—Recreational pilot licences

Division 61.G.1—Privileges and grant of licences

61.460 Privileges of recreational pilot licences

Subject to Subpart 61.E and regulations 61.465 and 61.470, the holder of a recreational pilot licence is authorised to pilot a single-engine aircraft as pilot in command or co-pilot if:

- (a) the aircraft is certificated for single-pilot operation; and
- (b) the aircraft has a maximum certificated take-off weight of not more than 1 500 kg; and
- (c) the aircraft is not rocket-powered or turbine-powered; and
- (d) the flight is conducted by day under the VFR; and
- (e) either:
 - (i) the aircraft is engaged in a private operation; or
 - (ii) the holder is receiving flight training.

Note 1: Subpart 61.E sets out certain limitations that apply to all pilot licences, and ratings and endorsements on pilot licences.

Note 2: The holder of a recreational pilot licence is also authorised to taxi an aircraft in certain circumstances: see regulation 61.430.

Note 3: The holder of a recreational pilot licence is also authorised to transmit on an aviation safety radio frequency if the holder also holds a flight radio endorsement: see regulation 61.435.

61.465 Limitations on exercise of privileges of recreational pilot licences— general

- (1) The holder of a recreational pilot licence is authorised to pilot an aircraft in a Contracting State's airspace only if the holder has the permission (however described) of the Contracting State to do so.
- (2) The holder of a recreational pilot licence is authorised to pilot an aircraft carrying more than one passenger only if the holder:
 - (a) also holds a current class 1 or 2 medical certificate; or
 - (b) is accompanied by another pilot who:
 - (i) holds a current class 1 or 2 medical certificate; and
 - (ii) occupies a flight control seat in the aircraft; and
 - (iii) is authorised to pilot the aircraft.
- (3) The holder of a recreational pilot licence is authorised to pilot an aircraft above 10 000 ft above mean sea level only if the holder:
 - (a) also holds a current class 1 or 2 medical certificate; or
 - (b) is accompanied by another pilot who:
 - (i) holds a current class 1 or 2 medical certificate; and

- (ii) occupies a flight control seat in the aircraft; and
- (iii) is authorised to pilot the aircraft.

61.470 Limitations on exercise of privileges of recreational pilot licences—endorsements

- (1) The holder of a recreational pilot licence is authorised to pilot an aircraft outside the following areas only if the holder also holds a recreational navigation endorsement:
 - (a) the area within 25 nautical miles of the departure aerodrome;
 - (b) a flight training area;
 - (c) the area that is a direct route between the departure aerodrome and a flight training area.
- (2) The holder of a recreational pilot licence is authorised to pilot an aircraft in controlled airspace only if the holder also holds a controlled airspace endorsement.
- (3) The holder of a recreational pilot licence is authorised to pilot an aircraft at a controlled aerodrome only if the holder also holds a controlled aerodrome endorsement.

61.475 Requirements for grant of recreational pilot licences

- (1) An applicant for a recreational pilot licence must be at least 16.
- (2) Subject to regulation 61.480, the applicant must also have:
 - (a) passed the aeronautical knowledge examination for a recreational pilot licence and the associated aircraft category rating; and
 - (b) completed flight training for a recreational pilot licence and the associated aircraft category rating; and
 - (c) passed the flight test mentioned in the Part 61 Manual of Standards for a recreational pilot licence and the associated aircraft category rating; and
 - (d) completed at least 25 hours of flight time as pilot of an aircraft of the category for which the associated aircraft category rating is sought, including:
 - (i) at least 20 hours of dual flight; and
 - (ii) at least 5 hours of solo flight time.

Note 1: For paragraph (a), for the conduct of aeronautical knowledge examinations, see Division 61.B.3.

Note 2: For paragraph (b), for the requirements for flight training, see Division 61.B.2.

Note 3: For paragraph (c), for the conduct of flight tests, see Division 61.B.4.

Note 4: For paragraph (d), for the determination of a person's flight time and other aeronautical experience, see Division 61.A.2.

- (3) Despite paragraph 61.245(1)(a), the flight test must be conducted in an aircraft.

Regulation 61.480

- (4) The applicant is taken to meet the requirements of subregulation (2) if the applicant holds a private pilot licence, commercial pilot licence or air transport pilot licence.

61.480 Grant of recreational pilot licences in recognition of pilot certificates granted by certain organisations

- (1) This regulation applies to an applicant for a recreational pilot licence if:
- (a) the applicant holds a pilot certificate, granted by a sport aviation body that administers activities involving aircraft of a particular category; and
 - (b) the certificate permits the holder to act as the pilot in command of an aircraft of that category.
- (2) For subregulation 61.475(2), the applicant is taken to have passed:
- (a) the aeronautical knowledge examination; and
 - (b) the flight test;
- for the licence and the associated aircraft category rating.
- (3) The applicant is also taken to have met the requirements for the grant of:
- (a) the aircraft category rating for each category of aircraft in which the person is permitted by the certificate to act as pilot in command; and
 - (b) the aircraft class rating for each class of aircraft in which the person is permitted by the certificate to act as pilot in command; and
 - (c) the design feature endorsement for each design feature of an aircraft in which the applicant is permitted by the certificate to act as pilot in command.

Note: The holder of an aircraft class rating must successfully complete a flight review for the rating to be authorised to exercise the privileges of the rating, and is not taken to have met the flight review requirement on the basis of being taken to have met the requirements for the grant of the rating under subregulation (3): see subregulation 61.745(4).

Division 61.G.2—Recreational pilot licence endorsements

61.485 Kinds of recreational pilot licence endorsements

The following are recreational pilot licence endorsements:

- (a) a controlled aerodrome endorsement;
- (b) a controlled airspace endorsement;
- (c) a flight radio endorsement;
- (d) a recreational navigation endorsement.

61.490 Privileges of recreational pilot licence endorsements

- (1) Subject to Subpart 61.E, the holder of a recreational pilot licence with a controlled aerodrome endorsement is authorised to pilot an aircraft, as pilot in command, at a controlled aerodrome.
- (2) Subject to Subpart 61.E, the holder of a recreational pilot licence with a controlled airspace endorsement is authorised to pilot an aircraft, as pilot in command, in controlled airspace.
- (3) Subject to Subpart 61.E, the holder of a recreational pilot licence with a flight radio endorsement is authorised to operate an aircraft radio on the ground or in flight to transmit on an aviation safety radio frequency.
- (4) Subject to Subpart 61.E, the holder of a recreational pilot licence with a recreational navigation endorsement is authorised to pilot an aircraft, as pilot in command, on a cross-country flight.

Note: Subpart 61.E sets out certain limitations that apply to all pilot licences, and ratings and endorsements on pilot licences.

61.495 Requirements for grant of recreational pilot licence endorsements

- (1) This regulation applies to a person other than a person who is eligible to be granted a recreational pilot licence endorsement under regulation 61.500.
- (2) An applicant for a recreational pilot licence endorsement must:
 - (a) have passed the aeronautical knowledge examination for the endorsement; and
 - (b) have completed flight training for the endorsement; and
 - (c) if the endorsement is a recreational navigation endorsement—have completed, in addition to the flight time mentioned in paragraph 61.475(2)(d), at least 5 hours of solo cross-country flight time; and
 - (d) if the endorsement is a flight radio endorsement—have a current aviation English language proficiency assessment.

Note 1: For paragraph (a), for the conduct of aeronautical knowledge examinations, see Division 61.B.3.

Regulation 61.500

Note 2: For paragraph (b), for the requirements for flight training, see Division 61.B.2.

- (3) The cross-country flight time required by paragraph (2)(c) must include a flight of at least 100 nautical miles, during which a full-stop landing is made at each of 2 landing areas, other than the one from which the flight began.

61.500 Grant of endorsement in recognition of other qualifications

- (1) An applicant for a recreational pilot licence endorsement is eligible to be granted the endorsement if the applicant:
- (a) holds a recreational pilot licence; and
 - (b) holds another flight crew licence that authorises the exercise of the privileges of the endorsement.
- (2) An applicant for a controlled aerodrome endorsement is eligible to be granted the endorsement if:
- (a) regulation 61.480 applies to the applicant; and
 - (b) the applicant holds an approval from the sport aviation body to pilot an aircraft at a controlled aerodrome.
- (3) An applicant for a controlled airspace endorsement is eligible to be granted the endorsement if:
- (a) regulation 61.480 applies to the applicant; and
 - (b) the applicant holds an approval from the sport aviation body to pilot an aircraft in controlled airspace.
- (4) An applicant for a flight radio endorsement is eligible to be granted the endorsement if:
- (a) regulation 61.480 applies to the applicant; and
 - (b) the applicant holds an approval from the sport aviation body to operate an aircraft radio; and
 - (c) the applicant has a current aviation English language proficiency assessment.
- (5) An applicant for a recreational navigation endorsement is eligible to be granted the endorsement if:
- (a) regulation 61.480 applies to the applicant; and
 - (b) the applicant holds a cross-country navigation approval from the sport aviation body; and
 - (c) the applicant has completed at least 5 hours of solo cross-country flight time that complies with subregulation 61.495(3).

Subpart 61.H—Private pilot licences

Division 61.H.1—General

61.505 Privileges of private pilot licences

Subject to Subpart 61.E and regulation 61.510, the holder of a private pilot licence is authorised to pilot an aircraft as pilot in command or co-pilot if:

- (a) the aircraft is engaged in a private operation; or
- (b) the holder is receiving flight training.

Note 1: Subpart 61.E sets out certain limitations that apply to all pilot licences, and ratings and endorsements on pilot licences.

Note 2: The holder of a private pilot licence is also authorised to taxi an aircraft in certain circumstances: see regulation 61.430.

Note 3: The holder of a private pilot licence is also authorised to transmit on an aviation safety radio frequency: see regulation 61.435.

61.510 Limitations on exercise of privileges of private pilot licences—multi-crew operations

- (1) On and after 1 September 2015, the holder of a private pilot licence is authorised to exercise the privileges of the licence in a multi-crew operation only if the holder has completed an approved course of training in multi-crew cooperation.
- (2) The holder of a private pilot licence that was granted on the basis of regulation 202.272 is taken to meet the requirement mentioned in subregulation (1) if, before 1 September 2015, the holder conducted a multi-crew operation.

61.515 Requirements for grant of private pilot licences—general

- (1) An applicant for a private pilot licence must be at least 17.
- (2) The applicant must also have:
 - (a) passed the aeronautical knowledge examination for the private pilot licence and the associated aircraft category rating; and
 - (b) completed flight training for the private pilot licence and the associated aircraft category rating; and
 - (c) passed the flight test mentioned in the Part 61 Manual of Standards for the private pilot licence and the associated aircraft category rating; and
 - (d) met the aeronautical experience requirements mentioned in Division 61.H.2 or 61.H.3.

Note 1: For paragraph (a), for the conduct of aeronautical knowledge examinations, see Division 61.B.3.

Note 2: For paragraph (b), for the requirements for flight training, see Division 61.B.2.

Note 3: For paragraph (c), for the conduct of flight tests, see Division 61.B.4.

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Note 4: For paragraph (d), for the determination of a person's flight time and other aeronautical experience, see Division 61.A.2.

- (3) Despite paragraph 61.245(1)(a), the flight test must be conducted in an aircraft.
- (4) An applicant who meets the requirements for the grant of a commercial pilot licence is taken to meet the requirements for the grant of a private pilot licence.

Division 61.H.2—Aeronautical experience requirements for private pilot licences—applicants who have completed integrated training courses

61.520 Application of Division 61.H.2

This Division applies to an applicant for a private pilot licence who has completed an integrated training course for the licence and the associated aircraft category rating.

61.525 Aeronautical experience requirements for grant of private pilot licences—airplane category

- (1) An applicant for a private pilot licence with the airplane category rating must have at least 35 hours of aeronautical experience that includes:
 - (a) at least 30 hours of flight time as a pilot; and
 - (b) at least 20 hours of flight time as pilot of an airplane; and
 - (c) at least 10 hours of solo flight time in an airplane; and
 - (d) at least 5 hours of solo cross-country flight time in an airplane; and
 - (e) at least 2 hours of dual instrument time; and
 - (f) at least one hour of dual instrument flight time in an airplane.
- (2) Any of the required aeronautical experience that is not completed as flight time as a pilot must be completed as simulated flight time in an approved flight simulation training device for the purpose.
- (3) The cross-country flight time required by paragraph (1)(d) must include a flight of at least 150 nautical miles during which a full-stop landing is made at each of 2 aerodromes not within the flight training area for the aerodrome from which the flight began.
- (4) The flight time in an airplane required by subregulation (1) must be completed in a registered or recognised airplane.

61.530 Aeronautical experience requirements for grant of private pilot licences—helicopter category

- (1) An applicant for a private pilot licence with the helicopter category rating must have at least 35 hours of aeronautical experience that includes:
 - (a) at least 30 hours of flight time as pilot of a helicopter; and
 - (b) at least 10 hours of solo flight time in a helicopter; and
 - (c) at least 5 hours of solo cross-country flight time in a helicopter; and
 - (d) at least 2 hours of dual instrument time; and
 - (e) at least one hour of dual instrument flight time in a helicopter.
- (2) Any of the required aeronautical experience that is not completed as flight time as a pilot must be completed as:

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- (a) simulated flight time in an approved flight simulation training device for the purpose; or
 - (b) tethered flight time.
- (3) The cross-country flight time required by paragraph (1)(c) must include a flight of at least 100 nautical miles during which a landing is made at each of 2 landing areas, other than the one from which the flight began.
- (4) The flight time in a helicopter required by subregulation (1) must be completed in a registered or recognised helicopter.

61.535 Aeronautical experience requirements for grant of private pilot licences—gyroplane category

- (1) An applicant for a private pilot licence with the gyroplane category rating must have at least 35 hours of aeronautical experience that includes:
- (a) at least 30 hours of flight time as a pilot; and
 - (b) at least 20 hours of flight time as pilot of a gyroplane; and
 - (c) at least 10 hours of solo flight time in a powered aircraft; and
 - (d) at least 5 hours of solo flight time in a gyroplane; and
 - (e) at least 5 hours of solo cross-country flight time in a powered aircraft.
- (2) Any of the required aeronautical experience that is not completed as flight time as a pilot must be completed as simulated flight time in an approved flight simulation training device for the purpose.
- (3) The cross-country flight time required by paragraph (1)(e) must include a flight of at least 100 nautical miles during which a full-stop landing is made at each of 2 landing areas, other than the one from which the flight began.
- (4) The flight time in a gyroplane required by subregulation (1) must be completed in a registered or recognised gyroplane.

Division 61.H.3—Aeronautical experience requirements for private pilot licences—applicants who have not completed integrated training courses

61.540 Application of Division 61.H.3

This Division applies to an applicant for a private pilot licence who has not completed an integrated training course for the licence and the associated aircraft category rating.

61.545 Aeronautical experience requirements for grant of private pilot licences—airplane category

- (1) An applicant for a private pilot licence with the airplane category rating must have at least 40 hours of aeronautical experience that includes:
 - (a) at least 35 hours of flight time as a pilot; and
 - (b) at least 20 hours of flight time as pilot of an airplane; and
 - (c) at least 10 hours of solo flight time in an airplane; and
 - (d) at least 5 hours of solo cross-country flight time in an airplane; and
 - (e) at least 2 hours of dual instrument time; and
 - (f) at least one hour of dual instrument flight time in an airplane.
- (2) Any of the required aeronautical experience that is not completed as flight time as a pilot must be completed as simulated flight time in an approved flight simulation training device for the purpose.
- (3) The cross-country flight time required by paragraph (1)(d) must include a flight of at least 150 nautical miles during which a full-stop landing is made at each of 2 aerodromes not within the flight training area for the aerodrome from which the flight began.

61.550 Aeronautical experience requirements for grant of private pilot licences—helicopter category

- (1) An applicant for a private pilot licence with the helicopter category rating must have at least 40 hours of aeronautical experience that includes:
 - (a) at least 35 hours of flight time as a pilot; and
 - (b) at least 30 hours of flight time as pilot of a helicopter; and
 - (c) at least 10 hours of solo flight time in a helicopter; and
 - (d) at least 5 hours of solo cross-country flight time in a helicopter.
- (2) Any of the required aeronautical experience that is not completed as flight time as a pilot must be completed as:
 - (a) simulated flight time in an approved flight simulation training device for the purpose; or
 - (b) tethered flight time.

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- (3) The cross-country flight time required by paragraph (1)(d) must include a flight of at least 100 nautical miles during which a landing is made at each of 2 landing areas, other than the one from which the flight began.

61.555 Aeronautical experience requirements for grant of private pilot licences—powered-lift aircraft category

- (1) An applicant for a private pilot licence with the powered-lift aircraft category rating must have at least 40 hours of aeronautical experience that includes:
 - (a) at least 35 hours of flight time as a pilot; and
 - (b) at least 30 hours of flight time as pilot of a powered-lift aircraft or helicopter; and
 - (c) at least 20 hours of flight time as pilot of a powered-lift aircraft; and
 - (d) at least 10 hours of solo flight time in a powered-lift aircraft; and
 - (e) at least 5 hours of solo cross-country flight time in a powered-lift aircraft; and
 - (f) at least 2 hours of dual instrument time; and
 - (g) at least one hour of dual instrument flight time in a powered-lift aircraft.
- (2) Any of the required aeronautical experience that is not completed as flight time as a pilot must be completed as:
 - (a) simulated flight time in an approved flight simulation training device for the purpose; or
 - (b) tethered flight time.
- (3) The cross-country flight time required by paragraph (1)(e) must include a flight of at least 150 nautical miles during which a full-stop landing is made at each of 2 landing areas, other than the one from which the flight began.

61.560 Aeronautical experience requirements for grant of private pilot licences—gyroplane category

- (1) An applicant for a private pilot licence with the gyroplane category rating must have at least 40 hours of aeronautical experience that includes:
 - (a) at least 35 hours of flight time as a pilot; and
 - (b) at least 20 hours of flight time as pilot of a gyroplane; and
 - (c) at least 10 hours of solo flight time in a powered aircraft; and
 - (d) at least 5 hours of solo flight time in a gyroplane; and
 - (e) at least 5 hours of solo cross-country flight time in a powered aircraft.
- (2) Any of the required aeronautical experience that is not completed as flight time as a pilot must be completed as simulated flight time in an approved flight simulation training device for the purpose.
- (3) The cross-country flight time required by paragraph (1)(e) must include a flight of at least 100 nautical miles during which a full-stop landing is made at each of 2 landing areas, other than the one from which the flight began.

**61.565 Aeronautical experience requirements for grant of private pilot
licences—airship category**

- (1) An applicant for a private pilot licence with the airship category rating must have completed at least 25 hours of flight time as pilot of an airship that includes:
 - (a) at least 3 hours of cross-country flight time; and
 - (b) at least 3 hours of dual instrument flight time; and
 - (c) at least 5 hours of flight time as pilot in command under supervision.
- (2) The cross-country flight time required by paragraph (1)(a) must include a flight of at least 25 nautical miles.
- (3) The applicant must have completed, at an aerodrome:
 - (a) at least 5 take-offs; and
 - (b) at least 5 full-stop landings.
- (4) For paragraph (3)(b), each landing must involve a flight in traffic patterns at the aerodrome.

Subpart 61.I—Commercial pilot licences

Division 61.I.1—General

61.570 Privileges of commercial pilot licences

Subject to Subpart 61.E and regulation 61.575, the holder of a commercial pilot licence is authorised:

- (a) to pilot, as pilot in command, any aircraft in any operation, other than:
 - (i) a multi-crew aircraft in an air transport operation; or
 - (ii) if the holder has less than 750 hours of flight time as a pilot of an aeroplane—an aeroplane certificated for single-pilot operation with a maximum certificated take-off weight of more than 5,700 kg in an air transport operation; or
 - (iii) if the holder has less than 750 hours of flight time as a pilot of a rotorcraft—a rotorcraft with a maximum certificated take-off weight of more than 3,175 kg in an air transport operation; and
- (b) to pilot, as co-pilot, any aircraft in any operation.

Note 1: Subpart 61.E sets out certain limitations that apply to all pilot licences, and ratings and endorsements on pilot licences.

Note 2: The holder of a commercial pilot licence is also authorised to taxi an aircraft in certain circumstances: see regulation 61.430.

Note 3: The holder of a commercial pilot licence is also authorised to transmit on an aviation safety radio frequency: see regulation 61.435.

61.575 Limitations on exercise of privileges of commercial pilot licences—multi-crew operations

- (1) On and after 1 September 2015, the holder of a commercial pilot licence is authorised to exercise the privileges of the licence in a multi-crew operation only if the holder has completed an approved course of training in multi-crew cooperation.
- (2) The holder of a commercial pilot licence that was granted on the basis of regulation 202.272 is taken to meet the requirement mentioned in subregulation (1) if, before 1 September 2015, the holder conducted a multi-crew operation.

61.580 Requirements for grant of commercial pilot licences—general

- (1) An applicant for a commercial pilot licence must be at least 18.
- (2) The applicant must also have:
 - (a) passed the aeronautical knowledge examination for the commercial pilot licence and the associated aircraft category rating; and

- (b) completed flight training for the commercial pilot licence and the associated aircraft category rating; and
- (c) passed the flight test mentioned in the Part 61 Manual of Standards for the commercial pilot licence and the associated aircraft category rating; and
- (d) met the aeronautical experience requirements mentioned in Division 61.I.2 or 61.I.3.

- Note 1: For paragraph (a), for the conduct of aeronautical knowledge examinations, see Division 61.B.3.
- Note 2: For paragraph (b), for the requirements for flight training, see Division 61.B.2.
- Note 3: For paragraph (c), for the conduct of flight tests, see Division 61.B.4.
- Note 4: For paragraph (d), for the determination of a person's flight time and other aeronautical experience, see Division 61.A.2.

- (3) Despite paragraph 61.245(1)(a), the flight test must be conducted in an aircraft.
- (4) The applicant is taken to meet the requirements of paragraph (2)(b) if the applicant holds an air transport pilot licence with the associated aircraft category rating.

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Division 61.I.2—Aeronautical experience requirements for commercial pilot licences—applicants who have completed integrated training courses

61.585 Application of Division 61.I.2

This Division applies to an applicant for a commercial pilot licence who has completed an integrated training course for the licence and the associated aircraft category rating.

61.590 Aeronautical experience requirements for grant of commercial pilot licences—airplane category

- (1) An applicant for a commercial pilot licence with the airplane category rating must have at least 150 hours of aeronautical experience that includes:
 - (a) at least 140 hours of flight time as pilot of an airplane; and
 - (b) at least 70 hours of flight time as pilot in command of an airplane; and
 - (c) at least 20 hours of cross-country flight time as pilot in command of an airplane; and
 - (d) at least 10 hours of instrument time; and
 - (e) at least 5 hours of instrument flight time in an airplane.
- (2) Any of the required aeronautical experience that is not completed as flight time as a pilot must be completed as simulated flight time in an approved flight simulation training device for the purpose.
- (3) The cross-country flight time required by paragraph (1)(c) must include a flight of at least 300 nautical miles during which a full-stop landing is made at each of 2 aerodromes not within the flight training area for the aerodrome from which the flight began.
- (4) The flight time in an airplane required by subregulation (1) must be completed in a registered or recognised airplane.

61.595 Aeronautical experience requirements for grant of commercial pilot licences—helicopter category

- (1) An applicant for a commercial pilot licence with the helicopter category rating must have at least 100 hours of aeronautical experience that includes:
 - (a) at least 90 hours of flight time as pilot of a helicopter; and
 - (b) at least 35 hours of flight time as pilot in command of a helicopter; and
 - (c) at least 10 hours of cross-country flight time as pilot in command of a helicopter; and
 - (d) at least 10 hours of instrument time; and
 - (e) at least 5 hours of instrument flight time in a helicopter.

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- (2) Any of the required aeronautical experience that is not completed as flight time as a pilot must be completed as:
 - (a) simulated flight time in an approved flight simulation training device for the purpose; or
 - (b) tethered flight time.
 - (3) However, no more than 5 hours of the required aeronautical experience may be completed as tethered flight time.
 - (4) The cross-country flight time required by paragraph (1)(c) must include a flight of at least 150 nautical miles during which a landing is made at each of 2 landing areas, other than the one from which the flight began.
 - (5) The flight time in a helicopter required by subregulation (1) must be completed in a registered or recognised helicopter.

61.600 Aeronautical experience requirements for grant of commercial pilot licences—powered-lift aircraft category

- (1) An applicant for a commercial pilot licence with the powered-lift aircraft category rating must have at least 150 hours of aeronautical experience that includes:
 - (a) at least 140 hours of flight time as pilot of a powered-lift aircraft; and
 - (b) at least 50 hours of flight time as pilot in command of a powered-lift aircraft; and
 - (c) at least 10 hours of cross-country flight time as pilot in command of a powered-lift aircraft; and
 - (d) at least 10 hours of instrument time; and
 - (e) at least 5 hours of instrument flight time in a powered-lift aircraft.
- (2) Any of the required aeronautical experience that is not completed as flight time as a pilot must be completed as:
 - (a) simulated flight time in an approved flight simulation training device for the purpose; or
 - (b) tethered flight time.
- (3) However, no more than 5 hours of the required aeronautical experience may be completed as tethered flight time.
- (4) The cross-country flight time required by paragraph (1)(c) must include a flight of at least 300 nautical miles during which a full-stop landing is made at each of 2 landing areas, other than the one from which the flight began.
- (5) The flight time in a powered-lift aircraft required by subregulation (1) must be completed in a registered or recognised powered-lift aircraft.

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Division 61.I.3—Aeronautical experience requirements for commercial pilot licences—applicants who have not completed integrated training courses

61.605 Application of Division 61.I.3

This Division applies to an applicant for a commercial pilot licence who has not completed an integrated training course for the licence and the associated aircraft category rating.

61.610 Aeronautical experience requirements for grant of commercial pilot licences—aeroplane category

- (1) An applicant for a commercial pilot licence with the aeroplane category rating must have at least 200 hours of aeronautical experience that includes:
 - (a) at least 190 hours of flight time as a pilot; and
 - (b) at least the following hours of flight time as pilot in command of an aeroplane:
 - (i) for an applicant holding a commercial pilot licence, or an air transport pilot licence, with the helicopter rating—60 hours;
 - (ii) for an applicant holding a private pilot licence with the helicopter rating—80 hours;
 - (iii) for any other applicant—100 hours; and
 - (c) at least 20 hours of cross-country flight time as pilot in command of an aeroplane; and
 - (d) at least 10 hours of instrument time; and
 - (e) at least 5 hours of instrument flight time in an aeroplane.
- (2) Any of the required aeronautical experience that is not completed as flight time as a pilot must be completed as simulated flight time in an approved flight simulation training device for the purpose.
- (3) The cross-country flight time required by paragraph (1)(c) must include a flight of at least 300 nautical miles during which a full-stop landing is made at each of 2 aerodromes not within the flight training area for the aerodrome from which the flight began.

61.615 Aeronautical experience requirements for grant of commercial pilot licences—helicopter category

- (1) An applicant for a commercial pilot licence with the helicopter category rating must meet the aeronautical experience requirements under subregulation (1A) or (1B).
- (1A) An applicant meets the aeronautical experience requirements under this subregulation if the applicant has at least 150 hours of aeronautical experience that includes:

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- (a) at least 140 hours of flight time as a pilot; and
 - (b) at least 70 hours of flight time as pilot of a helicopter; and
 - (c) at least 35 hours of flight time as pilot in command of a helicopter; and
 - (d) at least 10 hours of cross-country flight time as pilot in command of a helicopter.
- (1B) An applicant meets the aeronautical experience requirements under this subregulation if:
- (a) the applicant has at least 105 hours of aeronautical experience that includes:
 - (i) at least 105 hours of flight time as pilot of a helicopter; and
 - (ii) at least 35 hours of flight time as pilot in command of a helicopter; and
 - (iii) at least 10 hours of cross-country flight time as pilot in command of a helicopter; and
 - (b) the applicant has completed training in accordance with the requirements specified in the Part 61 Manual of Standards for the purposes of this paragraph.
- (2) Any of the required aeronautical experience that is not completed as flight time as a pilot must be completed as:
- (a) simulated flight time in an approved flight simulation training device for the purpose; or
 - (b) tethered flight time.
- (3) However, no more than 5 hours of the required aeronautical experience may be completed as tethered flight time.
- (4) The cross-country flight time required by paragraph (1A)(d) and subparagraph (1B)(a)(iii) must include a flight of at least 150 nautical miles during which a landing is made at each of 2 landing areas, other than the one from which the flight began.

61.620 Aeronautical experience requirements for grant of commercial pilot licences—powered-lift aircraft category

- (1) An applicant for a commercial pilot licence with the powered-lift aircraft category rating must have at least 200 hours of aeronautical experience that includes:
- (a) at least 190 hours of flight time as a pilot; and
 - (b) at least 50 hours of flight time as pilot in command of a powered-lift aircraft; and
 - (c) at least 10 hours of cross-country flight time as pilot in command of a powered-lift aircraft; and
 - (d) at least 10 hours of instrument time; and
 - (e) at least 5 hours of instrument flight time in a powered-lift aircraft.

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Subpart 61.I Commercial pilot licences

Division 61.I.3 Aeronautical experience requirements for commercial pilot licences—applicants who have not completed integrated training courses

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- (2) Any of the required aeronautical experience that is not completed as flight time as a pilot must be completed as:
 - (a) simulated flight time in an approved flight simulation training device for the purpose; or
 - (b) tethered flight time.
- (3) However, no more than 5 hours of the required aeronautical experience may be completed as tethered flight time.
- (4) The cross-country flight time required by paragraph (1)(c) must include a flight of at least 300 nautical miles during which a full-stop landing is made at each of 2 landing areas, other than the one from which the flight began.

61.625 Aeronautical experience requirements for grant of commercial pilot licences—gyroplane category

- (1) An applicant for a commercial pilot licence with the gyroplane category rating must have completed at least 150 hours of aeronautical experience that includes:
 - (a) at least 75 hours of flight time as pilot of a gyroplane; and
 - (b) at least 35 hours of flight time as pilot in command of a gyroplane; and
 - (c) at least 20 hours of dual flight in a gyroplane; and
 - (d) at least 20 hours of cross-country flight time as pilot in command of a powered aircraft; and
 - (e) at least 10 hours of cross-country flight time as pilot in command of a gyroplane; and
 - (f) at least 10 hours of dual instrument time in an aircraft or approved flight simulation training device for the purpose.
- (2) The cross-country flight time required by paragraph (1)(e) must include a flight of at least 150 nautical miles during which a full-stop landing is made at each of 2 landing areas, other than the one from which the flight began.

61.630 Aeronautical experience requirements for grant of commercial pilot licences—airship category

- (1) An applicant for a commercial pilot licence with the airship category rating must have at least 200 hours of aeronautical experience that includes:
 - (a) at least 180 hours of flight time as a pilot; and
 - (b) at least 50 hours of flight time as pilot of an airship; and
 - (c) at least 30 hours of flight time as pilot in command, or pilot in command under supervision, of an airship; and
 - (d) at least 10 hours of cross-country flight time as pilot in command, or pilot in command under supervision, of an airship; and
 - (e) at least 10 hours of flight time at night as pilot in command, or pilot in command under supervision, of an airship; and
 - (f) at least 40 hours of instrument time; and
 - (g) at least 20 hours of instrument flight time; and

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- (h) at least 10 hours of instrument flight time in an airship.
- (2) Any of the required aeronautical experience that is not completed as flight time as a pilot must be completed as simulated flight time in an approved flight simulation training device for the purpose.

Subpart 61.J—Multi-crew pilot licences

61.635 Privileges of multi-crew pilot licences

Subject to Subpart 61.E and regulations 61.640 to 61.650, the holder of a multi-crew pilot licence is authorised to pilot an aeroplane as co-pilot for an operator that has a training and checking system that is in accordance with the requirements of Part 119 or 138.

- Note 1: Subpart 61.E sets out certain limitations that apply to all pilot licences, and ratings and endorsements on pilot licences.
- Note 2: The holder of a multi-crew pilot licence is also authorised to taxi an aircraft in certain circumstances: see regulation 61.430.
- Note 3: The holder of a multi-crew pilot licence is also authorised to transmit on an aviation safety radio frequency: see regulation 61.435.

61.640 Limitations on exercise of privileges of multi-crew pilot licences—IFR flight: general

- (1) The holder of a multi-crew pilot licence is authorised to conduct a circling approach under the IFR on a flight only if:
 - (a) the holder passed the flight test for the licence within the previous 12 months, and the flight test included a circling approach; or
 - (b) the holder's most recent instrument proficiency check included a circling approach; or
 - (c) both:
 - (i) the holder is successfully participating in an operator's training and checking system for an operation that includes circling approaches under the IFR; and
 - (ii) the operator holds an approval under regulation 61.040 for the system for this subregulation.
- (1A) The holder of a multi-crew pilot licence is authorised to conduct a 3D instrument approach operation only if:
 - (a) the holder passed the flight test for the licence within the previous 12 months, and the flight test included a 3D instrument approach operation; or
 - (b) either:
 - (i) in a case in which the holder's most recent instrument proficiency check included a 3D instrument approach operation—during the check the holder demonstrated, to a person mentioned in subregulation (4), the holder's competence in the conduct of a 3D instrument approach operation; or
 - (ii) in any other case—the holder has, within the previous 15 months, demonstrated, to a person mentioned in subregulation (4), the holder's competence in the conduct of a 3D instrument approach operation; or
 - (c) both:

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- (i) the holder is successfully participating in an operator's training and checking system for an operation that includes 3D instrument approaches; and
 - (ii) the operator holds an approval under regulation 61.040 for the system for this subregulation.
- (2) For paragraphs (1)(b) and (1A)(b), an instrument proficiency check includes an operator proficiency check:
 - (a) that covers IFR operations; and
 - (b) that is conducted by a flight examiner who holds an instrument rating flight test endorsement.
- (3) The holder of a multi-crew pilot licence is authorised to conduct an instrument approach operation in an aircraft using a procedure of a particular kind only if the holder has:
 - (a) completed training in the conduct of instrument approach operations using the procedure; and
 - (b) demonstrated, to a person mentioned in subregulation (4), his or her competence in the conduct of instrument approach operations using the procedure.
- (4) For paragraphs (1A)(b) and (3)(b), the persons are as follows:
 - (a) CASA;
 - (b) an examiner who is authorised under this Part to conduct an instrument approach operation using the same procedure;
 - (c) a person who holds an approval under regulation 61.040 to assess the holder's competence.

61.645 Limitations on exercise of privileges of multi-crew pilot licences—IFR flight: recent experience

- (1) Subject to subregulation (1A), this regulation applies to the holder of a multi-crew pilot licence.
- (1A) This regulation does not apply to the holder if:
 - (a) the holder has successfully completed an operator proficiency check that covers IFR operations within the previous 3 months; or
 - (b) both:
 - (i) the holder is successfully participating in an operator's training and checking system for an IFR operation; and
 - (ii) the operator holds an approval under regulation 61.040 for the system for this subregulation.
- (2) The holder is authorised to pilot an aircraft under the IFR only if the holder has conducted at least 3 instrument approach operations within the previous 90 days in an aircraft or an approved flight simulation training device for the purpose.
- (3) The holder is authorised to pilot an aircraft of a particular category under the IFR only if the holder has conducted at least one instrument approach operation

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within the previous 90 days in an aircraft of the same category or an approved flight simulation training device for the purpose.

- (4) The holder is authorised to conduct a 2D instrument approach operation only if the holder has conducted a 2D instrument approach operation within the previous 90 days in an aircraft or an approved flight simulation training device for the purpose.
- (5) The holder is authorised to conduct a 3D instrument approach operation only if the holder has conducted a 3D instrument approach operation within the previous 90 days in an aircraft or an approved flight simulation training device for the purpose.
- (6) The holder is authorised to conduct an azimuth guidance operation only if the holder has conducted an azimuth guidance operation within the previous 90 days in an aircraft or an approved flight simulation training device for the purpose.
- (7) The holder is authorised to conduct a course deviation indicator operation only if the holder has conducted a course deviation indicator operation within the previous 90 days in an aircraft or an approved flight simulation training device for the purpose.

Note: Azimuth guidance operations and course deviation indicator operations are instrument approach operations: see the definitions of those terms in regulation 61.010.

61.650 Limitations on exercise of privileges of multi-crew pilot licences— instrument proficiency check

- (1) The holder of a multi-crew pilot licence is authorised to exercise the privileges of the licence under the IFR only if the holder has a valid instrument proficiency check for the aeroplane category.
- (2) However, the holder is authorised to exercise the privileges of the licence under the IFR in a multi-engine aeroplane only if the holder has a valid instrument proficiency check for multi-engine aeroplanes.
- (3) Subject to subregulations (4) and (4B), for subregulations (1) and (2), the holder is taken to have a valid instrument proficiency check for the aeroplane category, or for multi-engine aeroplanes, during the following periods:
 - (a) if the holder passes the flight test for the multi-crew pilot licence in a relevant aeroplane—the period from when the holder passes the flight test to the end of the 12th month after the month in which the holder passes the flight test;
 - (b) if the holder successfully completes an operator proficiency check that covers IFR operations in the relevant aeroplane, and that is conducted by a flight examiner who holds an instrument rating flight test endorsement—the period from when the holder successfully completes the check to the end of the 12th month after the month in which the holder successfully completes the check;
 - (c) if:

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- (i) the holder is successfully participating in an operator's training and checking system for an IFR operation in the relevant aeroplane; and
 - (ii) the operator holds an approval under regulation 61.040 for the system for this subregulation and operations in the relevant aeroplane;the period during which the holder is successfully participating in the system;
- (d) if the holder successfully completes an instrument proficiency check for the relevant aeroplane—the period from when the holder successfully completes the check to the end of the 12th month after the month in which the holder successfully completes the check;
- (e) if:
 - (i) the holder is taken to have a valid instrument proficiency check under any of paragraphs (a) to (d) for the relevant aeroplane (the **existing check**); and
 - (ii) within 3 months before the validity of the existing check expires, the holder successfully completes an instrument proficiency check for the relevant aeroplane;the period from when the validity of the existing check expires to the end of the 12th month after the validity of the existing check expires.
- (4) If, at any time, the holder attempts, but does not successfully complete, an instrument proficiency check mentioned in subregulation (4A) (the **failed check**), the holder is no longer taken to have a valid instrument proficiency check for:
 - (a) the aeroplane category; or
 - (b) multi-engine aeroplanes.
- (4A) For subregulation (4), the failed check may be any of the following:
 - (a) an instrument proficiency check for the aeroplane category;
 - (b) an instrument proficiency check for multi-engine aeroplanes;
 - (c) an instrument proficiency check for a type of aeroplane.
- (4B) If the holder is taken to have a valid instrument proficiency check for the relevant aeroplane only because of the holder's participation in an operator's training and checking system, the check is taken to be valid only for operations conducted by the operator.
- (5) For paragraphs (3)(d) and (e), the holder successfully completes an instrument proficiency check for the relevant aeroplane if:
 - (a) CASA or a flight examiner:
 - (i) assesses the holder's competency to conduct operations under the IFR in a relevant aeroplane as meeting the standards mentioned in the Part 61 Manual of Standards for an instrument proficiency check in the relevant aeroplane; and
 - (ii) endorses the holder's licence document to the effect that the holder has completed the instrument proficiency check; and
 - (iii) includes in the endorsement the matters mentioned in subregulation (8); or

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- (b) a person mentioned in subregulation (7) assesses the holder as competent to conduct operations under the IFR in a relevant aeroplane, and CASA or a flight examiner:
 - (i) conducts an oral assessment of the holder's knowledge of IFR operation procedures to the standards mentioned in the Part 61 Manual of Standards for an instrument proficiency check; and
 - (ii) endorses the holder's licence document to the effect that the holder has completed the instrument proficiency check; and
 - (iii) includes in the endorsement the matters mentioned in subregulation (8).
- (6) For paragraphs (3)(d) and (e), the instrument proficiency check must be conducted in a relevant aeroplane or an approved flight simulation training device for the proficiency check.
- (7) For paragraph (5)(b), the person is the holder of an approval under regulation 61.040 to conduct the proficiency check.
- (8) For subparagraphs (5)(a)(iii) and (b)(iii), the matters are:
 - (a) the date on which the instrument proficiency check is conducted; and
 - (b) whether the instrument proficiency check is for the aeroplane category or multi-engine aeroplanes.
- (9) In this regulation:
relevant aeroplane, for an instrument proficiency check, means:
 - (a) if the instrument proficiency check is for the aeroplane category—a single-engine or multi-engine aeroplane; or
 - (b) if the instrument proficiency check is for multi-engine aeroplanes—a multi-engine aeroplane.

61.655 Requirements for grant of multi-crew pilot licences

- (1) An applicant for a multi-crew pilot licence must be at least 18.
- (2) The applicant must also:
 - (a) have passed the aeronautical knowledge examination for the multi-crew pilot licence and the aeroplane category rating; and
 - (b) have completed a multi-crew pilot licence training course; and
 - (c) have passed the flight test mentioned in the Part 61 Manual of Standards for the multi-crew pilot licence; and
 - (d) have met the aeronautical experience requirements mentioned in regulation 61.660; and
 - (e) hold a pilot type rating for a multi-crew aeroplane.

Note 1: For paragraph (a), for the conduct of aeronautical knowledge examinations, see Division 61.B.3.

Note 2: For paragraph (c), for the conduct of flight tests, see Division 61.B.4.

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Note 3: For paragraph (d), for the determination of a person's flight time and other aeronautical experience, see Division 61.A.2.

- (3) For paragraph (2)(c), the flight test must be conducted under the IFR in:
 - (a) a multi-engine turbine-powered aeroplane for which a pilot type rating is prescribed by a legislative instrument under regulation 61.055; or
 - (b) an approved flight simulator for the flight test.

61.660 Aeronautical experience requirements for grant of multi-crew pilot licences—aeroplane category

- (1) An applicant for a multi-crew pilot licence with the aeroplane category rating must have at least 240 hours of aeronautical experience that includes:
 - (a) at least 40 hours of flight time as pilot of an aeroplane; and
 - (b) at least 10 hours of solo flight time in an aeroplane; and
 - (c) at least 5 hours of cross-country flight time as pilot in command of an aeroplane.
- (2) Any of the required aeronautical experience that is not completed as flight time as a pilot must be completed as simulated flight time in an approved flight simulation training device for the purpose.
- (3) The cross-country flight time required by paragraph (1)(c) must include a flight of at least 150 nautical miles during which a full-stop landing is made at each of 2 aerodromes not within the flight training area for the aerodrome from which the flight began.
- (4) The applicant must have completed at least 12 take-offs, and at least 12 landings, in an aeroplane of the type used for the applicant's flight test.
- (5) The applicant is taken to meet the requirements of subregulation (4) if:
 - (a) the applicant holds an approval under regulation 61.040 for a number of take-offs and landings that is less than 12 but not less than 6; and
 - (b) the applicant has completed at least that number of take-offs, and at least that number of landings, in an aeroplane of the type used for the applicant's flight test.
- (6) CASA may grant an approval mentioned in paragraph (5)(a) only if:
 - (a) the lower number does not adversely affect the acquisition of the required skill by the applicant; and
 - (b) the Part 142 operator conducting the training course mentioned in paragraph 61.655(2)(b) has made arrangements to ensure that corrective action can be taken if in-training or post-training evaluation indicates a need for corrective action.
- (7) The flight time in an aeroplane required by subregulation (1) must be completed in a registered or recognised aeroplane.

Subpart 61.K—Air transport pilot licences

61.665 Privileges of air transport pilot licences

Subject to Subpart 61.E and regulations 61.670 to 61.695, the holder of an air transport pilot licence is authorised to pilot an aeroplane, helicopter or powered-lift aircraft as pilot in command or co-pilot.

- Note 1: Subpart 61.E sets out certain limitations that apply to all pilot licences, and ratings and endorsements on pilot licences.
- Note 2: The holder of an air transport pilot licence is also authorised to taxi an aircraft in certain circumstances: see regulation 61.430.
- Note 3: The holder of an air transport pilot licence is also authorised to transmit on an aviation safety radio frequency: see regulation 61.435.

61.670 Limitations on exercise of privileges of air transport pilot licences—helicopter IFR flight

The holder of an air transport pilot licence is authorised to pilot a helicopter under the IFR only if the holder also holds an instrument rating.

61.675 Limitations on exercise of privileges of air transport pilot licences—single-pilot IFR flight

The holder of an air transport pilot licence is authorised to pilot an aircraft in a single-pilot operation under the IFR only if the holder has:

- (a) passed the flight test for an instrument rating in a single-pilot aircraft; or
- (b) completed an instrument proficiency check in a single-pilot aircraft.

61.680 Limitations on exercise of privileges of air transport pilot licences—IFR flight: general

- (1) The holder of an air transport pilot licence is authorised to conduct an instrument approach operation of a particular kind as pilot in command of an aircraft only if the aircraft is equipped for that kind of approach.
- (2) The holder of an air transport pilot licence is authorised to conduct a circling approach under the IFR on a flight only if:
 - (a) the holder passed the flight test for the licence within the previous 12 months, and the flight test included a circling approach; or
 - (b) the holder's most recent instrument proficiency check included a circling approach; or
 - (c) both:
 - (i) the holder is successfully participating in an operator's training and checking system for an operation that includes circling approaches under the IFR; and

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- (ii) the operator holds an approval under regulation 61.040 for the system for this subregulation.
- (2A) The holder of an air transport pilot licence is authorised to conduct a 3D instrument approach operation only if:
 - (a) the holder passed the flight test for the licence within the previous 12 months, and the flight test included a 3D instrument approach operation; or
 - (b) either:
 - (i) in a case in which the holder's most recent instrument proficiency check included a 3D instrument approach operation—during the check the holder demonstrated, to a person mentioned in subregulation (5), the holder's competence in the conduct of a 3D instrument approach operation; or
 - (ii) in any other case—the holder has, within the previous 15 months, demonstrated, to a person mentioned in subregulation (5), the holder's competence in the conduct of a 3D instrument approach operation; or
 - (c) both:
 - (i) the holder is successfully participating in an operator's training and checking system for an operation that includes 3D instrument approaches; and
 - (ii) the operator holds an approval under regulation 61.040 for the system for this subregulation.
- (3) For paragraphs (2)(b) and (2A)(b), an instrument proficiency check includes an operator proficiency check:
 - (a) that covers IFR operations; and
 - (b) that is conducted by a flight examiner who holds an instrument rating flight test endorsement.
- (4) The holder of an air transport pilot licence is authorised to conduct an instrument approach operation in an aircraft using a procedure of a particular kind only if the holder has:
 - (a) completed training in the conduct of instrument approach operations using the procedure; and
 - (b) demonstrated, to a person mentioned in subregulation (5), his or her competence in the conduct of instrument approach operations using the procedure.
- (5) For paragraphs (2A)(b) and (4)(b), the persons are as follows:
 - (a) CASA;
 - (b) an examiner who is authorised under this Part to conduct an instrument approach operation using the same procedure;
 - (c) a person who holds an approval under regulation 61.040 to assess the holder's competence.

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61.685 Limitations on exercise of privileges of air transport pilot licences—IFR flight: recent experience

- (1) Subject to subregulation (1A), this regulation applies to the holder of an air transport pilot licence.
- (1A) This regulation does not apply to the holder if:
 - (a) the holder has successfully completed an operator proficiency check that covers IFR operations within the previous 3 months; or
 - (b) both:
 - (i) the holder is successfully participating in an operator's training and checking system for an IFR operation; and
 - (ii) the operator holds an approval under this regulation for the system for this subregulation.
- (2) The holder is authorised to pilot an aircraft under the IFR only if the holder has conducted at least 3 instrument approach operations within the previous 90 days in an aircraft or an approved flight simulation training device for the purpose.
- (3) The holder is authorised to pilot an aircraft of a particular category under the IFR only if the holder has conducted at least one instrument approach operation within the previous 90 days in an aircraft of the same category or an approved flight simulation training device for the purpose.
- (4) The holder is authorised to conduct a 2D instrument approach operation only if the holder has conducted a 2D instrument approach operation within the previous 90 days in an aircraft or an approved flight simulation training device for the purpose.
- (5) The holder is authorised to conduct a 3D instrument approach operation only if the holder has conducted a 3D instrument approach operation within the previous 90 days in an aircraft or an approved flight simulation training device for the purpose.
- (6) The holder is authorised to conduct an azimuth guidance operation only if the holder has conducted an azimuth guidance operation within the previous 90 days in an aircraft or an approved flight simulation training device for the purpose.
- (7) The holder is authorised to conduct a course deviation indicator operation only if the holder has conducted a course deviation indicator operation within the previous 90 days in an aircraft or an approved flight simulation training device for the purpose.

Note: Azimuth guidance operations and course deviation indicator operations are instrument approach operations: see the definitions of those terms in regulation 61.010.

**61.695 Limitations on exercise of privileges of air transport pilot licences—
instrument proficiency check**

- (1) The holder of an air transport pilot licence is authorised to exercise the privileges of the licence under the IFR in an aircraft of a particular category only if the holder has a valid instrument proficiency check for the aircraft category.
- (2) However:
 - (a) the holder is authorised to exercise the privileges of the licence in a multi-engine aeroplane only if the holder has a valid instrument proficiency check for multi-engine aeroplanes; and
 - (b) the holder is authorised to exercise the privileges of the licence in a multi-engine helicopter only if the holder has a valid instrument proficiency check for multi-engine helicopters.
- (3) Subject to subregulations (4) and (4B), for subregulations (1) and (2), the holder is taken to have a valid instrument proficiency check for the aircraft category, or for multi-engine aeroplanes or helicopters, during the following periods:
 - (a) if the holder passes the flight test for the air transport pilot licence in a relevant aircraft—the period from when the holder passes the flight test to the end of the 12th month after the month in which the holder passes the flight test;
 - (b) if the holder successfully completes an operator proficiency check that covers IFR operations in the relevant aircraft, and that is conducted by a flight examiner who holds an instrument rating flight test endorsement—the period from when the holder successfully completes the check to the end of the 12th month after the month in which the holder successfully completes the check;
 - (c) if:
 - (i) the holder is successfully participating in an operator's training and checking system for an IFR operation in the relevant aircraft; and
 - (ii) the operator holds an approval under regulation 61.040 for the system for this subregulation and operations in the relevant aircraft;the period during which the holder is successfully participating in the system;
 - (d) if the holder successfully completes an instrument proficiency check for the relevant aircraft—the period from when the holder successfully completes the check to the end of the 12th month after the month in which the holder successfully completes the check;
 - (e) if:
 - (i) the holder is taken to have a valid instrument proficiency check under any of paragraphs (a) to (d) for the relevant aircraft (the **existing check**); and
 - (ii) within 3 months before the validity of the existing check expires, the holder successfully completes an instrument proficiency check for the relevant aircraft;

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the period from when the validity of the existing check expires to the end of the 12th month after the validity of the existing check expires.

- (4) If, at any time, the holder attempts, but does not successfully complete, an instrument proficiency check mentioned in subregulation (4A) (the *failed check*), the holder is no longer taken to have a valid instrument proficiency check for:
 - (a) the aircraft category in which the holder attempted the failed check; or
 - (b) multi-engine aircraft of the category in which the holder attempted the failed check.
- (4A) For subregulation (4), the failed check may be any of the following:
 - (a) an instrument proficiency check for an aircraft category;
 - (b) an instrument proficiency check for multi-engine aeroplanes or helicopters;
 - (c) an instrument proficiency check for an aircraft type.
- (4B) If the holder is taken to have a valid instrument proficiency check for the relevant aircraft only because of the holder's participation in an operator's training and checking system, the check is taken to be valid only for operations conducted by the operator.
- (5) For paragraphs (3)(d) and (e), the holder successfully completes an instrument proficiency check for the relevant aircraft if:
 - (a) CASA or a flight examiner:
 - (i) assesses the holder's competency to conduct operations under the IFR in a relevant aircraft as meeting the standards mentioned in the Part 61 Manual of Standards for an instrument proficiency check in the relevant aircraft; and
 - (ii) endorses the holder's licence document to the effect that the holder has completed the instrument proficiency check; and
 - (iii) includes in the endorsement the matters mentioned in subregulation (8); or
 - (b) a person mentioned in subregulation (7) assesses the holder as competent to conduct operations under the IFR in a relevant aircraft, and CASA or a flight examiner:
 - (i) conducts an oral assessment of the holder's knowledge of IFR operation procedures to the standards mentioned in the Part 61 Manual of Standards for an instrument proficiency check; and
 - (ii) endorses the holder's licence document to the effect that the holder has completed the instrument proficiency check; and
 - (iii) includes in the endorsement the matters mentioned in subregulation (8).
- (6) For paragraphs (3)(d) and (e), the instrument proficiency check must be conducted in a relevant aircraft or an approved flight simulation training device for the proficiency check.
- (7) For paragraph (5)(b), the person is the holder of an approval under regulation 61.040 to conduct the proficiency check.

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- (8) For subparagraphs (5)(a)(iii) and (b)(iii), the matters are:
- (a) the date on which the instrument proficiency check is conducted; and
 - (b) the aircraft to which the instrument proficiency check relates.
- (9) In this regulation:
- relevant aircraft**, for an instrument proficiency check, means:
- (a) if the instrument proficiency check is for an aircraft category—a single-engine or multi-engine aircraft of that category; or
 - (b) if the instrument proficiency check is for multi-engine aeroplanes—a multi-engine aeroplane; or
 - (c) if the instrument proficiency check is for multi-engine helicopters—a multi-engine helicopter.

61.700 Requirements for grant of air transport pilot licences—general

- (1) An applicant for an air transport pilot licence must be at least 21.
- (2) The applicant must also hold a commercial pilot licence or multi-crew pilot licence with the same aircraft category rating.
- (3) The applicant must also have:
- (a) passed the aeronautical knowledge examination for the air transport pilot licence and the associated aircraft category rating; and
 - (b) completed flight training for the air transport pilot licence and the associated aircraft category rating; and
 - (c) passed the flight test mentioned in the Part 61 Manual of Standards for the air transport pilot licence and the associated aircraft category rating; and
 - (d) met the aeronautical experience requirements of this Subpart; and
 - (e) completed an approved course of training in multi-crew cooperation.
- Note 1: For paragraph (a), for the conduct of aeronautical knowledge examinations, see Division 61.B.3.
- Note 2: For paragraph (b), for the requirements for flight training, see Division 61.B.2.
- Note 3: For paragraph (c), for the conduct of flight tests, see Division 61.B.4.
- Note 4: For paragraph (d), for the determination of a person's flight time and other aeronautical experience, see Division 61.A.2.
- (4) An applicant for an air transport pilot licence with the aeroplane category rating is taken to meet the requirements of paragraph (3)(a) if the applicant holds a multi-crew pilot licence.
- (5) For paragraph (3)(c), the flight test for the air transport pilot licence with the aeroplane category rating must be conducted under the IFR in:
- (a) a multi-engine turbine-powered aeroplane that is configured for flight, and operated, with a co-pilot; or
 - (b) an approved flight simulator for the flight test.

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- (6) For paragraph (3)(c), the flight test for the air transport pilot licence with the helicopter category rating must be conducted in:
 - (a) a turbine-powered helicopter that is:
 - (i) certificated for night VFR operations; and
 - (ii) configured for flight, and operated, with a co-pilot; or
 - (b) an approved flight simulator for the flight test.
- (7) For paragraph (3)(c), the flight test for the air transport pilot licence with the powered-lift aircraft category rating must be conducted in:
 - (a) a powered-lift aircraft operated and configured for flight with a co-pilot and equipped for IFR flight; or
 - (b) an approved flight simulator for the flight test.

61.705 Aeronautical experience requirements for grant of air transport pilot licences—airplane category

- (1) An applicant for an air transport pilot licence with the airplane category rating must have at least 1 500 hours of aeronautical experience that includes:
 - (a) at least 1 400 hours of flight time as a pilot; and
 - (b) at least 750 hours of flight time as pilot of an airplane; and
 - (c) either:
 - (i) at least 500 hours of flight time in an airplane as pilot in command under supervision; or
 - (ii) at least 250 hours of flight time in an airplane as pilot in command or pilot in command under supervision, of which at least 70 hours must be as pilot in command; and
 - (d) at least 200 hours of cross-country flight time in an airplane; and
 - (e) at least 100 hours of cross-country flight time as pilot in command, or pilot in command under supervision, of an airplane; and
 - (f) at least 100 hours of flight time at night as pilot of an airplane, other than dual flight; and
 - (g) at least 75 hours of instrument time; and
 - (h) at least 45 hours of instrument flight time in an airplane.
- (2) Any of the required aeronautical experience that is not completed as flight time as a pilot must be completed as simulated flight time in an approved flight simulation training device for the purpose.
- (3) However, no more than 25 hours may be completed in a flight simulation training device that is not a flight simulator.
- (4) The flight time in an airplane required by subregulation (1) must be completed in a registered or recognised airplane.

61.710 Aeronautical experience requirements for grant of air transport pilot licences—helicopter category

- (1) An applicant for an air transport pilot licence with the helicopter category rating must have at least 1 000 hours of aeronautical experience that includes:
 - (a) at least 900 hours of flight time as a pilot; and
 - (b) at least 750 hours of flight time as pilot of a helicopter; and
 - (c) at least 250 hours of flight time as pilot in command, or pilot in command under supervision, of a helicopter; and
 - (d) at least 70 hours of flight time as pilot in command of a helicopter; and
 - (e) at least 200 hours of cross-country flight time in a helicopter; and
 - (f) at least 100 hours of cross-country flight time as pilot in command, or pilot in command under supervision, of a helicopter; and
 - (g) at least 50 hours of flight time at night as pilot of a helicopter; and
 - (h) at least 30 hours of instrument time; and
 - (i) at least 20 hours of instrument flight time in a helicopter.
- (2) Any of the required aeronautical experience that is not completed as flight time as a pilot must be completed as:
 - (a) simulated flight time in an approved flight simulation training device for the purpose; or
 - (b) tethered flight time.
- (3) However:
 - (a) no more than 25 hours of the required aeronautical experience may be completed in a flight simulation training device that is not a flight simulator; and
 - (b) no more than 5 hours of the required aeronautical experience may be completed as tethered flight time.
- (4) The flight time in a helicopter required by subregulation (1) must be completed in a registered or recognised helicopter.

61.715 Aeronautical experience requirements for grant of air transport pilot licences—powered-lift aircraft category

- (1) An applicant for an air transport pilot licence with the powered-lift aircraft category rating must have at least 1 500 hours of aeronautical experience that includes:
 - (a) at least 1 400 hours of flight time as a pilot; and
 - (b) at least 750 hours of flight time as pilot of a powered-lift aircraft; and
 - (c) at least 250 hours of flight time as pilot in command, or pilot in command under supervision, of a powered-lift aircraft; and
 - (d) at least 70 hours of flight time as pilot in command of a powered-lift aircraft; and
 - (e) at least 100 hours of cross-country flight time in a powered-lift aircraft; and

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- (f) at least 50 hours of cross-country flight time as pilot in command, or pilot in command under supervision, of a powered-lift aircraft; and
 - (g) at least 25 hours of flight time at night as pilot of a powered-lift aircraft; and
 - (h) at least 75 hours of instrument time; and
 - (i) at least 45 hours of instrument flight time in a powered-lift aircraft.
- (2) Any of the required aeronautical experience that is not completed as flight time as a pilot must be completed as:
 - (a) simulated flight time in an approved flight simulation training device for the purpose; or
 - (b) tethered flight time.
- (3) However:
 - (a) no more than 25 hours may be completed in a flight simulation training device that is not a flight simulator; and
 - (b) no more than 5 hours may be completed as tethered flight time.
- (4) The flight time in a powered-lift aircraft required by subregulation (1) must be completed in a registered or recognised powered-lift aircraft.

Subpart 61.L—Aircraft ratings and endorsements for pilot licences

Division 61.L.1—Preliminary

61.720 What Subpart 61.L is about

Subpart 61.L provides for ratings and endorsements that are required to authorise the holder of a pilot licence to exercise the privileges of the licence in an aircraft of a particular category, class or type.

Note 1: For the aircraft categories, see regulation 61.015.

Note 2: For the aircraft classes, see regulation 61.020.

Note 3: A design feature endorsement is required for the exercise of the privileges of a pilot licence in an aircraft that has the design feature to which the design endorsement relates: see regulation 61.760.

Note 4: A pilot type rating is required for the exercise of the privileges of a pilot licence in a multi-crew aircraft or an aircraft for which a single-pilot type rating is required by a legislative instrument under regulation 61.060: see subregulation 61.375(3). The type ratings that may be granted are set out in legislative instruments under regulations 61.055 (multi-crew aircraft) and 61.060 (single-pilot aircraft).

Note 5: However, the holder of a pilot licence may conduct some activities in an aircraft of a particular type without holding a pilot type rating if he or she holds a cruise relief type rating for the type of aircraft: see subregulation 61.375(6). The cruise relief type ratings that may be granted are those set out in a legislative instrument under regulation 61.055.

Note 6: For ratings and endorsements to conduct particular operations in an aircraft, see Subparts 61.M to 61.U.

Division 61.L.2—Aircraft category ratings

61.725 Privileges of aircraft category ratings

Subject to Subpart 61.E, the holder of an aircraft category rating is authorised to exercise the privileges of the pilot licence with which the category rating is associated in an aircraft of that category.

Note 1: Subpart 61.E sets out certain limitations that apply to all pilot licences, and ratings and endorsements on pilot licences.

Note 2: An aircraft category rating has effect only in conjunction with the pilot licence for which it is granted. It does not authorise the exercise, in the aircraft category covered by the rating, of the privileges of any other pilot licence held by the holder of the rating: see the definition of *associated* in regulation 61.010.

61.730 Requirements for grant of aircraft category ratings

- (1) An applicant for an aircraft category rating must be an applicant for, or the holder of, a pilot licence.

Note: Subregulation (1) is satisfied if the applicant holds a certificate of validation of an overseas flight crew licence that is equivalent to a pilot licence: see item 36 of Part 2 of the Dictionary.

- (2) If the application for the aircraft category rating is made at the same time as an application for a pilot licence, the applicant meets the requirements for the grant of the category rating if the applicant meets the requirements for the grant of the pilot licence with the aircraft category rating.
- (3) An applicant for an aircraft category rating for an existing pilot licence must meet the requirements for the grant of the pilot licence with the aircraft category rating.

Division 61.L.3—Aircraft class ratings

61.735 Privileges of aircraft class ratings

Subject to Subpart 61.E and regulations 61.740 and 61.745, the holder of an aircraft class rating is authorised to exercise the privileges of the holder's pilot licence in an aircraft of that class, other than an aircraft that:

- (a) is certificated for multi-crew operation; or
- (b) is of a type for which a single-pilot type rating is required by a legislative instrument under regulation 61.060 (Prescription of type ratings—single-pilot aircraft).

Note: Subpart 61.E sets out certain limitations that apply to all pilot licences, and ratings and endorsements on pilot licences.

61.745 Limitations on exercise of privileges of aircraft class ratings—flight review

- (1) The holder of an aircraft class rating is authorised to exercise the privileges of the rating only if the holder has a valid flight review for the rating.
- (1A) For subregulation (1), the holder has a valid flight review for the rating during the period beginning when the holder successfully completes a flight review for the rating in accordance with subregulation (2) and ending:
 - (a) at the end of the 24th month after the month in which the holder completes the review; or
 - (b) if:
 - (i) the holder already has a valid flight review for the rating (the *previous flight review*) when the holder successfully completes the flight review; and
 - (ii) the validity of the previous flight review is due to expire within 3 months after the holder successfully completes the flight review; at the end of the 24th month after the validity of the previous flight review expires.
- (2) The flight review must be conducted in:
 - (a) an aircraft of the class covered by the rating; or
 - (b) an approved flight simulator for the flight review.
- (3) For subregulation (1A), the holder is taken to have successfully completed a flight review for the rating if the holder:
 - (a) passes the flight test for the rating; or
 - (b) passes the flight test for an operational rating in an aircraft of the class covered by the aircraft class rating; or
 - (c) completes flight training for a design feature endorsement in an aircraft of the class covered by the aircraft class rating; or

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- (d) successfully completes a flight review for a pilot type rating in an aircraft of a type prescribed in an instrument under regulation 61.061 for the class rating; or
 - (e) successfully completes:
 - (i) an operator proficiency check that covers operations in the class; or
 - (ii) a proficiency check mentioned in subregulation (3A) in an aircraft of the class or an approved flight simulation training device for the purpose.
- (3A) For subparagraph (3)(e)(ii), the proficiency checks are as follows:
- (a) an instrument proficiency check;
 - (b) a night vision imaging system proficiency check;
 - (c) an aerial application proficiency check;
 - (d) an instructor proficiency check;
 - (e) an examiner proficiency check.
- (3B) For subregulation (1), the holder is taken to have a valid flight review for the rating if:
- (a) the holder is successfully participating in an operator's training and checking system for an operation in an aircraft of the class covered by the rating; and
 - (b) the operator holds an approval under regulation 61.040 for the system for this subregulation and operations in aircraft of that class.
- (4) However, paragraph (3)(a) does not apply if the holder was taken to have met the requirements for the grant of the rating under subregulation 61.480(3).

Note: For general rules in relation to flight reviews, see regulation 61.400.

61.747 Limitations on exercise of privileges of class ratings in certain aircraft—flight review

- (1) The holder of an aircraft class rating is authorised to exercise the privileges of the rating in an aircraft of a type mentioned in subregulation (2) only if the holder has:
 - (a) completed the flight training mentioned in subregulation (3) for the aircraft type; and
 - (b) successfully completed a flight review in:
 - (i) an aircraft of the type; or
 - (ii) an approved flight simulator for the flight review.
- (2) For subregulation (1), the aircraft types are prescribed in an instrument under regulation 61.062.
- (3) For paragraph (1)(a), the holder completes flight training for the aircraft type only if:
 - (a) the holder has received training in all the units of competency mentioned in the Part 61 Manual of Standards for the class rating that are relevant for the aircraft type; and

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- (b) the training is conducted by:
 - (i) an instructor for a Part 141 or 142 operator that is authorised to conduct flight training for the aircraft type; or
 - (ii) the holder of an approval under regulation 141.035 or 142.040 to conduct the training; and
 - (c) the training is conducted in accordance with regulation 61.205; and
 - (d) the instructor is satisfied that the holder meets the competency standards mentioned in the Part 61 Manual of Standards for the class rating that are relevant for the aircraft type.
- (4) The holder of an aircraft class rating that was granted on the basis of regulation 202.272 is taken to meet the requirements mentioned in subregulation (1) for a type of aircraft if, immediately before 1 September 2014, the holder held an aircraft endorsement that was in force for the type of aircraft.
- (5) The holder of an aircraft class rating is also taken to meet the requirements mentioned in subregulation (1) for a type of aircraft if, before the aircraft type was prescribed in an instrument made for the purposes of regulation 61.062, the holder conducted one or more operations in aircraft of that type as pilot in command.

61.750 Requirements for grant of aircraft class ratings

- (1) An applicant for an aircraft class rating must hold:
- (a) a pilot licence; and
 - (b) the aircraft category rating for the aircraft category to which aircraft of that class belong.

Note: Subregulation (1) is satisfied, in relation to a required licence or rating, if the applicant holds a certificate of validation of an overseas flight crew licence, rating or endorsement that is equivalent to the required licence or rating: see item 36 of Part 2 of the Dictionary.

- (2) However, an applicant for a multi-engine aeroplane class rating must hold a private pilot licence, commercial pilot licence, multi-crew pilot licence or air transport pilot licence.
- (3) The applicant must also have:
- (a) completed flight training for the rating; and
 - (b) passed the flight test mentioned in the Part 61 Manual of Standards for the aircraft class rating in an aircraft of the class covered by the rating.

Note 1: For paragraph (a), for the requirements for flight training, see Division 61.B.2.

Note 2: For paragraph (b), for the conduct of flight tests, see Division 61.B.4.

Division 61.L.4—Design feature endorsements

61.755 Design features that require design feature endorsement

Aeroplanes

- (2) The following design features on an aeroplane require a design feature endorsement:
- (a) tailwheel undercarriage;
 - (b) retractable undercarriage;
 - (c) manual propeller pitch control (piston engine);
 - (d) gas turbine engine;
 - (e) multi-engine centre-line thrust;
 - (f) pressurisation system;
 - (g) floatplane;
 - (h) floating hull;
 - (i) ski landing gear.

Helicopters

- (3) The following design features on a helicopter require a design feature endorsement:
- (a) float alighting gear;
 - (b) retractable undercarriage;
 - (c) gas turbine engine.

Powered-lift aircraft

- (3A) The following design features on a powered-lift aircraft require a design feature endorsement:
- (a) retractable undercarriage;
 - (b) pressurisation system;
 - (c) gas turbine engine.

Gyroplanes

- (4) The following design features on a gyroplane require a design feature endorsement:
- (a) retractable undercarriage;
 - (b) pressurisation system;
 - (c) gas turbine engine.

Airships

- (5) The following design features on an airship require a design feature endorsement:

- (a) pressurisation system;
- (b) gas turbine engine.

61.760 Privileges of design feature endorsements

Subject to Subpart 61.E, the holder of a design feature endorsement is authorised to exercise the privileges of his or her pilot licence in an aircraft that:

- (a) has that design feature; and
- (b) is:
 - (i) of a class for which the holder holds an aircraft class rating; or
 - (ii) of a type for which the holder holds an aircraft type rating.

Note: Subpart 61.E sets out certain limitations that apply to all pilot licences, and ratings and endorsements on pilot licences.

61.765 Requirements for grant of design feature endorsements

- (1) An applicant for a design feature endorsement must:
 - (a) hold an aircraft class rating that covers an aircraft with the design feature; and
 - (b) either:
 - (i) have passed the flight test for the class rating in an aircraft with the design feature; or
 - (ii) have completed flight training for the endorsement.

Note 1: For paragraph (a), paragraph (a) is satisfied if the applicant holds a certificate of validation of an overseas flight crew licence, rating or endorsement that is equivalent to the rating: see item 36 of Part 2 of the Dictionary.

Note 2: For subparagraph (b)(i), for the conduct of flight tests, see Division 61.B.4.

Note 3: For subparagraph (b)(ii), for the requirements for flight training, see Division 61.B.2.

- (2) A pilot who holds a type rating for an aircraft that has a design feature mentioned for the aircraft in regulation 61.755 is taken to meet the requirements of subregulation (1) for that design feature.

Note: Subregulation (2) is satisfied if the applicant holds a certificate of validation of an overseas flight crew licence, rating or endorsement that is equivalent to the rating: see item 36 of Part 2 of the Dictionary.

Division 61.L.5—Pilot type ratings

61.770 Privileges of pilot type ratings

Subject to Subpart 61.E and regulations 61.775 to 61.805, the holder of a pilot licence and a pilot type rating is authorised to exercise the privileges of the licence in an aircraft of the type covered by the rating.

Note 1: Subpart 61.E sets out certain limitations that apply to all pilot licences, and ratings and endorsements on pilot licences.

Note 2: The aircraft types for which pilot type ratings may be granted are set out in legislative instruments under regulations 61.055 (multi-crew aircraft) and 61.060 (single-pilot aircraft).

61.775 Limitations on exercise of privileges of pilot type ratings—flight test in flight simulator

- (1) This regulation applies to the holder of a pilot type rating for a type rated aircraft that is a multi-engine turbine-powered aircraft if the holder passed the flight test for the rating in a flight simulator.
- (2) The holder is authorised to exercise the privileges of the rating as pilot in command only if the holder has at least 25 hours of flight time as pilot of an aircraft covered by the rating.
- (3) The holder is taken to meet the requirements of subregulation (2) if the holder has:
 - (a) for a type rating for a turbojet-powered aeroplane:
 - (i) at least 1 000 hours of flight time as pilot of a turbojet-powered aeroplane; or
 - (ii) at least 2 000 hours of flight time, including at least 500 hours of flight time as pilot of a turbojet-powered aeroplane; or
 - (b) for a type rating for a turboprop-powered aeroplane:
 - (i) at least 1 000 hours of flight time as pilot of a turboprop-powered aeroplane; or
 - (ii) at least 2 000 hours of flight time, including at least 500 hours of flight time as pilot of a turboprop-powered aeroplane; or
 - (c) for a type rating for a turbine-powered helicopter:
 - (i) at least 1 000 hours of flight time as pilot of a turbine-powered helicopter; or
 - (ii) at least 2 000 hours of flight time, including at least 500 hours of flight time as pilot of a turbine-powered helicopter; or
 - (d) for a type rating for a powered-lift aircraft:
 - (i) at least 1 000 hours of flight time as pilot of a multi-engine turbine-powered helicopter or powered-lift aircraft; or

- (ii) at least 2 000 hours of flight time, including at least 500 hours of flight time as pilot of a multi-engine turbine-powered helicopter or powered-lift aircraft.

61.780 Limitations on exercise of privileges of pilot type ratings—variants

- (1) This regulation applies if:
 - (a) the holder of a pilot type rating passed the flight test for the rating in:
 - (i) an aircraft model covered by the rating (the *first variant*); or
 - (ii) an approved flight simulator for the first variant; and
 - (b) differences training is required by a legislative instrument under regulation 61.055 or 61.060 for another aircraft model covered by the rating (the *second variant*).
- (2) The holder is authorised to exercise the privileges of the rating in an aircraft of the second variant only if the holder has completed the differences training for the second variant.

61.785 Limitations on exercise of privileges of pilot type ratings—single-pilot operation and multi-crew operation

- (1) On and after 1 September 2015, the holder of a single-pilot type rating is authorised to exercise the privileges of the rating in a multi-crew operation only if:
 - (a) the holder also holds a multi-crew type rating; or
 - (b) the holder has completed an approved course of training in multi-crew cooperation.
- (2) The holder of a multi-crew type rating is authorised to exercise the privileges of the rating only in a multi-crew operation.

61.790 Limitations on exercise of privileges of pilot type ratings—IFR operation

The holder of a pilot type rating is authorised to pilot an aircraft under the IFR only if:

- (a) the flight test for the rating is conducted under the IFR; or
- (b) the holder has completed an instrument proficiency check in an aircraft covered by the rating.

61.795 Limitations on exercise of privileges of pilot type ratings—recent experience on aircraft models

The holder of a pilot type rating is authorised to exercise the privileges of the rating in an aircraft model covered by the rating only if:

- (a) within the previous 24 months, the holder has:
 - (i) exercised the privileges of the rating in the aircraft model; or
 - (ii) passed the flight test for the rating in the aircraft model; or
 - (iii) successfully completed a flight review in the aircraft model; or

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- (iv) if differences training is required by an instrument under regulation 61.055 or 61.060 for the aircraft model—completed the differences training; or
- (b) both:
 - (i) the holder is successfully participating in an operator’s training and checking system for an operation in the aircraft model; and
 - (ii) the operator holds an approval under regulation 61.040 for the system for this regulation and operations in that aircraft model.

61.800 Limitations on exercise of privileges of pilot type ratings—flight review

- (1) The holder of a pilot type rating is authorised to exercise the privileges of the rating as the pilot in command of an aircraft only if the holder has a valid flight review for the rating.
- (2) For subregulation (1), the holder has a valid flight review for the rating during the period beginning when the holder successfully completes a flight review for the rating in accordance with subregulation (3) and ending:
 - (a) at the end of the 24th month after the month in which the holder completes the review; or
 - (b) if:
 - (i) the holder already has a valid flight review for the rating (the *previous flight review*) when the holder successfully completes the flight review; and
 - (ii) the validity of the previous flight review is due to expire within 3 months after the holder successfully complete the flight review; at the end of the 24th month after the validity of the previous flight review expires.
- (3) For subregulation (2), the flight review must be conducted in:
 - (a) if the aircraft covered by the rating is a type of single-engine helicopter prescribed by an instrument under regulation 61.063:
 - (i) a helicopter of the type covered by the rating; or
 - (ii) an approved flight simulator for that type of helicopter; or
 - (iii) a type of single-engine helicopter prescribed by the instrument as equivalent to the type covered by the rating; or
 - (iv) an approved flight simulator for that type of helicopter; or
 - (b) in any other case:
 - (i) an aircraft of the type covered by the rating; or
 - (ii) an approved flight simulator for that type of aircraft.
- (4) For subregulation (2), the holder is taken to have successfully completed a flight review for the rating if the holder:
 - (a) passes the flight test for the rating; or
 - (b) passes the flight test for an operational rating in an aircraft of the class covered by the type rating; or

- (c) completes flight training for a design feature endorsement in an aircraft of the class covered by the type rating; or
- (d) successfully completes:
 - (i) an operator proficiency check that covers operations in the type; or
 - (ii) a proficiency check mentioned in subregulation (5) in an aircraft of the type or an approved flight simulation training device for the purpose.
- (5) For subparagraph (4)(d)(ii), the proficiency checks are as follows:
 - (a) an instrument proficiency check;
 - (b) a night vision imaging system proficiency check;
 - (c) an aerial application proficiency check;
 - (d) an instructor proficiency check;
 - (e) an examiner proficiency check.
- (6) For subregulation (1), the holder is taken to have a valid flight review for the rating if:
 - (a) the holder is successfully participating in an operator's training and checking system for an operation in an aircraft of the type covered by the rating; and
 - (b) the operator holds an approval under regulation 61.040 for the system for this subregulation and operations in aircraft of that type.

Note: For general rules in relation to flight reviews, see regulation 61.400.

61.805 Limitations on exercise of privileges of pilot type ratings—instrument proficiency check

- (1) The holder of a pilot type rating is authorised to exercise the privileges of the rating under the IFR only if the holder has a valid instrument proficiency check for the aircraft type covered by the rating.
- (2) Subject to subregulations (4) and (4B), for subregulation (1), the holder is taken to have a valid instrument proficiency check for an aircraft type, other than a single-pilot turbojet aeroplane type, during the following periods:
 - (a) if the holder passes the flight test for an instrument rating, private IFR rating, multi-crew pilot licence or air transport pilot licence in an aircraft of that type—the period from when the holder passes the flight test to the end of the 24th month after the month in which the holder passes the flight test;
 - (aa) if the holder passes the flight test for the pilot type rating in an aircraft under the IFR—the period from when the holder passes the flight test to the end of the 24th month after the month in which the holder passes the flight test;
 - (b) if:
 - (i) the holder passes the flight test for an instrument endorsement in an aircraft of that type; and
 - (ii) the flight test is conducted more than 6 months after the holder passes the flight test for the rating;

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- the period from when the holder passes the flight test for the endorsement to the end of the 24th month after the month in which the holder passes the flight test for the endorsement;
- (c) if the holder successfully completes an operator proficiency check that covers IFR operations in an aircraft of that type, and that is conducted by a flight examiner who holds an instrument rating flight test endorsement—the period from when the holder successfully completes the check to the end of the 24th month after the month in which the holder successfully completes the check;
- (d) if:
- (i) the holder is successfully participating in an operator's training and checking system for an IFR operation in an aircraft of that type; and
 - (ii) the operator holds an approval under regulation 61.040 for the system for this subregulation and operations in aircraft of that type;
- the period during which the holder is successfully participating in the system;
- (e) if the holder successfully completes an instrument proficiency check for the aircraft type—the period from when the holder successfully completes the check to the end of the 24th month after the month in which the holder successfully completes the check;
- (f) if:
- (i) the holder is taken to have a valid instrument proficiency check under any of paragraphs (a) to (e) for the aircraft type (the *existing check*); and
 - (ii) within 3 months before the validity of the existing check expires, the holder successfully completes an instrument proficiency check for the aircraft type;
- the period from when the validity of the existing check expires to the end of the 24th month after the validity of the existing check expires.
- (3) Subject to subregulations (4) and (4B), for subregulation (1), the holder is taken to have a valid instrument proficiency check for a single-pilot turbojet aeroplane type during the following periods:
- (a) if the holder passes the flight test for the instrument rating or private IFR rating that is conducted as a single-pilot operation in an aircraft of that type—the period from when the holder passes the flight test to the end of the 12th month after the month in which the holder passes the flight test;
- (b) if:
- (i) the holder passes the flight test for an instrument endorsement in an aircraft of that type; and
 - (ii) the flight test is conducted more than 6 months after the holder passes the flight test for the rating;
- the period from when the holder passes the flight test for the endorsement to the end of the 12th month after the month in which the holder passes the flight test for the endorsement;
- (c) if the holder successfully completes an operator proficiency check that covers IFR operations in an aircraft of that type, and that is conducted by a
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flight examiner who holds an instrument rating flight test endorsement—the period from when the holder successfully completes the check to the end of the 12th month after the month in which the holder successfully completes the check;

- (d) if:
- (i) the holder is successfully participating in an operator's training and checking system for an IFR operation in an aircraft of that type; and
 - (ii) the operator holds an approval under regulation 61.040 for the system for this subregulation and operations in aircraft of that type;

the period during which the holder is successfully participating in the system;

- (e) if the holder successfully completes an instrument proficiency check for the aircraft type—the period from when the holder successfully completes the check to the end of the 12th month after the month in which the holder successfully completes the check;

- (f) if:
- (i) the holder is taken to have a valid instrument proficiency check under any of paragraphs (a) to (e) for the aircraft type (the **existing check**); and
 - (ii) within 3 months before the validity of the existing check expires, the holder successfully completes an instrument proficiency check for the aircraft type;

the period from when the validity of the existing check expires to the end of the 12th month after the validity of the existing check expires.

- (4) If, at any time, the holder attempts, but does not successfully complete, an instrument proficiency check mentioned in subregulation (4A) (the **failed check**), the holder is no longer taken to have a valid instrument proficiency check for a type of aircraft belonging to the aircraft category in which the holder attempted the failed check.

- (4A) For subregulation (4), the failed check may be any of the following:

- (a) an instrument proficiency check for an aircraft category;
- (b) an instrument proficiency check for multi-engine aeroplanes or helicopters;
- (c) an instrument proficiency check for an aircraft type.

- (4B) If the holder is taken to have a valid instrument proficiency check for the aircraft type only because of the holder's participation in an operator's training and checking system, the check is taken to be valid only for operations conducted by the operator.

- (5) For paragraphs (2)(e) and (f) and (3)(e) and (f), the holder successfully completes an instrument proficiency check for the relevant aircraft if:

- (a) CASA or a flight examiner:
 - (i) assesses the holder's competency to conduct operations under the IFR in a relevant aircraft as meeting the standards mentioned in the Part 61 Manual of Standards for an instrument proficiency check in the relevant aircraft; and

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- (ii) endorses the holder's licence document to the effect that the holder has completed the instrument proficiency check; and
 - (iii) includes in the endorsement the matters mentioned in subregulation (8); or
- (b) a person mentioned in subregulation (7) assesses the holder as competent to conduct operations under the IFR in a relevant aircraft, and CASA or a flight examiner:
 - (i) conducts an oral assessment of the holder's knowledge of IFR operation procedures to the standards mentioned in the Part 61 Manual of Standards for an instrument proficiency check; and
 - (ii) endorses the holder's licence document to the effect that the holder has completed the instrument proficiency check; and
 - (iii) includes in the endorsement the matters mentioned in subregulation (8).
- (6) For paragraphs (2)(e) and (f) and (3)(e) and (f), the instrument proficiency check must be conducted in a relevant aircraft or an approved flight simulation training device for the proficiency check.
- (7) For paragraph (5)(b), the person is the holder of an approval under regulation 61.040 to conduct the proficiency check.
- (8) For subparagraphs (5)(a)(iii) and (b)(iii), the matters are:
 - (a) the date on which the instrument proficiency check is conducted; and
 - (b) the aircraft type to which the instrument proficiency check relates.

61.810 Requirements for grant of pilot type ratings

- (1) This regulation applies to an applicant for a pilot type rating if the applicant is not taken to meet the requirements for the grant of the rating under regulation 61.815 or 61.820.
 - (2) The applicant must hold:
 - (a) a pilot licence; and
 - (b) an aircraft category rating for the category of aircraft that includes aircraft of the type covered by the pilot type rating.
- Note: Subregulation (2) is satisfied, in relation to a licence or rating, if the applicant holds a certificate of validation of an overseas flight crew licence, rating or endorsement that is equivalent to the licence or rating: see item 36 of Part 2 of the Dictionary.
- (3) The applicant must also have:
 - (a) completed an approved course of training for the rating that includes:
 - (i) theory and technical training; and
 - (ii) flight training in accordance with the approved course, consisting of:
 - (A) dual flight in an aircraft of the type covered by the rating; or
 - (B) dual simulated flight in an approved flight simulator for the training; and

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- (b) passed an examination, conducted by the operator or organisation that conducted the training mentioned in paragraph (a), testing the applicant's aeronautical knowledge against the standards mentioned in the Part 61 Manual of Standards for the rating; and
- (c) passed the flight test mentioned in the Part 61 Manual of Standards for the rating.

Note 1: For paragraph (a), for the requirements for an approved course of training, see Division 61.B.2.

Note 2: For paragraph (c), for the conduct of flight tests, see Division 61.B.4.

- (4) For paragraph (3)(a), the approved course of training must be conducted by:
 - (a) a Part 141 or 142 operator that is authorised under Part 141 or 142 to conduct the course; or
 - (b) the holder of an approval under regulation 141.035 or 142.040 to conduct the training.

61.815 Person taken to meet requirements for grant of pilot type rating—multi-crew pilot licence holder

A person is taken to meet the requirements for the grant of a pilot type rating for a type of aircraft if:

- (a) the person meets the requirements for the grant of a multi-crew pilot licence; and
- (b) the flight test for the multi-crew pilot licence is conducted in:
 - (i) an aircraft of that type; or
 - (ii) an approved flight simulator for the flight test.

61.820 Person taken to meet requirements for grant of pilot type rating—new type rating

- (1) A person is taken to meet the requirements for the grant of a pilot type rating (the *new type rating*) if:
 - (a) the person holds a pilot type rating (the *old type rating*) covering 2 or more aircraft models that were, in accordance with a legislative instrument under regulation 61.055 or 61.060 (the *old legislative instrument*), variants of each other; and
 - (b) as a result of a change to the legislative instrument, or the making of a new legislative instrument:
 - (i) the models are no longer variants of each other; and
 - (ii) one or more of the models is covered by the new type rating; and
 - (c) one of the following applies:
 - (i) the person passed the flight test for the old type rating in:
 - (A) an aircraft model that is covered by the new type rating; or
 - (B) an approved flight simulator for an aircraft model covered by the new type rating;

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- (ii) differences training was not required by the old legislative instrument for the person to exercise the privileges of the old type rating in an aircraft covered by the new type rating;
 - (iii) both:
 - (A) differences training was required by the old legislative instrument for the person to exercise the privileges of the old type rating in an aircraft covered by the new type rating; and
 - (B) the person has completed the differences training.
- (2) A person is taken to meet the requirements for the grant of a single-pilot type rating for a type of aircraft if:
 - (a) a single-pilot type rating is required for that type of aircraft; and
 - (b) a single-pilot type rating was not previously required for that type of aircraft; and
 - (c) the person holds a class rating for the class that includes that type of aircraft; and
 - (d) the person has piloted an aircraft of that type; and
 - (e) a person who may grant the rating is satisfied that the person is competent to pilot an aircraft of that type.

61.822 Removal of type rating condition about acting as pilot in command

- (1) This regulation applies to the holder of a type rating granted on the basis of regulation 202.272 or 202.274 if the rating is subject to the condition that the holder must not act as pilot in command of the relevant aircraft type.
- (2) CASA must remove the condition if:
 - (a) the holder applies to CASA for the removal of the condition; and
 - (b) the holder meets the requirements under this Part for the grant of the type rating.

Division 61.L.6—Cruise relief type ratings

61.825 Kinds of cruise relief type rating

The kinds of cruise relief type rating are set out in column 1 of table 61.825.

Table 61.825 Cruise relief type ratings

Item	Column 1 Rating	Column 2 Activities authorised
1	Cruise relief co-pilot rating (type specific)	Act as co-pilot of an aircraft of the specified type
2	Cruise relief flight engineer rating (type specific)	Act as flight engineer of an aircraft of the specified type

61.830 Privileges of cruise relief type ratings

Subject to Subpart 61.E and regulations 61.835 and 61.840, the holder of a rating mentioned in an item in column 1 of table 61.825 is authorised to undertake the activity mentioned in column 2 of the item.

Note 1: Subpart 61.E sets out certain limitations that apply to all pilot licences, and ratings and endorsements on pilot licences.

Note 2: The types for which cruise relief type ratings may be granted are set out in legislative instruments made under regulations 61.055 (multi-crew aircraft) and 61.060 (single-pilot aircraft).

61.835 Limitations on exercise of privileges of cruise relief type ratings—general

- (1) The holder of a cruise relief co-pilot type rating is authorised to act as co-pilot of an aircraft:
 - (a) only if the aircraft is operated by an operator that:
 - (i) has a training and checking system; and
 - (ii) holds an approval under regulation 61.040 for the system for this subregulation; and
 - (b) only while the aircraft is at flight level 200 or above.
- (2) The holder of a cruise relief flight engineer type rating is authorised to act as flight engineer of an aircraft only while the aircraft is at flight level 200 or above.
- (3) Subregulation (4) applies if:
 - (a) the holder of a cruise relief type rating passed the flight test for the rating in:
 - (i) an aircraft model covered by the rating (the *first variant*); or
 - (ii) an approved flight simulator for the first variant; and

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- (b) differences training is required by a legislative instrument under regulation 61.055 for another aircraft model covered by the rating (the *second variant*).
- (4) The holder is authorised to exercise the privileges of the rating in the second variant only if the holder has completed the differences training for the second variant.

61.840 Limitations on exercise of privileges of cruise relief type ratings—recent experience

- (1) The holder of a cruise relief co-pilot type rating is authorised to act as co-pilot of an aircraft of a particular type only if:
 - (a) the holder is successfully participating in an operator's training and checking system for an operation in an aircraft of that type; and
 - (b) the operator holds an approval under regulation 61.040 for the system for this subregulation and operations in aircraft of that type; and
 - (b) the holder has, within the previous 90 days:
 - (i) completed at least 2 hours of simulated flight time as co-pilot in an approved flight simulation training device; or
 - (ii) passed the flight test for the grant of the rating; or
 - (iii) exercised the privileges of the rating in an aircraft.
- (2) The holder of a cruise relief flight engineer type rating is authorised to act as a cruise relief flight engineer of an aircraft of a particular type only if:
 - (a) the holder has acted as a cruise relief flight engineer of an aircraft of that type, or in an approved flight simulator for the purpose, for a period of at least one hour in the previous 90 days; or
 - (b) the holder has successfully completed an operator proficiency check in an aircraft of that type or an approved flight simulator for the purpose in the previous 90 days; or
 - (c) both:
 - (i) the holder is successfully participating in an operator's training and checking system for an operation in an aircraft of that type; and
 - (ii) the operator holds an approval under regulation 61.040 for the system for this subregulation and operations in aircraft of that type; or
 - (d) the holder is acting as a cruise relief flight engineer under the supervision of a flight engineer instructor.
- (3) Subregulation (4) applies if:
 - (a) the holder of a cruise relief type rating passed the flight test for the rating in:
 - (i) an aircraft model covered by the rating (the *first variant*); or
 - (ii) an approved flight simulator for the first variant; and
 - (b) differences training is required by a legislative instrument under regulation 61.055 for another aircraft model covered by the rating (the *second variant*).

- (4) The holder is authorised to exercise the privileges of the rating in the second variant only if:
- (a) within the previous 24 months, the holder has:
 - (i) exercised the privileges of the rating in the second variant; or
 - (ii) completed the differences training for the second variant; or
 - (iii) completed a recurrent training course for the second variant; or
 - (b) both:
 - (i) the holder is successfully participating in an operator's training and checking system for an operation in the second variant; and
 - (ii) the operator holds an approval under regulation 61.040 for the system for this subregulation and operations in the second variant.

61.845 Requirements for grant of cruise relief type ratings

- (1) This regulation applies to an applicant for a cruise relief type rating for an aircraft of a particular type if the applicant is not taken to meet the requirements for the grant of the rating under regulation 61.850.
- (2) The applicant must hold:
- (a) a commercial pilot licence, multi-crew pilot licence or air transport pilot licence; and
 - (b) the aircraft category rating for the aircraft category that includes aircraft of that type; and
 - (c) for a cruise relief flight engineer type rating for an aircraft type:
 - (i) the cruise relief co-pilot type rating for the aircraft type; or
 - (ii) the pilot type rating for the aircraft type.

Note: Subregulation (2) is satisfied, in relation to a required licence or rating, if the applicant holds a certificate of validation of an overseas flight crew licence, rating or endorsement that is equivalent to the required licence or rating: see item 36 of Part 2 of the Dictionary.

- (3) The applicant must also have:
- (a) completed an approved course of training for the rating that includes:
 - (i) at least one hour of flight training consisting of:
 - (A) dual flight in an aircraft of that type; or
 - (B) dual simulated flight in an approved flight simulator for the training; and
 - (ii) theory and technical training; and
 - (b) passed the flight test mentioned in the Part 61 Manual of Standards for the rating.

Note 1: For the requirements for an approved course of training, see Division 61.B.2.

Note 2: For the conduct of flight tests, see Division 61.B.4.

- (3A) If the applicant applies on or after 1 September 2015, the applicant must also have completed an approved course of training in multi-crew cooperation.

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- (4) For paragraph (3)(a) and subregulation (3A), the approved course of training must be conducted by:
- (a) a Part 142 operator that is authorised under Part 142 to conduct the course; or
 - (b) the holder of an approval under regulation 142.040 to conduct the training.

**61.850 Person taken to meet requirements for grant of cruise relief type rating—
new type rating**

A person is taken to meet the requirements for the grant of a cruise relief type rating (the *new type rating*) if:

- (a) the person holds a cruise relief type rating (the *old type rating*) covering 2 or more aircraft models that were, in accordance with a legislative instrument under regulation 61.055 (the *old legislative instrument*), variants of each other; and
- (b) as a result of a change to the legislative instrument, or the making of a new legislative instrument:
 - (i) the models are no longer variants of each other; and
 - (ii) one or more of the models is covered by the new type rating; and
- (c) one of the following applies:
 - (i) the person passed the flight test for the old type rating in:
 - (A) an aircraft model that is covered by the new type rating; or
 - (B) an approved flight simulator for an aircraft model covered by the new type rating;
 - (ii) differences training was not required by the old legislative instrument for the person to exercise the privileges of the old type rating in an aircraft covered by the new type rating;
 - (iii) both:
 - (A) differences training was required by the old legislative instrument for the person to exercise the privileges of the old type rating in an aircraft covered by the new type rating; and
 - (B) the person has completed the differences training.

Subpart 61.M—Instrument ratings

Division 61.M.1—Privileges and requirements for grant of instrument ratings

61.855 Privileges of instrument ratings

Subject to Subpart 61.E and regulations 61.860 to 61.880, the holder of an instrument rating is authorised to pilot an aircraft:

- (a) under the IFR; or
- (b) at night under the VFR.

Note: Subpart 61.E sets out certain limitations that apply to all pilot licences, and ratings and endorsements on pilot licences.

61.860 Limitations on exercise of privileges of instrument ratings—general

- (1) The holder of an instrument rating is authorised to conduct an instrument approach operation of a particular kind as pilot in command of an aircraft only if the aircraft is equipped for that kind of operation.
- (2) The holder of an instrument rating is authorised to pilot an aircraft in a single-pilot operation under the IFR only if the holder has:
 - (a) passed the flight test for the rating in a single-pilot aircraft; or
 - (b) completed an instrument proficiency check in a single-pilot aircraft.
- (3) The holder of an instrument rating is authorised to conduct a circling approach under the IFR on a flight only if:
 - (a) the holder passed the flight test for the rating within the previous 12 months, and the flight test included a circling approach; or
 - (b) the holder's most recent instrument proficiency check included a circling approach; or
 - (c) both:
 - (i) the holder is successfully participating in an operator's training and checking system for an operation that includes circling approaches; and
 - (ii) the operator holds an approval under regulation 61.040 for the system for this subregulation.
- (4) For paragraph (3)(b), an instrument proficiency check includes an operator proficiency check:
 - (a) that covers IFR operations; and
 - (b) that is conducted by a flight examiner who holds an instrument rating flight test endorsement.

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- (5) The holder of an instrument rating is authorised to conduct an instrument approach operation in an aircraft using a procedure of a particular kind only if the holder has:
 - (a) completed training in the conduct of instrument approach operations using the procedure; and
 - (b) demonstrated, to a person mentioned in subregulation (6), his or her competence in the conduct of instrument approach operations using the procedure.
- (6) For paragraph (5)(b), the persons are as follows:
 - (a) CASA;
 - (b) an examiner who is authorised to conduct an instrument approach operation using the same procedure;
 - (c) a person who holds an approval under regulation 61.040 to assess the holder's competence.

61.865 Limitations on exercise of privileges of instrument ratings—endorsements

- (1) The holder of an instrument rating is authorised to pilot an aircraft mentioned in column 2 of an item in Part 1 of table 61.890 under the IFR, or at night under the VFR, only if the holder also holds the endorsement mentioned in column 1 of the item.
- (2) The holder of an instrument rating is authorised to conduct an instrument approach operation mentioned in column 2 of an item in Part 2 of table 61.890 only if the holder also holds the endorsement mentioned in column 1 of the item.

61.870 Limitations on exercise of privileges of instrument ratings—recent experience: general

- (1) This regulation applies to the holder of an instrument rating subject to subregulation (1A).
- (1A) This regulation does not apply to the holder if:
 - (a) the holder has successfully completed an operator proficiency check that covers IFR operations within the previous 3 months; or
 - (b) both:
 - (i) the holder is successfully participating in an operator's training and checking system for an IFR operation; and
 - (ii) the operator holds an approval under regulation 61.040 for the system for this subregulation.
- (2) The holder is authorised to pilot an aircraft under the IFR only if the holder has conducted at least 3 instrument approach operations within the previous 90 days in an aircraft or an approved flight simulation training device for the purpose.
- (3) The holder is authorised to pilot an aircraft of a particular category under the IFR only if the holder has conducted at least one instrument approach operation

within the previous 90 days in an aircraft of the same category or an approved flight simulation training device for the purpose.

- (4) The holder is authorised to conduct a 2D instrument approach operation only if the holder has conducted a 2D instrument approach operation within the previous 90 days in an aircraft or an approved flight simulation training device for the purpose.
- (5) The holder is authorised to conduct a 3D instrument approach operation only if the holder has conducted a 3D instrument approach operation within the previous 90 days in an aircraft or an approved flight simulation training device for the purpose.
- (6) The holder is authorised to conduct an azimuth guidance operation only if the holder has conducted an azimuth guidance operation within the previous 90 days in an aircraft or an approved flight simulation training device for the purpose.
- (7) The holder is authorised to conduct a course deviation indicator operation only if the holder has conducted a course deviation indicator operation within the previous 90 days in an aircraft or an approved flight simulation training device for the purpose.

Note: Azimuth guidance operations and course deviation indicator operations are instrument approach operations: see the definitions of those terms in regulation 61.010.

61.875 Limitations on exercise of privileges of instrument ratings—recent experience: single pilot

- (1) The holder of an instrument rating is authorised to pilot an aircraft under the IFR in a single-pilot operation only if the holder has conducted a flight or simulated flight under the IFR in a single-pilot operation within the previous 6 months.
- (2) For subregulation (1), the flight or simulated flight must:
 - (a) have a duration of at least one hour; and
 - (b) include at least one instrument approach or simulated instrument approach.

61.880 Limitations on exercise of privileges of instrument ratings—instrument proficiency check

- (1) The holder of an instrument rating is authorised to exercise the privileges of the rating in an aircraft of a particular category only if the holder has a valid instrument proficiency check for the aircraft category.
- (2) However:
 - (a) the holder is authorised to exercise the privileges of the rating in a multi-engine aeroplane only if the holder has a valid instrument proficiency check for multi-engine aeroplanes; and
 - (b) the holder is authorised to exercise the privileges of the rating in a multi-engine helicopter only if the holder has a valid instrument proficiency check for multi-engine helicopters.

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- (3) Subject to subregulations (4) and (4B), for subregulations (1) and (2), the holder is taken to have a valid instrument proficiency check for the aircraft category, or for multi-engine aeroplanes or helicopters, during the following periods:
- (a) if the holder passes the flight test for the instrument rating in a relevant aircraft—the period from when the holder passes the flight test to the end of the 12th month after the month in which the holder passes the flight test;
 - (b) if:
 - (i) the holder passes the flight test for an instrument endorsement in a relevant aircraft; and
 - (ii) the flight test is conducted more than 6 months after the holder passes the flight test for the rating;the period from when the holder passes the flight test for the endorsement to the end of the 12th month after the month in which the holder passes the flight test for the endorsement;
 - (c) if the holder successfully completes an operator proficiency check that covers IFR operations in the relevant aircraft, and that is conducted by a flight examiner who holds an instrument rating flight test endorsement—the period from when the holder successfully completes the check to the end of the 12th month after the month in which the holder successfully completes the check;
 - (d) if:
 - (i) the holder is successfully participating in an operator's training and checking system for an IFR operation in the relevant aircraft; and
 - (ii) the operator holds an approval under regulation 61.040 for the system for this subregulation and operations in the relevant aircraft;the period during which the holder is successfully participating in the system;
 - (e) if the holder successfully completes an instrument proficiency check for the relevant aircraft—the period from when the holder successfully completes the check to the end of the 12th month after the month in which the holder successfully completes the check;
 - (f) if:
 - (i) the holder is taken to have a valid instrument proficiency check under any of paragraphs (a) to (e) for the relevant aircraft (the **existing check**); and
 - (ii) within 3 months before the validity of the existing check expires, the holder successfully completes an instrument proficiency check for the relevant aircraft;the period from when the validity of the existing check expires to the end of the 12th month after the validity of the existing check expires.
- (4) If, at any time, the holder attempts, but does not successfully complete, an instrument proficiency check mentioned in subregulation (4A) (the **failed check**), the holder is no longer taken to have a valid instrument proficiency check for:
- (a) the aircraft category in which the holder attempted the failed check; or

- (b) multi-engine aircraft of the category in which the holder attempted the failed check.
- (4A) For subregulation (4), the failed check may be any of the following:
 - (a) an instrument proficiency check for an aircraft category;
 - (b) an instrument proficiency check for multi-engine aeroplanes or helicopters;
 - (c) an instrument proficiency check for an aircraft type.
- (4B) If the holder is taken to have a valid instrument proficiency check for the relevant aircraft only because of the holder's participation in an operator's training and checking system, the check is taken to be valid only for operations conducted by the operator.
- (5) For paragraphs (3)(e) and (f), the holder successfully completes an instrument proficiency check for the relevant aircraft if:
 - (a) CASA or a flight examiner:
 - (i) assesses the holder's competency to conduct operations under the IFR in a relevant aircraft as meeting the standards mentioned in the Part 61 Manual of Standards for an instrument proficiency check in the relevant aircraft; and
 - (ii) endorses the holder's licence document to the effect that the holder has completed the instrument proficiency check; and
 - (iii) includes in the endorsement the matters mentioned in subregulation (8); or
 - (b) a person mentioned in subregulation (7) assesses the holder as competent to conduct operations under the IFR in a relevant aircraft, and CASA or a flight examiner:
 - (i) conducts an oral assessment of the holder's knowledge of IFR operation procedures to the standards mentioned in the Part 61 Manual of Standards for an instrument proficiency check; and
 - (ii) endorses the holder's licence document to the effect that the holder has completed the instrument proficiency check; and
 - (iii) includes in the endorsement the matters mentioned in subregulation (8).
- (6) For paragraphs (3)(e) and (f), the instrument proficiency check must be conducted in a relevant aircraft or an approved flight simulation training device for the proficiency check.
- (7) For paragraph (5)(b), the person is the holder of an approval under regulation 61.040 to conduct the proficiency check.
- (8) For subparagraphs (5)(a)(iii) and (b)(iii), the matters are:
 - (a) the date on which the instrument proficiency check is conducted; and
 - (b) the aircraft to which the instrument proficiency check relates.
- (9) In this regulation:

relevant aircraft, for an instrument proficiency check, means:

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- (a) if the instrument proficiency check is for an aircraft category—a single-engine or multi-engine aircraft of that category; or
- (b) if the instrument proficiency check is for multi-engine aeroplanes—a multi-engine aeroplane; or
- (c) if the instrument proficiency check is for multi-engine helicopters—a multi-engine helicopter.

61.885 Requirements for grant of instrument ratings

- (1) An applicant for an instrument rating must:
 - (a) hold a private pilot licence, commercial pilot licence or air transport pilot licence; and
 - (b) meet the requirements for the grant of:
 - (i) at least one instrument endorsement mentioned in column 1 of an item in Part 1 of table 61.890; and
 - (ii) at least one instrument endorsement mentioned in column 1 of an item in Part 2 of table 61.890.

Note 1: Paragraph (a) is satisfied if the applicant holds a certificate of validation of an overseas flight crew licence that is equivalent to a private pilot licence, commercial pilot licence or air transport pilot licence: see item 36 of Part 2 of the Dictionary.

Note 2: An application for a pilot licence mentioned in paragraph (a) and an instrument rating may be made at the same time: see subregulation 61.155(2).

- (2) The applicant must also have:
 - (a) passed the aeronautical knowledge examination for the instrument rating; and
 - (b) completed flight training for the instrument rating; and
 - (c) passed the flight test mentioned in the Part 61 Manual of Standards for the instrument rating and the aircraft category rating associated with the applicant's pilot licence; and
 - (d) met the aeronautical experience requirements mentioned in subregulation (5).

Note 1: For paragraph (a), for the conduct of aeronautical knowledge examinations, see Division 61.B.3.

Note 2: For paragraph (b), for the requirements for flight training, see Division 61.B.2.

Note 3: For paragraph (c), for the conduct of flight tests, see Division 61.B.4.

Note 4: For paragraph (d), for the determination of a person's flight time and other aeronautical experience, see Division 61.A.2.

- (3) For paragraph (2)(b), the flight training must have been conducted in an aircraft of the same category as the aircraft in which, or the aircraft represented by the flight simulation training device in which, the flight test is conducted.
- (4) For paragraph (2)(c), the flight test must be conducted in an aircraft unless the applicant has previously held:
 - (a) an instrument rating; or

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- (b) an overseas rating that CASA is satisfied is equivalent to an instrument rating; or
 - (c) a qualification issued by the Australian Defence Force that CASA is satisfied is equivalent to an instrument rating.
- (5) For paragraph (2)(d), the applicant must have aeronautical experience that includes:
 - (a) at least 50 hours of cross-country flight time as pilot in command; and
 - (b) at least 40 hours of instrument time, including:
 - (i) at least 10 hours of dual instrument time; and
 - (ii) either:
 - (A) if subregulation (6) applies—at least 10 hours of instrument flight time; or
 - (B) in any other case—at least 20 hours of instrument flight time.
- (6) This subregulation applies if any instrument ground time relied on by an applicant for paragraph (5)(b) is:
 - (a) completed in an approved flight simulator for the purpose; and
 - (b) supervised by a pilot instructor who holds an instrument rating training endorsement.
- (7) For subregulation (5), the cross-country flight time and instrument flight time must have been conducted in an aircraft of the same category as the aircraft in which, or the aircraft represented by the flight simulation training device in which, the flight test is conducted.

61.887 Removal of instrument rating conditions about acting as pilot in command under IFR

- (1) This regulation applies to the holder of an instrument rating granted on the basis of regulation 202.272 or 202.274 if the rating is subject to the condition that the holder is not authorised to act as pilot in command under the IFR.
- (2) CASA must remove the condition, to the extent that it relates to a particular aircraft category or class, if:
 - (a) the holder applies to CASA for the removal of the condition; and
 - (b) the holder meets the requirements under this Part for the grant of:
 - (i) an instrument rating; and
 - (ii) an instrument endorsement that would authorise the holder to pilot an aircraft of that category or class under the IFR.

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Division 61.M.2—Privileges and requirements for grant of instrument endorsements

61.890 Kinds of instrument endorsement

The kinds of instrument endorsement are set out in column 1 of table 61.890.

Table 61.890 Instrument endorsements			
Item	Column 1 Endorsement	Column 2 Activities authorised	Column 3 Requirements
<i>Part 1—Aircraft category/class endorsements</i>			
1	Single-engine aeroplane instrument endorsement	Pilot an aeroplane of the single-engine aeroplane class under the IFR or at night under the VFR	<p>Single-engine aeroplane class rating or type rating for a type of single-engine aeroplane</p> <p>At least 10 hours of dual instrument time in an aeroplane or an approved flight simulation training device for the purpose</p> <p>At least 5 hours of aeronautical experience at night as pilot of an aeroplane or an approved flight simulation training device for the purpose, including at least one hour of dual flight and one hour of solo night circuits</p>
2	Multi-engine aeroplane instrument endorsement	Pilot an aeroplane under the IFR or at night under the VFR	<p>Multi-engine aeroplane class rating or type rating for a type of multi-engine aeroplane</p> <p>At least 10 hours of dual instrument time in a multi-engine aeroplane or an approved flight simulation training device for the purpose</p> <p>At least 5 hours of aeronautical experience at night as pilot of an aeroplane or an approved flight simulation training device for the purpose, including at least one hour of dual flight and one hour of solo night circuits</p>
3	Single-engine helicopter instrument endorsement	Pilot a single-engine helicopter under the IFR or at night under the VFR	<p>Single-engine helicopter class rating or type rating for a type of single-engine helicopter</p> <p>At least 10 hours of dual instrument time in a helicopter or an approved flight simulation training device for the purpose</p> <p>At least 5 hours of aeronautical experience at night as pilot of a helicopter or an approved flight simulation training device for the purpose, including at least 3 hours of dual flight and one hour of solo night circuits</p>

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Table 61.890 Instrument endorsements

Item	Column 1 Endorsement	Column 2 Activities authorised	Column 3 Requirements
4	Multi-engine helicopter instrument endorsement	Pilot a helicopter under the IFR or at night under the VFR	Type rating for a type of multi-engine helicopter At least 10 hours of dual instrument time in a multi-engine helicopter or an approved flight simulation training device for the purpose At least 5 hours of aeronautical experience at night as pilot of a helicopter or an approved flight simulation training device for the purpose, including at least 3 hours of dual flight and one hour of solo night circuits
5	Powered-lift aircraft instrument endorsement	Pilot a powered-lift aircraft under the IFR or at night under the VFR	Type rating for a type of powered-lift aircraft At least 10 hours of dual instrument time in a powered-lift aircraft or an approved flight simulation training device for the purpose At least 5 hours of aeronautical experience at night as pilot of a helicopter or powered-lift aircraft or an approved flight simulation training device for the purpose, including at least 3 hours of dual flight and one hour of solo night circuits
6	Gyroplane instrument endorsement	Pilot a gyroplane under the IFR or at night under the VFR	Gyroplane aircraft class rating or type rating for a type of gyroplane At least 10 hours of dual instrument flight time in a gyroplane At least 5 hours of aeronautical experience at night as pilot of a helicopter or gyroplane or an approved flight simulation training device for the purpose, including at least 3 hours of dual flight and one hour of solo night circuits
7	Airship instrument endorsement	Pilot an airship under the IFR or at night under the VFR	Airship class rating or type rating for a type of airship At least 10 hours of dual instrument time in an airship or an approved flight simulation training device for the purpose At least 5 hours of aeronautical experience at night as pilot of an airship or an approved flight simulation training device for the purpose, including at least 3 hours of dual flight and one hour of solo night circuits
<i>Part 2—Instrument approach endorsements</i>			
8	IAP 2D instrument endorsement	Conduct a 2D instrument approach operation	

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Subpart 61.M Instrument ratings

Division 61.M.2 Privileges and requirements for grant of instrument endorsements

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Table 61.890 Instrument endorsements

Item	Column 1 Endorsement	Column 2 Activities authorised	Column 3 Requirements
9	IAP 3D instrument endorsement	Conduct a 3D instrument approach operation	IAP 2D instrument endorsement

61.895 Privileges of instrument endorsements

Subject to Subpart 61.E, Division 61.M.1 and regulation 61.900, the holder of an endorsement mentioned in column 1 of an item in table 61.890 is authorised to conduct the activity mentioned in column 2 of the item.

Note: Subpart 61.E sets out certain limitations that apply to all pilot licences, and ratings and endorsements on pilot licences.

61.900 Limitations on exercise of privileges of instrument endorsements

- (1) The holder of an endorsement mentioned in column 1 of an item in Part 2 of table 61.890 is authorised to conduct an instrument approach operation in IMC using a navigation system of a particular kind only if the holder has previously conducted:
 - (a) an instrument approach operation; or
 - (b) a simulated instrument approach operation in a flight simulation training device;using a navigation system of that kind.
- (2) The holder of an IAP 3D instrument endorsement is authorised to conduct a 3D instrument approach operation only if:
 - (a) the holder passed the flight test for the endorsement within the previous 12 months; or
 - (b) either:
 - (i) in a case in which the holder's most recent instrument proficiency check included a 3D instrument approach operation—during the check the holder demonstrated, to a person mentioned in subregulation (4), the holder's competence in the conduct of a 3D instrument approach operation; or
 - (ii) in any other case—the holder has, within the previous 15 months, demonstrated, to a person mentioned in subregulation (4), the holder's competence in the conduct of a 3D instrument approach operation; or
 - (c) both:
 - (i) the holder is successfully participating in an operator's training and checking system for an operation that includes 3D instrument approaches; and
 - (ii) the operator holds an approval under regulation 61.040 for the system for this subregulation.

- (3) For paragraph (2)(b), an instrument proficiency check includes an operator proficiency check:
 - (a) that covers IFR operations; and
 - (b) that is conducted by a flight examiner who holds an instrument rating flight test endorsement.
- (4) For paragraph (2)(b), the persons are as follows:
 - (a) CASA;
 - (b) an examiner who is authorised under this Part to conduct an instrument approach operation using the same procedure;
 - (c) a person who holds an approval under regulation 61.040 to assess the holder's competence.

61.905 Requirements for grant of instrument endorsements

- (1) An applicant for an endorsement mentioned in column 1 of an item in table 61.890 must hold:
 - (a) an instrument rating; and
 - (b) the rating or endorsement (if any) mentioned in column 3 of the item.

Note: Subregulation (1) is satisfied, in relation to a required licence, rating or endorsement, if the applicant holds a certificate of validation of an overseas flight crew licence, rating or endorsement that is equivalent to the required licence, rating or endorsement: see item 36 of Part 2 of the Dictionary.

- (2) The applicant must also have:
 - (a) completed flight training for the endorsement; and
 - (b) met the aeronautical experience requirements (if any) mentioned in column 3 of the item; and
 - (c) passed the flight test mentioned in the Part 61 Manual of Standards for the endorsement.

Note 1: For paragraph (a), for the requirements for flight training, see Division 61.B.2.

Note 2: For paragraph (b), for the determination of a person's flight time and other aeronautical experience, see Division 61.A.2.

Note 3: For paragraph (c), for the conduct of flight tests, see Division 61.B.4.

Subpart 61.N—Private instrument ratings

Division 61.N.1—Privileges and requirements for grant of private instrument ratings

61.910 Privileges of private instrument ratings

- (1) Subject to Subpart 61.E and regulations 61.915 to 61.925, the holder of a private instrument rating is authorised to pilot an aircraft mentioned in subregulation (2) under the IFR in a private operation in Australian territory.
- (2) For subregulation (1), the aircraft:
 - (a) must be certificated for single-pilot operation; and
 - (b) must have a maximum certificated take-off weight of not more than 5 700 kg.

61.915 Limitations on exercise of privileges of private instrument ratings—endorsements

- (1) The holder of a private instrument rating is authorised to pilot an aircraft mentioned in column 2 of an item in Part 1 of table 61.935 under the IFR only if the holder also holds the endorsement mentioned in column 1 of the item.
- (2) The holder of a private instrument rating is authorised to conduct an activity mentioned in column 2 of an item in Part 2, 3, 4 or 5 of table 61.935 only if the holder also holds the endorsement mentioned in column 1 of the item.
- (3) The holder of a private instrument rating is authorised to pilot an aircraft at night under the IFR only if the holder also holds a night private instrument endorsement.

61.920 Limitations on exercise of privileges of private instrument ratings—recent experience

- (1) The holder of a private instrument rating is authorised to conduct an instrument approach as pilot in command of an aircraft in IMC only if the holder has conducted an instrument approach of the same kind:
 - (a) within the previous 6 months; and
 - (b) in an aircraft of the same category or an approved flight simulation training device for the purpose.
- (2) The holder of a private instrument rating is authorised to pilot an aircraft under the IFR as pilot in command only if the holder has piloted an aircraft under the IFR within the previous 6 months.

61.925 Limitations on exercise of privileges of private instrument ratings—flight review

- (1) The holder of a private instrument rating is authorised to pilot an aircraft of a particular category, other than a multi-engine aeroplane or multi-engine helicopter, under the IFR only if the holder:
 - (a) has successfully completed a flight review for the rating in an aircraft of the same category or an approved flight simulator for the flight review within the previous 24 months; or
 - (b) has passed a flight test for the rating in an aircraft of the same category or an approved flight simulator for the flight test within the previous 24 months; or
 - (c) has passed a flight test for the grant of a private instrument endorsement in an aircraft of the same category or an approved flight simulator for the flight test:
 - (i) within the previous 24 months; but
 - (ii) more than 6 months after passing the flight test for the rating; or
 - (d) has successfully completed an instrument proficiency check in an aircraft of the same category within the previous 24 months.
- (2) The holder of a private instrument rating is authorised to pilot a multi-engine aeroplane under the IFR only if the holder:
 - (a) has successfully completed a flight review for the rating in a multi-engine aeroplane or an approved flight simulator for the flight review within the previous 24 months; or
 - (b) has passed a flight test for the rating in a multi-engine aeroplane or an approved flight simulator for the flight test within the previous 24 months; or
 - (c) has passed a flight test for the grant of a private instrument endorsement in a multi-engine aeroplane or an approved flight simulator for the flight test:
 - (i) within the previous 24 months; but
 - (ii) more than 6 months after passing the flight test for the rating; or
 - (d) has successfully completed an instrument proficiency check in a multi-engine aeroplane within the previous 24 months.
- (3) The holder of a private instrument rating is authorised to pilot a multi-engine helicopter under the IFR only if the holder:
 - (a) has successfully completed a flight review for the rating in a multi-engine helicopter or an approved flight simulator for the flight review within the previous 24 months; or
 - (b) has passed a flight test for the rating in a multi-engine helicopter or an approved flight simulator for the flight test within the previous 24 months; or
 - (c) has passed a flight test for the grant of a private instrument endorsement in a multi-engine helicopter or an approved flight simulator for the flight test:
 - (i) within the previous 24 months; but
 - (ii) more than 6 months after passing the flight test for the rating; or

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Division 61.N.1 Privileges and requirements for grant of private instrument ratings

Regulation 61.930

- (d) has successfully completed an instrument proficiency check in a multi-engine helicopter within the previous 24 months.

Note: For general rules in relation to flight reviews, see regulation 61.400.

61.930 Requirements for grant of private instrument ratings

- (1) An applicant for a private instrument rating must:
 - (a) hold a private pilot licence or commercial pilot licence; and
 - (b) meet the requirements for the grant of at least:
 - (i) one endorsement mentioned in column 1 of an item in Part 1 of table 61.935; and
 - (ii) one endorsement mentioned in column 1 of an item in Part 2 of table 61.935.

Note: Paragraph (a) is satisfied if the applicant holds a certificate of validation of an overseas flight crew licence that is equivalent to a private pilot licence, commercial pilot licence or air transport pilot licence: see item 36 of Part 2 of the Dictionary.

- (2) The applicant must also have:
 - (a) passed:
 - (i) the aeronautical knowledge examination for the instrument rating; or
 - (ii) a private instrument rating aeronautical knowledge examination set and conducted by:
 - (A) CASA; or
 - (B) a Part 141 or 142 operator that is authorised to conduct training for the grant of an instrument rating; and
 - (b) completed flight training for the private instrument rating; and
 - (c) passed the flight test mentioned in the Part 61 Manual of Standards for the private instrument rating; and
 - (d) completed at least 20 hours of instrument time, including at least 10 hours of dual instrument flight time.

Note 1: For subparagraph (a)(i), for the conduct of aeronautical knowledge examinations, see Division 61.B.3.

Note 2: For paragraph (b), for the requirements for flight training, see Division 61.B.2.

Note 3: For paragraph (c), for the conduct of flight tests, see Division 61.B.4.

Note 4: For paragraph (d), for the determination of a person's flight time and other aeronautical experience, see Division 61.A.2.

- (3) The aeronautical experience required by paragraph (2)(d) must have been completed:
 - (a) while receiving instrument training conducted by a flight instructor who holds an instrument rating training endorsement; or
 - (b) while receiving training for a private pilot licence, commercial pilot licence or air transport pilot licence or a night VFR rating; or
 - (c) as a member of the Australian Defence Force.

- (4) The holder of an instrument rating is taken to meet the requirements for the grant of a private instrument rating.

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Division 61.N.2—Privileges and requirements for grant of private instrument endorsements

61.935 Kinds of private instrument endorsement

The kinds of private instrument endorsement are set out in column 1 of table 61.935.

Table 61.935 Private instrument endorsements

Item	Column 1 Endorsement	Column 2 Activities authorised	Column 3 Requirements
<i>Part 1—Aircraft category/class endorsements</i>			
1	Single-engine aeroplane private instrument endorsement	Pilot an aeroplane of the single-engine aeroplane class under the IFR	Single-engine aeroplane class rating At least 10 hours of dual instrument flight time in an aeroplane
2	Multi-engine aeroplane private instrument endorsement	Pilot an aeroplane under the IFR	Multi-engine aeroplane class rating At least 10 hours of dual instrument flight time in a multi-engine aeroplane
3	Single-engine helicopter private instrument endorsement	Pilot a single-engine helicopter under the IFR	Single-engine helicopter class rating At least 10 hours of dual instrument flight time in a helicopter
4	Multi-engine helicopter private instrument endorsement	Pilot a helicopter under the IFR	Multi-engine helicopter class rating or multi-engine helicopter type rating At least 10 hours of dual instrument flight time in a multi-engine helicopter
5	Powered-lift aircraft private instrument endorsement	Pilot a powered-lift aircraft under the IFR	Powered-lift aircraft category rating At least 10 hours of dual instrument flight time in a powered-lift aircraft
6	Gyroplane private instrument endorsement	Pilot a gyroplane under the IFR	Gyroplane category rating At least 10 hours of dual instrument flight time in a gyroplane

Regulation 61.935

Table 61.935 Private instrument endorsements

Item	Column 1 Endorsement	Column 2 Activities authorised	Column 3 Requirements
7	Airship private instrument endorsement	Pilot an airship under the IFR	Airship category rating At least 10 hours of dual instrument flight time in an airship
<i>Part 2—Navigation endorsements</i>			
8	Navigation – NDB private instrument endorsement	Conduct en-route navigation, including holding, under the IFR using a non-directional beacon navigation system	
9	Navigation – VOR/LLZ private instrument endorsement	Conduct en-route navigation, including holding, under the IFR using a VHF omni-range/localiser navigation system	
10	Navigation – GNSS private instrument endorsement	Conduct en-route navigation, including holding, under the IFR using a global navigation satellite system	
<i>Part 3—Departure endorsements</i>			
11	Departure – single-engine aircraft private instrument endorsement	Conduct a take-off and departure, other than a standard instrument departure, under the IFR in a single-engine aircraft	Any of the following: (a) single-engine aeroplane private instrument endorsement; (b) single-engine helicopter private instrument endorsement; (c) gyroplane private instrument endorsement
12	Departure – multi-engine aeroplane private instrument endorsement	Conduct a take-off and departure, other than a standard instrument departure, under the IFR in a multi-engine aeroplane	Multi-engine aeroplane private instrument endorsement
13	Departure – multi-engine helicopter private instrument endorsement	Conduct a take-off and departure, other than a standard instrument departure, under the IFR in a multi-engine helicopter	Multi-engine helicopter private instrument endorsement
14	Departure – powered-lift aircraft private instrument endorsement	Conduct a take-off and departure, other than a standard instrument departure, under the IFR in a powered-lift aircraft	Powered-lift aircraft private instrument endorsement

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Subpart 61.N Private instrument ratings

Division 61.N.2 Privileges and requirements for grant of private instrument endorsements

Regulation 61.935

Table 61.935 Private instrument endorsements

Item	Column 1 Endorsement	Column 2 Activities authorised	Column 3 Requirements
15	Departure – airship private instrument endorsement	Conduct a take-off and departure, other than a standard instrument departure, under the IFR in an airship	Airship private instrument endorsement
16	Standard instrument departure private instrument endorsement	Conduct a take-off and departure, including a standard instrument departure, under the IFR	Any of the endorsements mentioned in items 11 to 15
<i>Part 4—Approach/arrival endorsements</i>			
17	STAR private instrument endorsement	Conduct an arrival under the IFR using a procedure published in the AIP and a navigation system for which the pilot holds an endorsement mentioned in column 1 of an item in Part 2 of this table	
18	Approach – NDB private instrument endorsement	Conduct an instrument approach operation under the IFR using a non-directional beacon navigation system	
19	Approach – VOR/LLZ private instrument endorsement	Conduct an instrument approach operation under the IFR using a VHF omni-range/localiser navigation system	
20	Approach – DME or GNSS arrival procedure private instrument endorsement	Conduct an instrument approach operation under the IFR using distance measuring equipment or a global navigation satellite system	
21	Approach – RNP APCH-2D private instrument endorsement	Conduct a required navigational performance instrument approach operation without vertical guidance using: (a) a global navigation satellite system; or (b) another kind of area navigation-based system	Navigation – GNSS private instrument endorsement
22	Approach – RNP APCH-3D private instrument endorsement	Conduct a required navigational performance instrument approach operation using barometric-aided vertical guidance	Navigation – GNSS private instrument endorsement Approach – RNP APCH-2D private instrument endorsement

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Table 61.935 Private instrument endorsements

Item	Column 1 Endorsement	Column 2 Activities authorised	Column 3 Requirements
23	Approach – ILS private instrument endorsement	Conduct an instrument approach operation, using: (a) an instrument landing system; or (b) a microwave landing system; or (c) a global navigation satellite system with ground-based augmentation	
<i>Part 5—Approach/arrival endorsements—category specific</i>			
24	Approach and landing – multi-engine aeroplane private instrument endorsement	Conduct an instrument approach operation under the IFR in a multi-engine aeroplane using a navigation system for which the pilot holds an instrument approach endorsement	Multi-engine aeroplane private instrument endorsement Any of the endorsements mentioned in items 18 to 23
25	Approach and landing – multi-engine helicopter private instrument endorsement	Conduct an instrument approach operation under the IFR in a multi-engine helicopter using a navigation system for which the pilot holds an instrument approach endorsement	Multi-engine helicopter private instrument endorsement Any of the endorsements mentioned in items 18 to 23
<i>Part 6—Night endorsement</i>			
26	Night private instrument endorsement (category specific)	Pilot an aircraft of the specified category under the IFR at night	At least 10 hours of aeronautical experience at night in an aircraft or an approved flight simulation training device for the purpose, including at least: (a) 3 hours of dual cross-country flight time at night; and (b) 5 hours of flight time at night in an aircraft of the same category; and (c) 1 hour of solo night circuits

61.940 Privileges of private instrument endorsements

- (1) Subject to Subpart 61.E, Division 61.N.1 and regulations 61.942 and 61.945, the holder of an endorsement mentioned in column 1 of an item in table 61.935 is authorised to conduct the activity mentioned in column 2 of the item.

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Note: Subpart 61.E sets out certain limitations that apply to all pilot licences, and ratings and endorsements on pilot licences.

- (2) For each endorsement mentioned in column 1 of an item in Part 3 of table 61.935, the privileges include conducting, under the IFR, a climb to the published lowest safe altitude for the first route segment of the flight.

Note: For the definition of *published lowest safe altitude*, see regulation 61.010.

61.942 Limitations on exercise of privileges of private instrument endorsements—visibility and cloud

The holder of an endorsement mentioned in column 1 of an item in Part 1, 2 or 6 of table 61.935 is authorised to conduct the activity authorised in column 2 of the item below the published lowest safe altitude only if:

- (a) visibility is at least 5 000 m; and
- (b) the aircraft is clear of cloud.

61.945 Limitations on exercise of privileges of private instrument endorsements

- (1) The holder of an endorsement mentioned in column 1 of an item in Part 2 of table 61.935 is authorised to conduct an instrument approach operation in IMC using a navigation system of a particular kind only if the holder has previously conducted:
 - (a) an instrument approach operation in an aircraft; or
 - (b) a simulated instrument approach operation in a flight simulation training device;using a navigation system of that kind.
- (2) The holder of an endorsement mentioned in column 1 of an item in Part 4 of table 61.935 is authorised to conduct an instrument approach operation under the IFR in a multi-engine aeroplane only if the holder also holds an approach and landing – multi-engine aeroplane private instrument endorsement.
- (3) The holder of an endorsement mentioned in column 1 of an item in Part 4 of table 61.935 is authorised to conduct an instrument approach operation under the IFR in a multi-engine helicopter only if the holder also holds an approach and landing – multi-engine helicopter private instrument endorsement.

61.950 Requirements for grant of private instrument endorsements

- (1) An applicant for an endorsement mentioned in column 1 of an item in table 61.935 must hold:
 - (a) a private instrument rating; and
 - (b) each rating or endorsement (if any) mentioned in column 3 of the item.

Note: Subregulation (1) is satisfied, in relation to a required rating or endorsement, if the applicant holds a certificate of validation of an overseas flight crew licence, rating or endorsement that is equivalent to the required rating or endorsement: see item 36 of Part 2 of the Dictionary.

- (2) The applicant must also have:
- (a) completed flight training for the endorsement; and
 - (b) met the aeronautical experience requirements (if any) mentioned in column 3 of the item; and
 - (c) passed the flight test mentioned in the Part 61 Manual of Standards for the endorsement.

Note 1: For paragraph (a), for the requirements for flight training, see Division 61.B.2.

Note 2: For paragraph (b), for the determination of a person's flight time and other aeronautical experience, see Division 61.A.2.

Note 3: For paragraph (c), for the conduct of flight tests, see Division 61.B.4.

- (3) A person who holds a private instrument rating and an instrument endorsement is taken to meet the requirements for the grant of the private instrument endorsement (if any) that is equivalent to the instrument endorsement.

Subpart 61.O—Night VFR ratings

Division 61.O.1—Privileges and requirements for grant of night VFR ratings

61.955 Privileges of night VFR ratings

Subject to Subpart 61.E and regulations 61.960 to 61.970, the holder of a pilot licence and a night VFR rating is authorised to pilot an aircraft at night under the VFR other than in:

- (a) an operation using a night vision imaging system; or
- (b) a night aerial application operation below 500 ft AGL.

Note: Subpart 61.E sets out certain limitations that apply to all pilot licences, and ratings and endorsements on pilot licences.

61.960 Limitations on exercise of privileges of night VFR ratings—endorsements

The holder of a night VFR rating is authorised to conduct an activity mentioned in column 2 of an item in table 61.980 only if the holder also holds the endorsement mentioned in column 1 of the item.

61.965 Limitations on exercise of privileges of night VFR ratings—recent experience

The holder of a night VFR rating is authorised to exercise the privileges of the rating in an aircraft of a particular category only if the holder has, within the previous 6 months:

- (a) conducted:
 - (i) at least one night take-off; and
 - (ii) at least one night landing;in an aircraft of that category while controlling the aircraft; or
- (b) been assessed as competent to conduct a flight at night in an aircraft of that category by a flight instructor who holds a night VFR training endorsement.

Note: See also regulation 61.395 for recent experience requirements for certain flight activities involving the carriage of passengers.

61.970 Limitations on exercise of privileges of night VFR ratings—flight review

- (1) The holder of a night VFR rating is authorised to pilot an aircraft of a particular category, other than a multi-engine aeroplane, at night under the VFR only if:
 - (a) the holder has successfully completed a flight review for the rating in an aircraft of the same category or an approved flight simulator for the flight review within the previous 24 months; or

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- (b) the holder has passed a flight test for the rating in an aircraft of the same category or an approved flight simulator for the flight test within the previous 24 months; or
 - (c) the holder has passed a flight test for the grant of a night VFR endorsement in an aircraft of the same category or an approved flight simulator for the flight test:
 - (i) within the previous 24 months; but
 - (ii) more than 6 months after passing the flight test for the rating; or
 - (d) the holder has successfully completed an operator proficiency check that covers night VFR operations in an aircraft of the same category within the previous 24 months; or
 - (e) both:
 - (i) the holder has, within the previous 24 months, successfully participated in an operator's training and checking system for an operation at night in an aircraft of the same category; and
 - (ii) the operator holds an approval under regulation 61.040 for the system for this subregulation and operations in aircraft of that category.
- (2) The holder of a night VFR rating is authorised to pilot a multi-engine aeroplane at night under the VFR only if:
- (a) the holder has successfully completed a flight review for the rating in a multi-engine aeroplane or an approved flight simulator for the flight review within the previous 24 months; or
 - (b) the holder has passed a flight test for the rating in a multi-engine aeroplane or an approved flight simulator for the flight test within the previous 24 months; or
 - (c) the holder has passed a flight test for the grant of a night VFR endorsement in a multi-engine aeroplane or an approved flight simulator for the flight test:
 - (i) within the previous 24 months; but
 - (ii) more than 6 months after passing the flight test for the rating; or
 - (d) the holder has successfully completed an operator proficiency check that covers night VFR operations in a multi-engine aeroplane within the previous 24 months; or
 - (e) both:
 - (i) the holder has, within the previous 24 months, successfully participated in an operator's training and checking system for an operation at night in a multi-engine aeroplane; and
 - (ii) the operator holds an approval under regulation 61.040 for the system for this subregulation.

Note: For general rules in relation to flight reviews, see regulation 61.400.

61.975 Requirements for grant of night VFR ratings

- (1) An applicant for a night VFR rating must:

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Division 61.O.1 Privileges and requirements for grant of night VFR ratings

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- (a) hold a private pilot licence, commercial pilot licence or air transport pilot licence; and
- (b) meet the requirements for the grant of at least one endorsement mentioned in column 1 of an item in table 61.980.

Note: Paragraph (a) is satisfied if the applicant holds a certificate of validation of an overseas flight crew licence that is equivalent to a private pilot licence, commercial pilot licence or air transport pilot licence: see item 36 of Part 2 of the Dictionary.

(2) The applicant must also have:

- (a) as a pilot, at least 10 hours of aeronautical experience at night in an aircraft or an approved flight simulation training device for the purpose, including at least 5 hours of dual cross-country flight time at night under the VFR in an aircraft; and
- (b) passed the flight test mentioned in the Part 61 Manual of Standards for the night VFR rating.

Note 1: For paragraph (a), for the determination of a person's flight time and other aeronautical experience, see Division 61.A.2.

Note 2: For paragraph (b), for the conduct of flight tests, see Division 61.B.4.

(3) The dual cross-country flight time required by paragraph (2)(a) must comprise at least 2 flights, each of which must include at least one landing at an aerodrome, other than the aerodrome from which the flight began, that is remote from extensive ground lighting.

Division 61.O.2—Privileges and requirements for grant of night VFR endorsements

61.980 Kinds of night VFR endorsement

The kinds of night VFR endorsement are set out in column 1 of table 61.980.

Table 61.980 Night VFR endorsements			
Item	Column 1 Endorsement	Column 2 Activities authorised	Column 3 Requirements
1	Single-engine aeroplane night VFR endorsement	Pilot an aeroplane of the single-engine aeroplane class at night under the VFR	At least 5 hours of aeronautical experience at night as pilot of an aeroplane or an approved flight simulation training device for the purpose, including at least one hour of dual flight and one hour of solo night circuits At least 3 hours of dual instrument time
2	Multi-engine aeroplane night VFR endorsement	Pilot an aeroplane at night under the VFR	At least 5 hours of aeronautical experience at night as pilot of a multi-engine aeroplane or an approved flight simulation training device for the purpose, including at least one hour of dual flight and one hour of solo night circuits At least 3 hours of dual instrument time
3	Helicopter night VFR endorsement	Pilot a helicopter at night under the VFR	At least 5 hours of aeronautical experience at night as pilot of a helicopter or an approved flight simulation training device for the purpose, including at least 3 hours of dual flight and one hour of solo night circuits At least 3 hours of dual instrument time in a helicopter or approved flight simulation training device for the purpose

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Subpart 61.O Night VFR ratings

Division 61.O.2 Privileges and requirements for grant of night VFR endorsements

Regulation 61.985

Table 61.980 Night VFR endorsements

Item	Column 1 Endorsement	Column 2 Activities authorised	Column 3 Requirements
4	Powered-lift aircraft night VFR endorsement	Pilot a powered-lift aircraft at night under the VFR	At least 5 hours of aeronautical experience at night as pilot of a helicopter or powered-lift aircraft or an approved flight simulation training device for the purpose, including at least 3 hours of dual flight and one hour of solo night circuits At least 3 hours of dual instrument time
5	Gyroplane night VFR endorsement	Pilot a gyroplane at night under the VFR	At least 5 hours of aeronautical experience at night as pilot of a helicopter or gyroplane or an approved flight simulation training device for the purpose, including at least 3 hours of dual flight and one hour of solo night circuits At least 3 hours of dual instrument time
6	Airship night VFR endorsement	Pilot an airship at night under the VFR	At least 5 hours of aeronautical experience at night as pilot of an airship or an approved flight simulation training device for the purpose, including at least 3 hours of dual flight and one hour of solo night circuits

61.985 Privileges of night VFR endorsements

Subject to Subpart 61.E and Division 61.O.1, the holder of an endorsement mentioned in column 1 of an item in table 61.980 is authorised to conduct the activity mentioned in column 2 of the item.

Note: Subpart 61.E sets out certain limitations that apply to all pilot licences, and ratings and endorsements on pilot licences.

61.990 Requirements for grant of night VFR endorsements

- (1) An applicant for an endorsement mentioned in column 1 of an item in table 61.980 must hold a night VFR rating.

Note: Subregulation (1) is satisfied, in relation to a required licence, rating or endorsement, if the applicant holds a certificate of validation of an overseas flight crew licence, rating or endorsement that is equivalent to the required licence, rating or endorsement: see item 36 of Part 2 of the Dictionary.

- (2) The applicant must also have:
- (a) completed flight training for the endorsement; and
 - (b) met the aeronautical experience requirements mentioned in column 3 of the item; and
 - (c) passed the flight test mentioned in the Part 61 Manual of Standards for the endorsement.

Note 1: For paragraph (a), for the requirements for flight training, see Division 61.B.2.

Note 2: For paragraph (b), for the determination of a person's flight time and other aeronautical experience, see Division 61.A.2.

Subpart 61.P—Night vision imaging system ratings

Division 61.P.1—Privileges and requirements for grant of night vision imaging system ratings

61.995 Privileges of night vision imaging system ratings

Subject to Subpart 61.E and regulations 61.1000 to 61.1015, the holder of a pilot licence and a night vision imaging system rating is authorised to pilot a helicopter using night vision goggles.

Note: Subpart 61.E sets out certain limitations that apply to all pilot licences, and ratings and endorsements on pilot licences.

61.1000 Limitations on exercise of privileges of night vision imaging system ratings—general

- (1) The holder of a night vision imaging system rating is authorised to pilot a helicopter using night vision goggles only if the holder:
 - (a) has successfully completed an operator proficiency check that covers operations at night using night vision goggles in a helicopter of the same type; or
 - (b) has a valid night vision imaging system proficiency check under regulation 61.1015 conducted in:
 - (i) a helicopter of the same type; or
 - (ii) an approved flight simulation training device for the purpose of the proficiency check and the type of helicopter; or
 - (c) has passed the flight test for the night vision imaging system rating in a helicopter of the same type; or
 - (d) has been assessed, by a flight instructor who holds a night vision imaging system training endorsement, as competent to pilot a helicopter of the same type using night vision goggles during a dual flight with the instructor in such a helicopter.
- (2) The holder of a night vision imaging system rating is authorised to pilot a helicopter using night vision goggles only if the helicopter is equipped for operations using night vision goggles.

61.1005 Limitations on exercise of privileges of night vision imaging system ratings—endorsements

The holder of a night vision imaging system rating is authorised to conduct an activity mentioned in column 2 of an item in table 61.1025 only if the holder also holds the endorsement mentioned in column 1 of the item.

61.1010 Limitations on exercise of privileges of night vision imaging system ratings—recent experience

The holder of a night vision imaging system rating is authorised to pilot a helicopter using night vision goggles only if:

- (a) the holder has:
 - (i) completed at least 3 hours of flight time at night under the VFR using night vision goggles within the previous 6 months; and
 - (ii) conducted at least 3 take-offs and at least 3 landings at night using night vision goggles within the previous 6 months; or
- (b) the holder has, within the previous 6 months, become authorised to pilot any type of helicopter using night vision goggles under subregulation 61.1000(1); or
- (d) both:
 - (i) the holder is successfully participating in an operator's training and checking system for an operation at night using night vision goggles; and
 - (ii) the operator holds an approval under regulation 61.040 for the system for this subregulation.

61.1015 Limitations on exercise of privileges of night vision imaging system ratings—night vision imaging system proficiency check

- (1) The holder of a night vision imaging system rating is authorised to exercise the privileges of the rating only if the holder has a valid night vision imaging system proficiency check.
- (2) For subregulation (1), the holder is taken to have a valid night vision imaging system proficiency check during the following periods:
 - (a) the period from when the holder passes the flight test for the rating to the end of the 12th month after the month in which the holder passes the flight test;
 - (b) if:
 - (i) the holder passes the flight test for a night vision imaging system endorsement; and
 - (ii) the flight test is conducted more than 6 months after the holder passes the flight test for the rating;the period from when the holder passes the flight test for the endorsement to the end of the 12th month after the month in which the holder passes the flight test for the endorsement;
 - (c) if the holder successfully completes an operator proficiency check that covers operations under the rating and that is conducted by a flight examiner who holds an night vision imaging system rating flight test endorsement—the period from when the holder successfully completes the check to the end of the 12th month after the month in which the holder successfully completes the check;
 - (d) if:

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- (i) the holder is successfully participating in an operator's training and checking system for an operation under the rating; and
 - (ii) the operator holds an approval under regulation 61.040 for the system for this subregulation;the period during which the holder is successfully participating in the system;
- (e) if the holder successfully completes a night vision imaging system proficiency check—the period from when the holder successfully completes the check to the end of the 12th month after the month in which the holder successfully completes the check;
- (f) if:
 - (i) the holder is taken to have a valid night vision imaging system proficiency check under any of paragraphs (a) to (e) (the **existing check**); and
 - (ii) within 3 months before the validity of the existing check expires, the holder successfully completes a night vision imaging system proficiency check;the period from when the validity of the existing check expires to the end of the 12th month after the validity of the existing check expires.
- (3) However, if, at any time, the holder attempts, but does not successfully complete, a night vision imaging system proficiency check, the holder is no longer taken to have a valid night vision imaging system proficiency check.
- (4) For paragraphs (2)(e) and (f), the holder successfully completes a night vision imaging system proficiency check if:
 - (a) the night vision imaging system proficiency check is conducted in a helicopter or an approved flight simulation training device for the proficiency check; and
 - (b) a person mentioned in subregulation (5) assesses the holder's competency to pilot a helicopter using a night vision imaging system as meeting the standards mentioned in the Part 61 Manual of Standards for each night vision imaging system endorsement that the holder holds; and
 - (c) the person endorses the holder's licence document to the effect that the holder has completed the night vision imaging system proficiency check on the date stated.
- (5) For paragraph (4)(b), the persons are as follows:
 - (a) CASA;
 - (b) a flight examiner;
 - (c) the holder of an approval under regulation 61.040 to conduct the proficiency check.

61.1020 Requirements for grant of night vision imaging system ratings

An applicant for a night vision imaging system rating must:

- (a) hold a commercial pilot licence or air transport pilot licence; and

- (b) meet the requirements for the grant of at least one night vision imaging system endorsement.

Note: Paragraph (a) is satisfied if the applicant holds a certificate of validation of an overseas flight crew licence that is equivalent to a commercial pilot licence or air transport pilot licence: see item 36 of Part 2 of the Dictionary.

Regulation 61.1025

Division 61.P.2—Privileges and requirements for grant of night vision imaging system endorsements

61.1025 Kinds of night vision imaging system endorsement

The kinds of night vision imaging system endorsement are set out in column 1 of table 61.1025.

Table 61.1025 Night vision imaging system endorsements			
Item	Column 1 Endorsement	Column 2 Activities authorised	Column 3 Requirements
1	Grade 1 night vision imaging system endorsement	Pilot a helicopter using night vision goggles	Helicopter category rating Single-engine helicopter instrument endorsement or multi-engine helicopter instrument endorsement At least 250 hours of flight time in a helicopter At least 5 hours of dual flight using night vision goggles in a helicopter At least 20 hours of aeronautical experience at night as pilot of a helicopter or an approved flight simulation training device for the purpose, without using night vision goggles, of which at least 10 hours must be completed as flight time At least 20 hours of instrument time including 5 hours of dual instrument flight time in a helicopter

Table 61.1025 Night vision imaging system endorsements

Item	Column 1 Endorsement	Column 2 Activities authorised	Column 3 Requirements
2	Grade 2 night vision imaging system endorsement	Pilot a helicopter using night vision goggles, other than during an IFR flight	<p>Helicopter category rating</p> <p>Helicopter night VFR endorsement</p> <p>At least 250 hours of flight time in a helicopter</p> <p>At least 5 hours of dual flight using night vision goggles in a helicopter</p> <p>At least 20 hours of aeronautical experience at night as pilot of a helicopter or an approved flight simulation training device for the purpose, without using night vision goggles, of which at least 10 hours must be completed as flight time</p> <p>At least 20 hours of instrument time including 5 hours of dual instrument flight time in a helicopter</p>

61.1030 Privileges of night vision imaging system endorsements

Subject to Subpart 61.E and Division 61.P.1, the holder of an endorsement mentioned in column 1 of an item in table 61.1025 is authorised to conduct the activity mentioned in column 2 of the item.

Note: Subpart 61.E sets out certain limitations that apply to all pilot licences, and ratings and endorsements on pilot licences.

61.1035 Requirements for grant of night vision imaging system endorsements

- (1) An applicant for an endorsement mentioned in column 1 of an item in table 61.1025 must hold:

- (a) a night vision imaging system rating; and
- (b) each rating or endorsement mentioned in column 3 of the item.

Note: Subregulation (1) is satisfied, in relation to a required rating or endorsement, if the applicant holds a certificate of validation of an overseas flight crew licence, rating or endorsement that is equivalent to the required rating or endorsement: see item 36 of Part 2 of the Dictionary.

- (2) The applicant must also have:

- (a) completed flight training for the endorsement, including the training (if any) mentioned in column 3 of the item, in accordance with subregulation (3); and
- (b) met the aeronautical experience requirements mentioned in column 3 of the item; and

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- (c) passed the flight test mentioned in the Part 61 Manual of Standards for the endorsement; and
- (d) before starting the 5 hours of dual flight using night vision goggles mentioned in column 3 of the item—complied with subregulation (4).

Note 1: For paragraph (a), for the requirements for flight training, see Division 61.B.2.

Note 2: For paragraph (b), for the determination of a person's flight time and other aeronautical experience, see Division 61.A.2.

Note 3: For paragraph (c), for the conduct of flight tests, see Division 61.B.4.

- (3) For paragraph (2)(a), the flight training must be conducted by a Part 141 or 142 operator.
- (4) For paragraph (2)(d), the applicant must:
 - (a) hold:
 - (i) a commercial pilot licence or air transport pilot licence; and
 - (ii) each rating or endorsement mentioned in column 3 of the item; and
 - (iii) the class or type rating that covers the helicopter in which the training is to take place; and
 - (iv) each flight activity endorsement that covers an activity (if any) that is to be covered by the training; and
 - (b) have completed:
 - (i) the 250 hours of flight time mentioned in column 3 of the item; and
 - (ii) at least 10 hours of the flight time at night mentioned in column 3 of the item.

Subpart 61.Q—Low-level ratings

Division 61.Q.1—Privileges and requirements for grant of low-level ratings

61.1040 Privileges of low-level ratings

Subject to Subpart 61.E and regulations 61.1045 to 61.1060, the holder of a pilot licence with a low-level rating is authorised to conduct low-level operations.

Note: Subpart 61.E sets out certain limitations that apply to all pilot licences, and ratings and endorsements on pilot licences.

61.1045 Limitations on exercise of privileges of low-level ratings—general

The holder of a low-level rating is authorised to conduct a low-level operation in an area only if, before conducting the operation, the holder conducts a risk assessment of the area.

61.1050 Limitations on exercise of privileges of low-level ratings—endorsements

The holder of a low-level rating is authorised to conduct an activity mentioned in column 2 of an item in table 61.1075 in the exercise of the privileges of the rating only if the holder also holds the endorsement mentioned in column 1 of the item.

61.1055 Limitations on exercise of privileges of low-level ratings—recent experience

- (1) The holder of a low-level rating is authorised to exercise the privileges of the rating only if the holder has, within the previous 6 months:
 - (a) completed at least 2 hours of low-level operations; or
 - (b) been assessed as competent to conduct low-level operations by a flight instructor who holds a low-level training endorsement.
- (2) The holder is taken to meet the requirements of subregulation (1) if the holder:
 - (a) has successfully completed an operator proficiency check in low-level operations within the previous 6 months; or
 - (b) has successfully completed a flight review for the rating within the previous 6 months.

61.1060 Limitations on exercise of privileges of low-level ratings—flight review

- (1) The holder of a low-level rating is authorised to exercise the privileges of the rating only if the holder has, within the previous 12 months, successfully completed a flight review for the rating.
- (2) The holder is taken to meet the requirements of subregulation (1) if:

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- (a) the holder has passed a flight test for the rating within the previous 12 months; or
- (b) the holder has passed a flight test for the grant of a low-level endorsement:
 - (i) within the previous 12 months; but
 - (ii) more than 6 months after passing the flight test for the rating; or
- (c) the holder has successfully completed an aerial application proficiency check under regulation 61.1110 within the previous 12 months; or
- (d) the holder has successfully completed an operator proficiency check that covers:
 - (i) operations under the rating; or
 - (ii) operations under the aerial application rating;within the previous 12 months; or
- (e) both:
 - (i) the holder is successfully participating in an operator's training and checking system for an operation under the rating; and
 - (ii) the operator holds an approval under regulation 61.040 for the system for this subregulation.

Note: For general rules in relation to flight reviews, see regulation 61.400.

61.1070 Requirements for grant of low-level ratings

- (1) An applicant for a low-level rating must:
 - (a) hold a private pilot licence, commercial pilot licence or air transport pilot licence; and
 - (b) meet the requirements for the grant of at least one endorsement mentioned in Part 1 of table 61.1075; and
 - (c) have passed the flight test mentioned in the Part 61 Manual of Standards for the low-level rating.

Note 1: For paragraph (a), paragraph (a) is satisfied if the applicant holds a certificate of validation of an overseas flight crew licence that is equivalent to a private pilot licence, commercial pilot licence or air transport pilot licence: see item 36 of Part 2 of the Dictionary.

Note 2: For paragraph (b), for the conduct of flight tests, see Division 61.B.4.

- (2) Despite paragraph 61.245(1)(a), the flight test must be conducted in an aircraft.
- (3) The holder of an aerial application rating is taken to meet the requirements for the grant of, and to have applied for, a low-level rating.

Division 61.Q.2—Privileges and requirements for grant of low-level endorsements

61.1075 Kinds of low-level endorsement

The kinds of low-level endorsement are set out in column 1 of table 61.1075.

Table 61.1075 Low-level endorsements

Item	Column 1 Endorsement	Column 2 Activities authorised	Column 3 Requirements
<i>Part 1—General</i>			
1	Aeroplane low-level endorsement	Conduct a low-level operation in an aeroplane, other than an operation mentioned in Part 2 of this table	Aeroplane category rating At least 5 hours of dual flight in an aeroplane while receiving training in low-level operations
2	Helicopter low-level endorsement	Conduct a low-level operation in a helicopter, other than an operation mentioned in Part 2 of this table	Helicopter category rating At least 5 hours of dual flight in a helicopter while receiving training in low-level operations
3	Powered-lift aircraft low-level endorsement	Conduct a low-level operation in a powered-lift aircraft, other than an operation mentioned in Part 2 of this table	Powered-lift aircraft category rating At least 5 hours of dual flight in a powered-lift aircraft while receiving training in low-level operations
4	Gyroplane low-level endorsement	Conduct a low-level operation in a gyroplane, other than an operation mentioned in Part 2 of this table	Gyroplane category rating At least 5 hours of dual flight in a gyroplane while receiving training in low-level operations
<i>Part 2—Specific low-level activities</i>			
5	Aerial mustering – aeroplane endorsement	Conduct an aerial mustering operation in an aeroplane	Aeroplane category rating Aeroplane low-level endorsement At least 5 hours of dual flight while receiving training in aerial mustering in an aeroplane
6	Aerial mustering – helicopter endorsement	Conduct an aerial mustering operation in a helicopter	Helicopter category rating Helicopter low-level endorsement At least 5 hours of dual flight while receiving training in aerial mustering in a helicopter

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Division 61.Q.2 Privileges and requirements for grant of low-level endorsements

Regulation 61.1080

Table 61.1075 Low-level endorsements

Item	Column 1 Endorsement	Column 2 Activities authorised	Column 3 Requirements
7	Aerial mustering – gyroplane endorsement	Conduct an aerial mustering operation in a gyroplane	Gyroplane category rating At least 5 hours of dual flight while receiving training in aerial mustering in a gyroplane
8	Sling operations endorsement	Conduct a sling load operation in a helicopter	Private pilot licence, commercial pilot licence or air transport pilot licence with helicopter category rating
9	Winch and rappelling operations endorsement	Conduct a winch or rappelling operation in a helicopter	Commercial pilot licence or air transport pilot licence with helicopter category rating

61.1080 Privileges of low-level endorsements

Subject to Subpart 61.E and Division 61.Q.1, the holder of an endorsement mentioned in column 1 of an item in table 61.1075 is authorised to conduct the activity mentioned in column 2 of the item.

Note: Subpart 61.E sets out certain limitations that apply to all pilot licences, and ratings and endorsements on pilot licences.

61.1085 Requirements for grant of low-level endorsements

- (1) An applicant for an endorsement mentioned in column 1 of an item of table 61.1075 must hold:
 - (a) a low-level rating; and
 - (b) each licence, rating or endorsement (if any) mentioned in column 3 of the item.

Note: Subregulation (1) is satisfied, in relation to a required rating or endorsement, if the applicant holds a certificate of validation of an overseas flight crew licence, rating or endorsement that is equivalent to the required rating or endorsement: see item 36 of Part 2 of the Dictionary.

- (2) The applicant must also have:
 - (a) completed flight training for the endorsement; and
 - (b) met the aeronautical experience requirements (if any) mentioned in column 3 of the item; and
 - (c) passed the flight test mentioned in the Part 61 Manual of Standards for the endorsement.

Note 1: For paragraph (a), for the requirements for flight training, see Division 61.B.2.

Note 2: For paragraph (b), for the determination of a person's flight time and other aeronautical experience, see Division 61.A.2.

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- (3) For paragraph (2)(b), any aeronautical experience relied on for the grant of an endorsement mentioned in column 1 of an item in Part 1 of table 61.1075 cannot be counted towards the requirements for the grant of an endorsement mentioned in column 1 of an item in Part 2 of that table.
- (4) A person who holds a low-level rating and an aerial application endorsement for an aircraft category is taken to meet the requirements for the grant of the endorsement mentioned in column 1 of an item in Part 1 of table 61.1075 for that aircraft category.

Subpart 61.R—Aerial application ratings

Division 61.R.1—Privileges and requirements for grant of aerial application ratings

61.1090 Privileges of aerial application ratings

Subject to Subpart 61.E and regulations 61.1100 to 61.1110, the holder of a pilot licence with an aerial application rating is authorised to conduct aerial application operations below 500 ft AGL.

Note: Subpart 61.E sets out certain limitations that apply to all pilot licences, and ratings and endorsements on pilot licences.

61.1100 Limitations on exercise of privileges of aerial application ratings—endorsements

The holder of an aerial application rating is authorised to conduct an activity mentioned in column 2 of an item in table 61.1120 in the exercise of the privileges of the rating only if the holder also holds the endorsement mentioned in column 1 of the item.

61.1105 Limitations on exercise of privileges of aerial application ratings—recent experience

- (1) The holder of an aerial application rating is authorised to exercise the privileges of the rating only if the holder has, within the previous 12 months, completed at least 50 hours of aerial application operations below 500 ft AGL.
- (2) The holder is taken to meet the requirements of subregulation (1) if the holder:
 - (a) has successfully completed an operator proficiency check in aerial application operations below 500 ft AGL within the 12 months before the month in which the exercise of the privileges occurs; or
 - (b) has successfully completed an aerial application proficiency check within the previous 12 months.

61.1110 Limitations on exercise of privileges of aerial application ratings—aerial application proficiency check

- (1) The holder of an aerial application rating is authorised to exercise the privileges of the rating only if the holder has a valid aerial application proficiency check.
- (2) For subregulation (1), the holder is taken to have a valid aerial application proficiency check during the following periods:
 - (a) the period from when the holder passes the flight test for the rating to the end of the 12th month after the month in which the holder passes the flight test;
 - (b) if:

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- (i) the holder passes the flight test for an aerial application endorsement; and
 - (ii) the flight test is conducted more than 6 months after the holder passes the flight test for the rating;

the period from when the holder passes the flight test for the endorsement to the end of the 12th month after the month in which the holder passes the flight test for the endorsement;
- (c) if the holder successfully completes an operator proficiency check that covers operations under the rating, and that is conducted by a flight examiner who holds an aerial application rating flight test endorsement—the period from when the holder successfully completes the check to the end of the 12th month after the month in which the holder successfully completes the check;
- (d) if the holder successfully completes an aerial application proficiency check—the period from when the holder successfully completes the check to the end of the 12th month after the month in which the holder successfully completes the check;
- (e) if:
 - (i) the holder is taken to have a valid aerial application proficiency check under any of paragraphs (a) to (d) (the *existing check*); and
 - (ii) within 3 months before the validity of the existing check expires, the holder successfully completes an aerial application proficiency check;

the period from when the validity of the existing check expires to the end of the 12th month after the validity of the existing check expires.
- (3) However, if, at any time, the holder attempts, but does not successfully complete, an aerial application proficiency check, the holder is no longer taken to have a valid aerial application proficiency check.
- (4) For paragraphs (2)(d) and (e), the holder successfully completes an aerial application proficiency check if:
 - (a) the aerial application proficiency check is conducted in an aircraft; and
 - (b) a person mentioned in subregulation (5) assesses the holder's competency to conduct aerial application operations below 500 ft AGL as meeting the standards mentioned in the Part 61 Manual of Standards for an aerial application proficiency check; and
 - (c) the person endorses the holder's licence document to the effect that the holder has completed the aerial application proficiency check on the date stated.
- (5) For paragraph (4)(b), the persons are as follows:
 - (a) CASA;
 - (b) a flight examiner;
 - (c) the holder of an approval under regulation 61.040 to conduct the proficiency check.

Regulation 61.1115

61.1115 Requirements for grant of aerial application ratings

- (1) An applicant for an aerial application rating must:
- (a) hold a commercial pilot licence or air transport pilot licence; and
 - (b) meet the requirements for the grant of at least one endorsement mentioned in Part 1 or 2 of table 61.1120; and
 - (c) have passed the flight test mentioned in the Part 61 Manual of Standards for the aerial application rating.

Note 1: For paragraph (a), paragraph (a) is satisfied if the applicant holds a certificate of validation of an overseas flight crew licence that is equivalent to a private pilot licence, commercial pilot licence or air transport pilot licence: see item 36 of Part 2 of the Dictionary.

Note 2: For paragraph (c), for the conduct of flight tests, see Division 61.B.4.

- (2) Despite paragraph 61.245(1)(a), the flight test must be conducted in an aircraft.

Division 61.R.2—Privileges and requirements for grant of aerial application endorsements

61.1120 Kinds of aerial application endorsement

The kinds of aerial application endorsement are set out in column 1 of table 61.1120.

Table 61.1120 Aerial application endorsements

Item	Column 1 Endorsement	Column 2 Activities authorised	Column 3 Requirements
<i>Part 1—Day aerial application endorsements</i>			
1	Aeroplane aerial application endorsement	Pilot an aeroplane conducting an aerial application operation, other than a firefighting operation, below 500 ft AGL by day Pilot an aeroplane conducting a low-level operation	Aeroplane category rating At least 200 hours of flight time as pilot of an aeroplane At least 5 hours of dual flight in an aeroplane while receiving training in low-level operations At least 25 hours of dual flight in an aeroplane while receiving training in aerial application operations At least 5 hours of solo flight in an aeroplane while receiving training in aerial application operations
2	Helicopter aerial application endorsement	Pilot a helicopter conducting an aerial application operation, other than a firefighting operation, below 500 ft AGL by day Pilot a helicopter conducting a low-level operation	Helicopter category rating At least 200 hours of flight time as pilot of a helicopter At least 5 hours of dual flight in a helicopter while receiving training in low-level operations At least 10 hours of dual flight in a helicopter while receiving training in aerial application operations

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Division 61.R.2 Privileges and requirements for grant of aerial application endorsements

Regulation 61.1120

Table 61.1120 Aerial application endorsements

Item	Column 1 Endorsement	Column 2 Activities authorised	Column 3 Requirements
3	Gyroplane aerial application endorsement	Pilot a gyroplane conducting an aerial application operation, other than a firefighting operation, below 500 ft AGL by day Pilot a gyroplane conducting a low-level operation	Gyroplane category rating At least 200 hours of flight time as pilot of a gyroplane At least 5 hours of dual flight in a gyroplane while receiving training in low-level operations At least 25 hours of dual flight in a gyroplane while receiving training in aerial application operations At least 5 hours of solo flight in a gyroplane while receiving training in aerial application operations

Part 2—Firefighting endorsements

4	Aeroplane firefighting endorsement	Pilot an aeroplane conducting a firefighting operation below 500 ft AGL Pilot an aeroplane conducting a low-level operation	Aeroplane category rating At least 200 hours of flight time as pilot of an aeroplane At least 5 hours of dual flight in an aeroplane while receiving training in low-level operations At least 5 hours of dual flight in an aeroplane while receiving training in firefighting operations
5	Helicopter firefighting endorsement	Pilot a helicopter conducting a firefighting operation below 500 ft AGL Pilot a helicopter conducting a low-level operation	Helicopter category rating At least 200 hours of flight time as pilot of a helicopter At least 5 hours of dual flight in a helicopter while receiving training in low-level operations At least 5 hours of dual flight in a helicopter while receiving training in firefighting operations

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Table 61.1120 Aerial application endorsements

Item	Column 1 Endorsement	Column 2 Activities authorised	Column 3 Requirements
<i>Part 3—Night aerial application endorsements</i>			
6	Night aeroplane aerial application endorsement	Pilot an aeroplane conducting an aerial application operation below 500 ft AGL under the VFR at night Pilot an aeroplane under the VFR during a night circuit Pilot an aeroplane under the VFR at night on a flight between the aerodrome at which the flight begins or ends and the area in which the aerial application operation is to take place	Aeroplane aerial application endorsement At least 750 hours of flight time as pilot in command of an aeroplane conducting aerial application operations below 500 ft AGL At least 3 hours of instrument flight time At least 2 hours of solo night circuits At least 2 hours of dual flight while receiving training in night aerial application operations At least 3 hours of solo flight while receiving training in night aerial application operations
7	Night helicopter aerial application endorsement	Pilot a helicopter conducting an aerial application operation below 500 ft AGL under the VFR at night Pilot a helicopter under the VFR during a night circuit Pilot a helicopter under the VFR at night on a flight between the aerodrome at which the flight begins or ends and the area in which the aerial application operation is to take place	Helicopter aerial application endorsement At least 750 hours of flight time as pilot in command of a helicopter conducting aerial application operations below 500 ft AGL At least 3 hours of instrument flight time At least 2 hours of solo night circuits At least 2 hours of dual flight while receiving training in night aerial application operations At least 3 hours of solo flight while receiving training in night aerial application operations
8	Night gyroplane aerial application endorsement	Pilot a gyroplane conducting an aerial application operation below 500 ft AGL under the VFR at night Pilot a gyroplane under the VFR during a night circuit	Gyroplane aerial application endorsement At least 750 hours of flight time as pilot in command of a gyroplane conducting aerial application operations below 500 ft AGL At least 3 hours of instrument flight time At least 2 hours of solo night circuits

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Subpart 61.R Aerial application ratings

Division 61.R.2 Privileges and requirements for grant of aerial application endorsements

Regulation 61.1125

Table 61.1120 Aerial application endorsements

Item	Column 1 Endorsement	Column 2 Activities authorised	Column 3 Requirements
		Pilot a gyroplane under the VFR at night on a flight between the aerodrome at which the flight begins or ends and the area in which the aerial application operation is to take place	At least 2 hours of dual flight while receiving training in night aerial application operations At least 3 hours of solo flight while training in night aerial application operations

61.1125 Privileges of aerial application endorsements

Subject to Subpart 61.E, Division 61.R.1 and regulations 61.1130 and 61.1135, the holder of an endorsement mentioned in column 1 of an item in table 61.1120 is authorised to conduct each activity mentioned in column 2 of the item.

Note: Subpart 61.E sets out certain limitations that apply to all pilot licences, and ratings and endorsements on pilot licences.

61.1130 Limitations on exercise of privileges of aerial application endorsements—supervision

- (1) The holder of an endorsement mentioned in column 1 of an item in Part 1 or 3 of table 61.1120 is authorised to exercise the privileges of the endorsement in an operation only if:
 - (a) the holder has previously conducted at least 110 hours of aerial application operations below 500 ft AGL; or
 - (b) the operation is conducted in accordance with subregulation (2) under the supervision of:
 - (i) the head of flying operations of the operator of the aircraft in which the operation is conducted; or
 - (ii) a flight examiner who holds an aerial application rating flight test endorsement; or
 - (iii) the holder of an approval under regulation 61.040 to supervise the operation.
- (2) For paragraph (1)(b), the supervision must be:
 - (a) for a helicopter aerial application endorsement:
 - (i) for the first 10 hours—direct supervision; and
 - (ii) for the next 100 hours—direct and indirect supervision, at least 10 hours of which must be direct supervision; and
 - (b) for any other endorsement:
 - (i) for the first 10 hours—direct supervision; and
 - (ii) for the next 100 hours—direct or indirect supervision.
- (3) In this regulation:

direct supervision, of a pilot conducting a flight, means doing the following:

- (a) performing the tasks involved in indirect supervision of the pilot;
- (b) being present and able to monitor and assess the safety of the flight and communicate directly with the pilot;
- (c) selecting and planning the area in which the flight is conducted;
- (d) authorising the pilot to conduct the flight;
- (e) providing direction to ensure the safety of the flight.

indirect supervision, of a pilot conducting a flight, means doing the following:

- (a) conducting frequent surveillance of the performance of the pilot;
- (b) periodically reviewing the performance of the pilot in the planning and conduct of the flight;
- (c) providing feedback on the performance of the pilot;
- (d) knowing the pilot's area of operations;
- (e) acting as a mentor to the pilot.

61.1135 Limitations on exercise of privileges of night aerial application endorsements

The holder of a night aerial application endorsement is authorised to exercise the privileges of the endorsement in an aircraft of a type covered by the endorsement only if, within the previous 45 days:

- (a) the holder has conducted a night aerial application operation below 500 ft AGL that includes a take-off and landing at night; or
- (b) the holder has, in an aircraft of the same type or an approved simulated training device for the purpose:
 - (i) completed a flight of at least 1 hour's duration that commenced no later than 20 minutes before night; and
 - (ii) practised the necessary manoeuvres involved in the operation in an unladen aircraft at night or in the simulated training device; and
 - (iii) conducted at least 3 take-offs and 3 landings at night.

61.1140 Requirements for grant of aerial application endorsements

- (1) An applicant for an aerial application endorsement mentioned in column 1 of an item of table 61.1120 must hold:
 - (a) an aerial application rating; and
 - (b) the rating or endorsement mentioned in column 3 of the item.

Note: Subregulation (1) is satisfied, in relation to a required rating or endorsement, if the applicant holds a certificate of validation of an overseas flight crew licence, rating or endorsement that is equivalent to the required rating or endorsement: see item 36 of Part 2 of the Dictionary.

- (2) The applicant must also have:
 - (a) completed flight training for the endorsement; and
 - (b) met the aeronautical experience requirements mentioned in column 3 of the item; and

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- (c) passed the flight test mentioned in the Part 61 Manual of Standards for the endorsement; and
- (d) for an endorsement mentioned in column 1 of an item in Part 1 or 2 of table 61.1120:
 - (i) met the requirements for the grant of the low-level endorsement for an aircraft of the relevant category; and
 - (ii) passed the aeronautical knowledge examination for the endorsement.

Note 1: For paragraph (a), for the requirements for flight training, see Division 61.B.2.

Note 2: For paragraph (b), for the determination of a person's flight time and other aeronautical experience, see Division 61.A.2.

Note 3: For paragraph (c), for the conduct of flight tests, see Division 61.B.4.

Note 4: For subparagraph (d)(ii), for the conduct of aeronautical knowledge examinations, see Division 61.B.3.

Subpart 61.S—Flight activity endorsements

61.1145 Kinds of flight activity endorsement

The kinds of flight activity endorsement are set out in column 1 of table 61.1145.

Table 61.1145 Flight activity endorsements

Item	Column 1 Endorsement	Column 2 Activities authorised	Column 3 Requirements
1	Aerobatics flight activity endorsement	Conduct aerobatic manoeuvres in an aeroplane above 3 000 ft AGL	Aeroplane category rating Spinning flight activity endorsement
2	Aerobatics (1 500) flight activity endorsement	Conduct aerobatic manoeuvres in an aeroplane above 1 500 ft AGL	Aeroplane category rating Aerobatics flight activity endorsement
3	Aerobatics (1 000) flight activity endorsement	Conduct aerobatic manoeuvres in an aeroplane above 1 000 ft AGL	Aeroplane category rating Aerobatics (1 500) flight activity endorsement
4	Aerobatics (500) flight activity endorsement	Conduct aerobatic manoeuvres in an aeroplane above 500 ft AGL	Aeroplane category rating Aerobatics (1 000) flight activity endorsement
5	Aerobatics (unlimited) flight activity endorsement	Conduct aerobatic manoeuvres in an aeroplane at any height	Aeroplane category rating Aerobatics (500) flight activity endorsement
6	Formation flying (aeroplane) flight activity endorsement	Conduct formation flying in an aeroplane	Aeroplane category rating
7	Formation aerobatics flight activity endorsement	Conduct aerobatic manoeuvres in an aeroplane while flying in formation	Aeroplane category rating Aerobatics flight activity endorsement Formation flying (aeroplane) flight activity endorsement
8	Spinning flight activity endorsement	Conduct intentional upright spinning manoeuvres above 3 000 ft AGL	Aeroplane category rating
9	Formation flying (helicopter) flight activity endorsement	Conduct formation flying in a helicopter	Helicopter category rating

Regulation 61.1150

61.1150 Privileges of flight activity endorsements

Subject to Subpart 61.E and regulation 61.1155, the holder of an endorsement mentioned in column 1 of an item in table 61.1145 is authorised to conduct the activity mentioned in column 2 of the item.

Note: Subpart 61.E sets out certain limitations that apply to all pilot licences, and ratings and endorsements on pilot licences.

61.1155 Limitations on exercise of privileges of flight activity endorsements— medical certificates

- (1) This regulation applies to the holder of any of the following endorsements:
 - (a) an aerobatics flight activity endorsement;
 - (b) an aerobatics (1 500) flight activity endorsement;
 - (ba) an aerobatics (1 000) flight activity endorsement;
 - (c) an aerobatics (500) flight activity endorsement;
 - (d) an aerobatics (unlimited) flight activity endorsement;
 - (e) a formation aerobatics flight activity endorsement;
 - (f) a spinning flight activity endorsement.
- (2) The holder is authorised to conduct an aerobatic or spinning manoeuvre only if the holder:
 - (a) holds a current class 1 or 2 medical certificate; or
 - (b) is accompanied by another pilot who:
 - (i) holds a current class 1 or 2 medical certificate; and
 - (ii) occupies a flight control seat in the aircraft; and
 - (iii) is authorised, under this Part, to conduct the manoeuvre.

61.1160 Requirements for grant of flight activity endorsements

An applicant for an endorsement mentioned in column 1 of an item in table 61.1145 must:

- (a) hold each rating or endorsement (if any) mentioned in column 3 of the item; and
- (b) have completed flight training for the endorsement.

Note 1: For paragraph (a), paragraph (a) is satisfied, in relation to a required licence, rating or endorsement, if the applicant holds a certificate of validation of an overseas flight crew licence, rating or endorsement that is equivalent to the licence, rating or endorsement: see item 36 of Part 2 of the Dictionary.

Note 2: For paragraph (b), for the requirements for flight training, see Division 61.B.2.

Subpart 61.T—Pilot instructor ratings

Division 61.T.1—Privileges and requirements for grant of flight instructor ratings

61.1165 Privileges of flight instructor ratings

Subject to Subpart 61.E and regulations 61.1170 to 61.1180, a flight instructor is authorised:

- (a) to conduct flight training for:
 - (i) pilot licences; and
 - (ii) ratings on pilot licences, other than:
 - (A) cruise relief flight engineer type ratings; and
 - (B) flight examiner ratings; and
 - (iii) endorsements on pilot licences, other than flight examiner endorsements; and
- (b) to grant endorsements to holders of pilot licences, other than:
 - (i) flight examiner endorsements; and
 - (ii) training endorsements mentioned in Part 1 or 2 of table 61.1235; and
 - (iii) endorsements for which a flight test is required; and
- (c) to conduct training in multi-crew cooperation; and
- (d) to conduct differences training for variants of type ratings; and
- (e) to conduct training to meet the general competency requirement in regulation 61.385; and
- (f) to conduct flight reviews required by this Part for ratings on pilot licences, other than:
 - (i) flight examiner ratings; and
 - (ii) cruise relief flight engineer type ratings; and
- (g) under Subdivision 61.A.3.1 (Student pilots), to approve a person to pilot an aircraft, including for a solo flight; and
- (h) to conduct dual flight checks for a student pilot; and
- (i) to approve a person mentioned in regulation 61.125 (Conducting flight activities without rating or endorsement) to pilot an aircraft for the purpose of receiving flight training; and
- (j) to approve a person mentioned in regulation 61.120 to transmit on an aviation safety radio frequency; and
- (k) to assess the standard of knowledge of an applicant for a pilot licence, or a rating on a pilot licence, in any items mentioned in the applicant's knowledge deficiency report.

Note: Subpart 61.E sets out certain limitations that apply to all pilot licences, and ratings and endorsements on pilot licences.

Regulation 61.1170

61.1170 Limitations on exercise of privileges of flight instructor ratings—general

- (1) The holder of a flight instructor rating is authorised to exercise the privileges of the rating in an aircraft of a particular category only if the holder has:
 - (a) completed the aeronautical experience; and
 - (b) passed the flight test;required under regulation 61.1185 for the grant of the rating in an aircraft of that category.
- (2) The holder of a flight instructor rating is authorised to exercise the privileges of the rating in a flight simulation training device that represents an aircraft of a particular category only if the holder has:
 - (a) completed the aeronautical experience; and
 - (b) passed the flight test;required under regulation 61.1185 for the grant of the rating in an aircraft of that category.
- (3) A flight instructor is authorised to conduct flight training for a pilot licence, a rating on a pilot licence or an endorsement on an operational rating only if the instructor is engaged to conduct the flight training by a Part 141 or 142 operator that is authorised to conduct flight training for the licence, rating or endorsement.
- (5) A flight instructor is authorised to conduct flight training in an aircraft only if the instructor holds a medical certificate.

61.1175 Limitations on exercise of privileges of flight instructor ratings—endorsements

- (1) A flight instructor is authorised to conduct flight training mentioned in column 2 of an item in table 61.1235 only if the instructor also holds the endorsement mentioned in column 1 of the item.
- (2) A flight instructor is authorised to conduct differences training for a variant of an aircraft type only if the instructor also holds the type rating training endorsement for the aircraft type.
- (3) A flight instructor is authorised to conduct training to meet the general competency requirement in regulation 61.385 for a kind of aircraft only if the instructor also holds a training endorsement that authorises the instructor to conduct flight training in the aircraft.
- (4) A flight instructor is authorised to grant an endorsement, other than a recreational pilot licence endorsement, only if the instructor also holds a training endorsement required to provide flight training for the endorsement.
- (4A) A flight instructor is authorised to grant a recreational pilot licence endorsement only if the instructor also holds a grade 1 or 2 training endorsement.
- (5) A flight instructor is authorised to approve a student pilot to conduct a solo flight in an aircraft of a particular category only if the instructor also holds:

- (a) for the student pilot's first solo flight in an aircraft of that category—a grade 1 or 2 training endorsement for that aircraft category; or
 - (b) in any other case—a grade 1, 2 or 3 training endorsement for that aircraft category.
- (6) A flight instructor is authorised to conduct a flight review for a rating on a pilot licence only if the instructor also holds:
 - (a) a grade 1 training endorsement; or
 - (b) a grade 2 training endorsement; or
 - (c) the training endorsement required to conduct flight training for the rating.
- (7) A flight instructor is authorised to make an assessment of a knowledge deficiency report for an applicant for a flight crew licence or rating only if the instructor also holds a grade 2 training endorsement.

**61.1180 Limitations on exercise of privileges of flight instructor ratings—
instructor proficiency check**

- (1) The holder of a flight instructor rating is authorised to exercise the privileges of the rating only if the holder has a valid instructor proficiency check.
- (2) For subregulation (1), the holder is taken to have a valid instructor proficiency check during the following periods:
 - (a) the period from when the holder passes the flight test for the rating to the end of the 12th month after the month in which the holder passes the flight test;
 - (b) if:
 - (i) the holder passes the flight test for a training endorsement; and
 - (ii) the flight test is conducted more than 6 months after the holder passes the flight test for the rating;the period from when the holder passes the flight test for the endorsement to the end of the 24th month after the month in which the holder passes the flight test for the endorsement;
 - (c) if the holder successfully completes an operator proficiency check that covers operations under the rating and that is conducted by a flight examiner who holds a flight instructor rating flight test endorsement—the period from when the holder successfully completes the check to the end of the 24th month after the month in which the holder successfully completes the check;
 - (d) if:
 - (i) the holder is successfully participating in an operator's training and checking system for an operation under the rating; and
 - (ii) the operator holds an approval under regulation 61.040 for the system for this subregulation;the period during which the holder is successfully participating in the system;

Regulation 61.1185

- (e) if the holder successfully completes an instructor proficiency check—the period from when the holder successfully completes the check to the end of the 24th month after the month in which the holder successfully completes the check;
- (f) if:
 - (i) the holder is taken to have a valid instructor proficiency check under any of paragraphs (a) to (e) (the *existing check*); and
 - (ii) within 3 months before the validity of the existing check expires, the holder successfully completes an instructor proficiency check; the period from when the validity of the existing check expires to the end of the 24th month after the validity of the existing check expires.
- (3) However, if, at any time, the holder attempts, but does not successfully complete, an instructor proficiency check, the holder is no longer taken to have a valid instructor proficiency check.
- (4) For paragraphs (2)(e) and (f), the holder successfully completes an instructor proficiency check if:
 - (a) the instructor proficiency check is conducted in an aircraft or an approved flight simulation training device for the proficiency check; and
 - (b) a person mentioned in subregulation (5) assesses the holder's competency to conduct flight training as meeting the standards mentioned in the Part 61 Manual of Standards for a flight instructor rating; and
 - (c) the person endorses the holder's licence document to the effect that the holder has completed the instructor proficiency check on the date stated.
- (5) For paragraph (4)(b), the persons are as follows:
 - (a) CASA;
 - (b) a flight examiner;
 - (c) the holder of an approval under regulation 61.040 to conduct the proficiency check.

61.1185 Requirements for grant of flight instructor ratings

- (1) An applicant for a flight instructor rating must:
 - (a) hold a private pilot licence, commercial pilot licence or air transport pilot licence; and
 - (b) meet the requirements for the grant of at least one training endorsement.
- Note: Paragraph (a) is satisfied if the applicant holds a certificate of validation of an overseas flight crew licence that is equivalent to a private pilot licence, commercial pilot licence or air transport pilot licence: see item 36 of Part 2 of the Dictionary.
- (2) The applicant must also have:
 - (a) passed the aeronautical knowledge examination for the flight instructor rating; and
 - (b) completed flight training for the rating; and
 - (c) passed the flight test mentioned in the Part 61 Manual of Standards for the flight instructor rating; and
-

- (d) met the following aeronautical experience requirements in an aircraft of the same category as the aircraft used for the flight test:
 - (i) if the aircraft used for the flight test is a helicopter:
 - (A) at least 250 hours flight time as a pilot; and
 - (B) at least 100 hours flight time as pilot in command;
 - (ii) in any other case:
 - (A) at least 200 hours flight time as a pilot; and
 - (B) at least 100 hours flight time as pilot in command.

Note 1: For paragraph (a), for the conduct of aeronautical knowledge examinations, see Division 61.B.3.

Note 2: For paragraph (b), for the requirements for flight training, see Division 61.B.2.

Note 3: For paragraph (c), for the conduct of flight tests, see Division 61.B.4.

Note 4: For paragraph (d), for the determination of a person's flight time and other aeronautical experience, see Division 61.A.2.

- (3) The applicant is taken to meet the requirements mentioned in paragraphs (2)(c) and (d) if the applicant:
 - (a) holds:
 - (i) a commercial pilot licence with a helicopter category rating; and
 - (ii) a low-level rating and a helicopter low-level endorsement; and
 - (iii) one of the following combinations:
 - (A) a night VFR rating and a helicopter night VFR endorsement;
 - (B) an instrument rating and a single-engine helicopter instrument endorsement;
 - (C) an instrument rating and a multi-engine helicopter instrument endorsement; and
 - (b) completed his or her flight training for the licence in an integrated training course; and
 - (c) has passed the flight test mentioned in the Part 61 Manual of Standards for the flight instructor rating in a helicopter.
- (3A) The applicant is taken to meet the requirements mentioned in subparagraph (2)(d)(ii) if the applicant has:
 - (a) completed an integrated training course for the grant of a commercial pilot licence with the aircraft category rating for the same category of aircraft as used for the flight test for the applicant's flight instructor rating; and
 - (b) met the requirements for the grant of the licence with that aircraft category rating.
- (4) The applicant must also:
 - (a) have completed an approved course of training in principles and methods of instruction; or
 - (b) hold a Certificate IV in Training and Assessment; or
 - (c) hold a tertiary qualification in teaching.

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Regulation 61.1185

- (5) An applicant to whom subregulation (3) or (3A) does not apply must meet the aeronautical experience requirements mentioned in paragraph (2)(d) before starting the flight training mentioned in paragraph (2)(b).

Division 61.T.2—Privileges and requirements for grant of simulator instructor ratings

61.1190 Privileges of simulator instructor ratings

Subject to Subpart 61.E and regulations 61.1195 to 61.1205, a simulator instructor is authorised:

- (a) to conduct flight training in a flight simulation training device or tethered helicopter for the grant of:
 - (i) pilot licences; and
 - (ii) ratings on pilot licences, other than:
 - (A) cruise relief flight engineer type ratings; and
 - (B) flight examiner ratings; and
 - (iii) endorsements on pilot licences, other than flight examiner endorsements; and
- (b) to grant endorsements to holders of pilot licences, other than:
 - (i) flight examiner endorsements; and
 - (ii) training endorsements mentioned in Part 1 or 2 of table 61.1235; and
 - (iii) recreational pilot licence endorsements; and
 - (iv) endorsements for which a flight test is required; and
- (c) to conduct training in multi-crew cooperation; and
- (d) to conduct differences training for variants of type ratings; and
- (e) to conduct training to meet the general competency requirement in regulation 61.385; and
- (f) to conduct flight reviews required by this Part for ratings on pilot licences, other than:
 - (i) flight examiner ratings; and
 - (ii) cruise relief flight engineer type ratings; and
- (g) to approve a person mentioned in regulation 61.120 to transmit on an aviation safety radio frequency; and
- (h) to assess the standard of knowledge of an applicant for a pilot licence, or a rating on a pilot licence, in any items listed in the applicant's knowledge deficiency report.

Note: Subpart 61.E sets out certain limitations that apply to all pilot licences, and ratings and endorsements on pilot licences.

61.1195 Limitations on exercise of privileges of simulator instructor ratings—general

- (1) The holder of a simulator instructor rating is authorised to exercise the privileges of the rating in a flight simulation training device that represents an aircraft of a particular category only if the instructor has passed the flight test required under regulation 61.1210 for the rating in a flight simulation training device that represents an aircraft of that category.

Regulation 61.1200

- (2) A simulator instructor is authorised to conduct flight training for a pilot licence, a rating on a pilot licence or an endorsement on an operational rating only if the instructor is engaged to conduct the flight training by a Part 141 or 142 operator that is authorised to conduct the flight training.
- (3) A simulator instructor is authorised to conduct flight training for the grant of an endorsement mentioned in column 1 of an item in Part 2 or 3 of table 61.1235 only if the instructor has conducted at least 50 hours of flight training in the activity covered by the endorsement.

61.1200 Limitations on exercise of privileges of simulator instructor ratings—endorsements

- (1) A simulator instructor is authorised to conduct flight training mentioned in column 2 of an item in table 61.1235 only if the instructor also holds the endorsement mentioned in column 1 of the item.
- (2) A simulator instructor is authorised to conduct differences training for a variant of an aircraft type only if the instructor also holds the type rating training endorsement for the aircraft type.
- (3) A simulator instructor is authorised to conduct training to meet the general competency requirement in regulation 61.385 for a kind of aircraft only if the instructor also holds a training endorsement that authorises the instructor to conduct flight training in the aircraft.
- (4) A simulator instructor is authorised to grant an endorsement only if the instructor also holds the training endorsement required to provide flight training for the endorsement.
- (5) A simulator instructor is authorised to conduct a flight review for a rating on a pilot licence only if the instructor also holds:
 - (a) a grade 1 training endorsement; or
 - (b) a grade 2 training endorsement; or
 - (c) the training endorsement required to provide flight training for the rating.
- (6) A simulator instructor is authorised to make an assessment of a knowledge deficiency report for an applicant for a flight crew licence or rating only if the instructor also holds a grade 2 training endorsement.

61.1205 Limitations on exercise of privileges of simulator instructor ratings—instructor proficiency check

- (1) The holder of a simulator instructor rating is authorised to exercise the privileges of the rating only if the holder has a valid instructor proficiency check.
- (2) For subregulation (1), the holder is taken to have a valid instructor proficiency check during the following periods:

- (a) the period from when the holder passes the flight test for the rating to the end of the 12th month after the month in which the holder passes the flight test;
 - (b) if:
 - (i) the holder passes the flight test for a training endorsement; and
 - (ii) the flight test is conducted more than 6 months after the holder passes the flight test for the rating;the period from when the holder passes the flight test for the endorsement to the end of the 24th month after the month in which the holder passes the flight test for the endorsement;
 - (c) if the holder successfully completes an operator proficiency check that covers operations under the rating and that is conducted by a flight examiner who holds a pilot instructor rating flight test endorsement—the period from when the holder successfully completes the check to the end of the 24th month after the month in which the holder successfully completes the check;
 - (d) if:
 - (i) the holder is successfully participating in an operator’s training and checking system for an operation under the rating; and
 - (ii) the operator holds an approval under regulation 61.040 for the system for this subregulation;the period during which the holder is successfully participating in the system;
 - (e) if the holder successfully completes an instructor proficiency check—the period from when the holder successfully completes the check to the end of the 24th month after the month in which the holder successfully completes the check;
 - (f) if:
 - (i) the holder is taken to have a valid instructor proficiency check under any of paragraphs (a) to (e) (the **existing check**); and
 - (ii) within 3 months before the validity of the existing check expires, the holder successfully completes an instructor proficiency check;the period from when the validity of the existing check expires to the end of the 24th month after the validity of the existing check expires.
- (3) However, if, at any time, the holder attempts, but does not successfully complete, an instructor proficiency check, the holder is no longer taken to have a valid instructor proficiency check.
- (4) For paragraphs (2)(e) and (f), the holder successfully completes an instructor proficiency check if:
- (a) the instructor proficiency check is conducted in an approved flight simulation training device for the proficiency check; and
 - (b) a person mentioned in subregulation (5) assesses the holder’s competency to conduct flight training as meeting the standards mentioned in the Part 61 Manual of Standards for a simulator instructor rating; and

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- (c) the person endorses the holder's licence document to the effect that the holder has completed the instructor proficiency check on the date stated.

(5) For paragraph (4)(b), the persons are as follows:

- (a) CASA;
- (b) a flight examiner;
- (c) the holder of an approval under regulation 61.040 to conduct the proficiency check.

61.1210 Requirements for grant of simulator instructor ratings

(1) An applicant for a simulator instructor rating must:

- (a) hold a commercial pilot licence or air transport pilot licence; and
- (b) meet the requirements for the grant of at least one training endorsement.

Note: Paragraph (a) is satisfied if the applicant holds a certificate of validation of an overseas flight crew licence that is equivalent to a commercial pilot licence or air transport pilot licence: see item 36 of Part 2 of the Dictionary.

(2) The applicant must also have:

- (a) passed the aeronautical knowledge examination for the simulator instructor rating; and
- (b) completed flight training for the rating; and
- (c) passed the flight test mentioned in the Part 61 Manual of Standards for the simulator instructor rating.

Note 1: For paragraph (a), for the conduct of aeronautical knowledge examinations, see Division 61.B.3.

Note 2: For paragraph (b), for the requirements for flight training, see Division 61.B.2.

Note 3: For paragraph (c), for the conduct of flight tests, see Division 61.B.4.

(3) The applicant must also:

- (a) have completed an approved course of training in principles and methods of instruction; or
- (b) hold a Certificate IV in Training and Assessment; or
- (c) hold a tertiary qualification in teaching.

(4) Despite paragraph 61.245(1)(a), the flight test must be conducted in an approved flight simulation training device for the flight test.

Division 61.T.3—Obligations of pilot instructors

61.1215 Obligations of pilot instructors—training

- (1) A pilot instructor commits an offence if:
 - (a) the instructor conducts:
 - (i) flight training for an aircraft class rating, pilot type rating or cruise relief co-pilot type rating; or
 - (ii) differences training;
in an aircraft; and
 - (b) regulation 61.205 prohibits the conduct of the training in the aircraft.

Penalty: 50 penalty units.

- (2) An offence against this regulation is an offence of strict liability.

61.1220 Obligations of pilot instructors—flight reviews

- (1) A pilot instructor commits an offence if:
 - (a) the instructor conducts a flight review for the holder of a pilot licence; and
 - (b) the holder successfully completes the flight review; and
 - (c) the instructor does not, within 14 days after the day the flight review is successfully completed:
 - (i) endorse the holder's licence document in accordance with subregulation (2); and
 - (ii) give CASA a written notice that complies with subregulation (3).

Penalty: 50 penalty units.

- (2) For subparagraph (1)(c)(i), the following details must be endorsed on the licence document:
 - (a) a statement to the effect that the holder has successfully completed the flight review;
 - (b) the date on which the flight review was successfully completed;
 - (c) the rating for which the flight review was conducted.
- (3) For subparagraph (1)(c)(ii), the notice must state the following:
 - (a) the holder's name and ARN;
 - (b) that the holder has successfully completed the flight review;
 - (c) the date on which the flight review was successfully completed;
 - (d) the rating for which the flight review was conducted;
 - (e) if the flight review was conducted in an aircraft—the aircraft's nationality and registration marks;
 - (f) if the flight review was conducted in a flight simulator—the identifying number for the flight simulator stated on its flight simulator qualification certificate.

Regulation 61.1225

- (4) An offence against this regulation is an offence of strict liability.

61.1225 Obligations of pilot instructors—student pilots

- (1) A flight instructor commits an offence if:
- (a) the instructor approves a person to pilot an aircraft as a student pilot; and
 - (b) the approval is to pilot the aircraft in a way that is not authorised by the following provisions:
 - (i) paragraph 61.112(1)(c) or (2)(c) (Flying as a student pilot);
 - (ii) regulation 61.113 (General requirements for student pilots);
 - (iii) regulation 61.114 (Solo flights—medical certificate requirements for student pilots);
 - (iv) regulation 61.115 (Solo flights—recent experience requirements for student pilots).

Penalty: 50 penalty units.

- (2) A flight instructor commits an offence if:
- (a) the instructor approves a person (the *student*) to conduct a solo flight as a student pilot; and
 - (b) the instructor is not satisfied that the student:
 - (i) has been briefed appropriately for the flight; and
 - (ii) is capable of conducting the flight safely; and
 - (iii) meets the requirement mentioned in subregulation (3).

Penalty: 50 penalty units.

- (3) For subparagraph (2)(b)(iii), the requirement is that:
- (a) the student has been assessed by CASA or an examiner as meeting the general English language proficiency standard mentioned in the Part 61 Manual of Standards; or
 - (b) the student has completed an approved course of training in English language proficiency.
- (4) A flight instructor commits an offence if:
- (a) the instructor approves a person (the *student*) to conduct a solo flight of a kind mentioned in subregulation (5) as a student pilot for the first time; and
 - (b) the instructor is not satisfied that the student:
 - (i) has completed the training specified by the authorising Part 141 or 142 operator for the conduct of a solo flight of that kind by a student pilot; and
 - (ii) has been assessed by the Part 141 or 142 operator as competent to conduct the solo flight; and
 - (c) for a cross-country flight or night flight—the student has not completed at least 2 hours of dual instrument time, 1 hour of which is conducted during dual instrument flight time.

Penalty: 50 penalty units.

- (5) For subregulation (4), the kinds of solo flight are as follows:
- (a) a circuit training flight;
 - (b) a flight between an aerodrome and the flight training area for the aerodrome;
 - (c) a cross-country flight;
 - (d) a night flight.

(6) An offence against subregulation (1) is an offence of strict liability.

(7) In this regulation:

authorising Part 141 or 142 operator, in relation to an instructor approving a solo flight, means the Part 141 or 142 operator who authorised the instructor to approve the solo flight.

61.1227 Obligations of pilot instructors—approval to operate aircraft radio

- (1) A pilot instructor commits an offence if:
- (a) the instructor approves a person who does not hold a flight crew licence, or who holds a recreational pilot licence but does not hold a flight radio endorsement, (the *student*) to transmit on an aviation safety radio frequency; and
 - (b) the student does not meet the requirement mentioned in subregulation (2).

Penalty: 50 penalty units.

- (2) For paragraph (1)(b), the requirement is that:
- (a) the student has been assessed by CASA or an examiner as meeting the general English language proficiency standard mentioned in the Part 61 Manual of Standards; or
 - (b) the student has completed an approved course of training in English language proficiency.

(3) An offence against this regulation is an offence of strict liability.

61.1230 Obligations of pilot instructors—records of activities conducted independently of Part 141 or 142 operator

- (1) A pilot instructor commits an offence if:
- (a) the instructor conducts a flight review or a session of flight training for a flight crew endorsement, other than an endorsement on an operational rating; and
 - (b) the training is not conducted on behalf of a Part 141 or 142 operator; and
 - (c) a record of the training is not made within 7 days after the session.

Penalty: 50 penalty units.

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Division 61.T.3 Obligations of pilot instructors

Regulation 61.1230

- (2) A pilot instructor commits an offence if the instructor does not retain a record made under subregulation (1) for at least 7 years after the day the record is made.

Penalty: 50 penalty units.

- (3) An offence against this regulation is an offence of strict liability.

Division 61.T.4—Privileges and requirements for grant of training endorsements

61.1235 Kinds of training endorsement

The kinds of training endorsement are set out in column 1 of table 61.1235.

Table 61.1235 Training endorsements			
Item	Column 1 Endorsement	Column 2 Activities authorised	Column 3 Requirements
<i>Part 1—Training for licences and aircraft ratings</i>			
1	Grade 1 training endorsement (category specific)	Activities authorised by a grade 2 training endorsement Supervise holders of grade 2 and grade 3 training endorsements in the conduct of flight training in an aircraft of the specified category	Commercial pilot licence or air transport pilot licence with the specified aircraft category rating Grade 2 training endorsement At least 500 hours of flight time conducting initial flight training in an aircraft of the specified category
2	Grade 2 training endorsement (category specific)	Activities authorised by grade 3 training endorsement Approve a student pilot to conduct a solo flight in an aircraft of the specified category Conduct flight training for an aircraft class rating for aircraft of the specified category Assess a knowledge deficiency report for the grant of a pilot licence or rating	Commercial pilot licence or air transport pilot licence with the specified aircraft category rating Grade 3 training endorsement At least 200 hours of flight time conducting initial flight training in an aircraft of the specified category

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Division 61.T.4 Privileges and requirements for grant of training endorsements

Regulation 61.1235

Table 61.1235 Training endorsements

Item	Column 1 Endorsement	Column 2 Activities authorised	Column 3 Requirements
3	Grade 3 training endorsement (category specific, other than aeroplanes)	Conduct flight training for the specified aircraft category rating Conduct flight training for a recreational pilot licence, private pilot licence or commercial pilot licence, other than basic instrument flight training Conduct flight training for a recreational pilot licence endorsement Approve a student pilot to conduct a solo flight in an aircraft of the specified category, other than the student's first solo flight in an aircraft of that category Conduct flight training for a single-engine aircraft class rating for aircraft of the specified category	Commercial pilot licence or air transport pilot licence with the specified aircraft category rating
3A	Grade 3 training endorsement (aeroplane)	Conduct flight training for the aeroplane category rating Conduct flight training for a recreational pilot licence, private pilot licence or commercial pilot licence, other than basic instrument flight training Conduct flight training for a recreational pilot licence endorsement Approve a student pilot to conduct a solo flight in an aeroplane, other than the student's first solo flight in an aeroplane Conduct flight training for a single-engine aeroplane class rating	Commercial pilot licence or air transport pilot licence with the aeroplane category rating Spinning flight activity endorsement
4	Multi-crew pilot training endorsement	Conduct flight training for a multi-crew pilot licence or air transport pilot licence Conduct training in multi-crew cooperation	Commercial pilot licence and instrument rating, or air transport pilot licence At least 100 hours of aeronautical experience in multi-crew operations

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Table 61.1235 Training endorsements

Item	Column 1 Endorsement	Column 2 Activities authorised	Column 3 Requirements
5	Type rating training endorsement (type specific)	Conduct flight training for the pilot type rating or cruise relief co-pilot type rating for aircraft of the specified type Conduct differences training for variants of the specified aircraft type	Commercial pilot licence or air transport pilot licence Pilot type rating for the specified aircraft type
6	Class rating training endorsement (class specific)	Conduct flight training for the aircraft class rating for the specified class	Commercial pilot licence or air transport pilot licence Aircraft class rating for the specified class At least 50 hours of aeronautical experience as pilot of an aircraft of the specified class
7	Design feature training endorsement	Conduct flight training for any design feature endorsement that the holder holds	Private pilot licence, commercial pilot licence or air transport pilot licence
<i>Part 2—Training for operational ratings</i>			
8	Instrument rating training endorsement (category specific)	Conduct flight training for an instrument rating, private instrument rating, instrument endorsement or private instrument endorsement in an aircraft of the specified category Conduct basic instrument flight training for an aircraft of the specified category	Commercial pilot licence or air transport pilot licence
9	Night VFR rating training endorsement (category specific)	Conduct flight training for a night VFR rating or night VFR endorsement in an aircraft of the specified category Conduct basic instrument flight training for an aircraft of the specified category	Commercial pilot licence or air transport pilot licence At least 20 hours of aeronautical experience at night as pilot of an aircraft
10	Night vision imaging system rating training endorsement	Conduct flight training for a night vision imaging system rating or night vision imaging system endorsement	Commercial pilot licence or air transport pilot licence Night vision imaging system rating At least 50 hours experience using a night vision imaging system

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Subpart 61.T Pilot instructor ratings

Division 61.T.4 Privileges and requirements for grant of training endorsements

Regulation 61.1235

Table 61.1235 Training endorsements

Item	Column 1 Endorsement	Column 2 Activities authorised	Column 3 Requirements
11	Low-level rating training endorsement (category specific)	Conduct flight training for a low-level rating in an aircraft of the specified category Conduct flight training for a low-level endorsement, except an endorsement mentioned in item 8 or 9 of table 61.1075, for the specified aircraft category	Commercial pilot licence or air transport pilot licence Low-level rating
12	Aerial application rating (day) training endorsement (category specific)	Conduct flight training for an aerial application rating in an aircraft of the specified category Conduct flight training for an aerial application endorsement mentioned in Part 1 or 2 of table 61.1120 for the specified aircraft category	Commercial pilot licence or air transport pilot licence Aerial application rating Aerial application endorsement for the specified aircraft category At least 100 hours of aeronautical experience in aerial application operations below 500 ft AGL
13	Aerial application rating (night) training endorsement (category specific)	Conduct flight training for an aerial application rating in an aircraft of the specified category Conduct flight training for an aerial application endorsement mentioned in Part 3 of table 61.1120 for the specified aircraft category	Commercial pilot licence or air transport pilot licence Aerial application rating Night aerial application endorsement for the specified aircraft category
14	Instructor rating training endorsement (category specific)	Conduct flight training for a flight instructor rating, simulator instructor rating or training endorsement in an aircraft of the specified category	Commercial pilot licence or air transport pilot licence
15	Multi-engine aeroplane class rating instructor training endorsement	Conduct flight training for a class rating (multi-engine aeroplane) training endorsement	Commercial pilot licence or air transport pilot licence with aeroplane category rating Grade 1 training endorsement (aeroplane) or type rating training endorsement for a type of multi-engine aeroplane

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Table 61.1235 Training endorsements

Item	Column 1 Endorsement	Column 2 Activities authorised	Column 3 Requirements
<i>Part 3—Training for flight activity and low-level endorsements</i>			
16	Sling operations training endorsement	Conduct flight training for a sling operations endorsement	Commercial pilot licence or air transport pilot licence with helicopter category rating Low-level rating Sling operations endorsement
17	Winch and rappelling operations training endorsement	Conduct flight training for a winch and rappelling operations endorsement	Commercial pilot licence or air transport pilot licence with helicopter category rating Low-level rating Winch and rappelling operations endorsement
18	Spinning training endorsement	Conduct flight training for a spinning flight activity endorsement	Private pilot licence, commercial pilot licence or air transport pilot licence Spinning flight activity endorsement
19	Aerobatics training endorsement	Conduct flight training for any of the following endorsements: (a) aerobatics flight activity endorsement; (b) aerobatics (1 500) flight activity endorsement; (ba) aerobatics (1 000) flight activity endorsement; (c) aerobatics (500) flight activity endorsement; (d) aerobatics (unlimited) flight activity endorsement; (e) formation aerobatics flight activity endorsement	Private pilot licence, commercial pilot licence or air transport pilot licence Spinning flight activity endorsement Aerobatics flight activity endorsement
20	Formation (aeroplane) training endorsement	Conduct flight training for a formation flying (aeroplane) flight activity endorsement	Private pilot licence, commercial pilot licence or air transport pilot licence with aeroplane category rating Formation flying (aeroplane) flight activity endorsement
21	Formation (helicopter) training endorsement	Conduct flight training for a formation flying (helicopter) flight activity endorsement	Private pilot licence, commercial pilot licence or air transport pilot licence with helicopter category rating Formation flying (helicopter) flight activity endorsement

Part 61 Flight crew licensing

Subpart 61.T Pilot instructor ratings

Division 61.T.4 Privileges and requirements for grant of training endorsements

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Table 61.1235 Training endorsements

Item	Column 1 Endorsement	Column 2 Activities authorised	Column 3 Requirements
22	Formation aerobatics training endorsement	Conduct flight training for a formation aerobatics flight activity endorsement	Private pilot licence, commercial pilot licence or air transport pilot licence with aeroplane category rating Formation aerobatics flight activity endorsement

61.1240 Privileges of training endorsements

- (1) Subject to Subpart 61.E, Divisions 61.T.1 and 61.T.2 and regulations 61.1245 to 61.1247, the holder of an endorsement mentioned in column 1 of an item in table 61.1235 is authorised to:
 - (a) conduct the activities mentioned in column 2 of the item; and
 - (b) grant an endorsement mentioned in column 2 of the item that does not require a flight test.

Note: Subpart 61.E sets out certain limitations that apply to all pilot licences, and ratings and endorsements on pilot licences.

- (2) However, the holder of a grade 3 training endorsement is not authorised to grant a recreational pilot licence endorsement.

61.1245 Limitations on exercise of privileges of training endorsements—general

- (1) The holder of an endorsement mentioned in column 1 of an item in table 61.1235 is authorised to conduct an activity mentioned in column 2 of the item in an aircraft only if the holder is authorised to exercise the privileges of each licence, rating or endorsement mentioned in column 3 of the item in the aircraft.
- (2) The holder of an endorsement mentioned in column 1 of an item in table 61.1235 is authorised to conduct an activity mentioned in column 2 of the item in a flight simulation training device only if the holder holds each licence, rating or endorsement mentioned in column 3 of the item.

61.1246 Limitations on exercise of privileges of grade 3 training endorsements

- (1) The holder of a grade 3 training endorsement is authorised to conduct an activity mentioned in column 2 of item 3 or 3A in table 61.1235 only if the holder is acting under the supervision of the holder of a grade 1 training endorsement.
- (2) The holder of a grade 3 training endorsement is authorised to pilot an aircraft in the exercise of the privileges of the endorsement only by day under the VFR.
- (3) The holder of a grade 3 training endorsement (helicopter) is authorised to conduct flight training involving a simulated engine failure only if the holder has completed at least 100 hours of flight training under the endorsement.

61.1247 Limitations on exercise of privileges of low level training endorsements

The holder of a low-level training endorsement is authorised to conduct flight training for a low-level endorsement only if the holder:

- (a) holds the low-level endorsement; and
- (b) has at least 5 hours aeronautical experience conducting the activity authorised by the low-level endorsement.

61.1248 Limitation on exercise of privileges of helicopter grade 2 training endorsements

The holder of a grade 2 training endorsement (helicopter) that is granted on the basis of regulation 202.272 is authorised to conduct the activities mentioned in column 2 of item 2 of table 61.1235 only if the holder meets the requirements mentioned in column 3 of the item.

61.1250 Requirements for grant of training endorsements

- (1) An applicant for an endorsement mentioned in an item in table 61.1235 must hold:
 - (a) an instructor rating; and
 - (b) each other licence, rating or endorsement (if any) mentioned in column 3 of the item.

Note: Subregulation (1) is satisfied, in relation to a required licence, rating or endorsement, if the applicant holds a certificate of validation of an overseas flight crew licence, rating or endorsement that is equivalent to the required licence, rating or endorsement: see item 36 of Part 2 of the Dictionary.

- (2) The applicant must also have:
 - (a) met the aeronautical experience requirements (if any) mentioned in column 3 of the item; and
 - (b) completed flight training for the endorsement; and
 - (c) passed the flight test mentioned in the Part 61 Manual of Standards for the endorsement; and
 - (d) for an applicant for a multi-crew pilot training endorsement—completed an approved course of training in multi-crew co-operation.

Note 1: For paragraph (a), for the determination of a person's flight time and other aeronautical experience, see Division 61.A.2.

Note 2: For paragraph (b), for the requirements for flight training, see Division 61.B.2.

Note 3: For paragraph (c), for the conduct of flight tests, see Division 61.B.4.

- (3) Despite paragraph 61.245(1)(a), the flight test (if any) may be conducted in an approved flight simulation training device for the flight test.

Subpart 61.U—Flight examiner ratings

Division 61.U.1—Privileges and requirements for grant of flight examiner ratings

61.1255 Privileges of flight examiner ratings

Subject to Subpart 61.E and regulations 61.1265 to 61.1285, a flight examiner is authorised:

- (a) to conduct flight tests for the grant of:
 - (i) pilot licences; and
 - (ii) ratings on pilot licences, other than cruise relief flight engineer type ratings; and
 - (iii) endorsements on pilot licences; and
- (b) to grant to holders of pilot licences:
 - (i) ratings, other than:
 - (A) flight examiner ratings; and
 - (B) cruise relief flight engineer type ratings; and
 - (ii) endorsements, other than flight test endorsements; and
- (c) to conduct the following proficiency checks for holders of pilot licences:
 - (i) instrument proficiency checks;
 - (ii) night vision imaging system proficiency checks;
 - (iii) aerial application proficiency checks;
 - (iv) instructor proficiency checks;
 - (v) operator proficiency checks; and
- (d) to conduct assessments of English language proficiency.

Note: Subpart 61.E sets out certain limitations that apply to all pilot licences, and ratings and endorsements on pilot licences.

61.1265 Limitations on exercise of privileges of flight examiner ratings—endorsements

- (1) A flight examiner is authorised to conduct a flight test, or grant a rating or endorsement, mentioned in column 2 of an item in Part 1 of table 61.1310 only if the examiner also holds the endorsement mentioned in column 1 of the item.
- (2) A flight examiner is authorised to conduct a flight test for a rating or endorsement, or grant a rating or endorsement on a pilot licence, only if the examiner:
 - (a) also holds a rating or endorsement of the same kind; or
 - (b) holds an approval under regulation 61.040 to conduct the flight test.
- (3) A flight examiner is authorised to conduct an instrument proficiency check only if the examiner also holds an instrument rating flight test endorsement.

- (4) A flight examiner is authorised to conduct a night vision imaging system proficiency check only if the examiner also holds a night vision imaging system rating flight test endorsement.
- (5) A flight examiner is authorised to conduct an aerial application proficiency check only if the examiner also holds an aerial application rating flight test endorsement.
- (6) A flight examiner is authorised to conduct an instructor proficiency check only if the examiner also holds a flight instructor rating flight test endorsement.
- (7) A flight examiner is authorised to conduct an activity mentioned in column 2 of item 12 of table 61.1310 only if the examiner also holds an English language assessment endorsement.

61.1270 Limitations on exercise of privileges of flight examiner ratings—professional development

A flight examiner is authorised to exercise the privileges of his or her flight examiner rating only if the examiner has, during the previous 24 months, successfully completed:

- (a) a professional development program conducted by CASA; or
- (b) an approved course of professional development conducted by the holder of an approval under regulation 61.040 to conduct the course.

61.1275 Limitations on exercise of privileges of flight examiner ratings—recent experience

- (1) A flight examiner is authorised to conduct a flight test for a pilot licence only if, when the flight test is conducted, the examiner meets the recent experience requirements mentioned in this Part for the exercise of the privileges of the licence.
- (2) A flight examiner is authorised to conduct a flight test for a rating on a pilot licence only if, when the flight test is conducted, the examiner meets the recent experience requirements mentioned in this Part for the exercise of the privileges of the rating.
- (3) A flight examiner is authorised to conduct a flight test for an endorsement on a pilot licence only if, when the flight test is conducted, the examiner meets the recent experience requirements mentioned in this Part for the exercise of the privileges of the rating to which the endorsement relates.

61.1280 Limitations on exercise of privileges of flight examiner ratings—flight reviews and subject matter proficiency checks

- (1) A flight examiner is authorised to conduct a flight test for a pilot licence only if, when the flight test is conducted, the examiner:
 - (a) for a multi-crew pilot licence—has a valid instrument proficiency check, under regulation 61.650, for the aeroplane category; or

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- (b) for an air transport pilot licence—has a valid instrument proficiency check, under regulation 61.695, for the category of aircraft in which the flight test is conducted.
- (2) A flight examiner is authorised to conduct a flight test for a rating on a pilot licence only if, when the flight test is conducted, the examiner:
 - (a) for an instrument rating—has a valid instrument proficiency check, under regulation 61.880, for the category of aircraft in which the flight test is conducted; or
 - (b) for a night vision imaging system rating—has a valid night vision imaging system proficiency check under regulation 61.1015; or
 - (c) for an aerial application rating—has a valid aerial application proficiency check under regulation 61.1110; or
 - (d) for an instructor rating—has a valid instructor proficiency check under regulation 61.1180; or
 - (e) for any other rating—meets the flight review requirements for the rating.
- (3) A flight examiner is authorised to conduct a flight test for an endorsement on a pilot licence only if, when the flight test is conducted, the examiner:
 - (a) for an instrument endorsement—has a valid instrument proficiency check, under regulation 61.880, for the category of aircraft in which the flight test is to be conducted; or
 - (b) for a night vision imaging system endorsement—has a valid night vision imaging system proficiency check under regulation 61.1015; or
 - (c) for an aerial application endorsement—has a valid aerial application proficiency check under regulation 61.1110; or
 - (d) for a training endorsement—has a valid instructor proficiency check under regulation 61.1180; or
 - (e) for any other endorsement—meets the flight review requirements for the rating to which the endorsement relates.

61.1285 Limitations on exercise of privileges of flight examiner ratings— examiner proficiency check

- (1) The holder of a flight examiner rating is authorised to exercise the privileges of the rating only if the holder has a valid examiner proficiency check.
- (2) For subregulation (1), the holder is taken to have a valid examiner proficiency check during the following periods:
 - (a) the period from when the holder passes the flight test for the rating to the end of the 24th month after the month in which the holder passes the flight test;
 - (b) if:
 - (i) the holder passes the flight test for a flight examiner endorsement; and
 - (ii) the flight test is conducted more than 6 months after the holder passes the flight test for the rating;

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- the period from when the holder passes the flight test for the endorsement to the end of the 24th month after the month in which the holder passes the flight test for the endorsement;
- (c) if the holder successfully completes an examiner proficiency check—the period from when the holder successfully completes the check to the end of the 24th month after the month in which the holder successfully completes the check;
- (d) if:
- (i) the holder is taken to have a valid examiner proficiency check under any of paragraphs (a) to (c) (the *existing check*); and
 - (ii) within 3 months before the validity of the existing check expires, the holder successfully completes an examiner proficiency check;
- the period from when the validity of the existing check expires to the end of the 24th month after the validity of the existing check expires.
- (3) However, if, at any time, the holder attempts, but does not successfully complete, an examiner proficiency check, the holder is no longer taken to have a valid examiner proficiency check.
- (4) For paragraphs (2)(c) and (d), the holder successfully completes an examiner proficiency check if:
- (a) the examiner proficiency check is conducted in an aircraft or an approved flight simulation training device for the proficiency check; and
 - (b) a person mentioned in subregulation (5) assesses the holder's competency to conduct flight testing as meeting the standards mentioned in the Part 61 Manual of Standards for a flight examiner rating; and
 - (c) the person endorses the holder's licence document to the effect that the holder has completed the examiner proficiency check on the date stated.
- (5) For paragraph (4)(b), the persons are as follows:
- (a) CASA;
 - (b) the holder of an approval under regulation 61.040 to conduct the proficiency check.

61.1290 Requirements for grant of flight examiner ratings

- (1) An applicant for a flight examiner rating must:
- (a) hold a commercial pilot licence or air transport pilot licence; and
 - (b) meet the requirements for the grant of at least one flight test endorsement.
- Note: Paragraph (a) is satisfied if the applicant holds a certificate of validation of an overseas flight crew licence that is equivalent to a commercial pilot licence or air transport pilot licence: see item 36 of Part 2 of the Dictionary.
- (2) The applicant must also have:
- (a) completed a course of training for the rating that:
 - (i) is conducted by CASA or the holder of an approval under regulation 61.040 to conduct the course; and

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- (ii) includes the content mentioned in the Part 61 Manual of Standards for the course; and
- (b) passed the flight test mentioned in the Part 61 Manual of Standards for the flight examiner rating; and
- (c) successfully completed an interview conducted by CASA.

Note: For paragraph (b), for the conduct of flight tests, see Division 61.B.4.

- (3) For paragraph (2)(c), an applicant successfully completes an interview if the applicant satisfies CASA that he or she has the necessary skills and experience to be granted a flight examiner rating.

Division 61.U.2—Obligations of flight examiners

61.1295 Obligations of flight examiners—flight tests: strict liability offences

- (1) A flight examiner commits an offence if the examiner:
- (a) conducts a flight test for an applicant for a pilot licence or a rating or endorsement on a pilot licence; and
 - (b) is not nominated to conduct the flight test:
 - (i) by the applicant's training provider under subregulation 61.245(3); or
 - (ii) by CASA under subregulation 61.245(4).

Penalty: 50 penalty units.

- (3) A flight examiner commits an offence if the examiner:
- (a) conducts a flight test for a pilot licence or a rating or endorsement on a pilot licence; and
 - (b) does not:
 - (i) conduct the flight test in accordance with the standards mentioned in the Part 61 Manual of Standards; and
 - (ii) assess the applicant for the licence, rating or endorsement against the competency standards mentioned in the Part 61 Manual of Standards for the flight test.

Penalty: 50 penalty units.

- (4) A flight examiner commits an offence if the examiner:
- (a) conducts a flight test for a pilot licence or a rating or endorsement on a pilot licence; and
 - (b) does not:
 - (i) at the completion of the flight test, advise the applicant and the Part 141 or 142 operator responsible for the applicant's training of the result of the flight test, including the reasons for any failure in an element of the flight test; and
 - (ii) within 14 days after the day of the completion of the flight test:
 - (A) complete a report, in an approved form, setting out the result of the flight test; and
 - (B) give a completed copy of the report to the applicant, the Part 141 or 142 operator and CASA.

Penalty: 50 penalty units.

- (5) A flight examiner commits an offence if the examiner:
- (a) conducts a flight test for a pilot licence or a rating or endorsement on a pilot licence; and
 - (b) has not notified CASA of the examiner's intention to conduct the flight test at least 24 hours before conducting the flight test.

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Penalty: 50 penalty units.

- (6) An offence against this regulation is an offence of strict liability.

61.1300 Obligations of flight examiners—flight tests: other offences

- (1) A flight examiner commits an offence if:
- (a) the examiner conducts a flight test for a pilot licence; and
 - (b) when the test begins, the examiner is not satisfied that the applicant:
 - (i) is at least the minimum age to hold the licence; and
 - (ii) has passed the aeronautical knowledge examination for the licence; and
 - (iii) has met the flight training requirements for the grant of the licence; and
 - (iv) has met the aeronautical experience requirements for the licence.

Penalty: 50 penalty units.

- (2) A flight examiner commits an offence if:
- (a) the examiner conducts a flight test for any of the following licences:
 - (i) a private pilot licence;
 - (ii) a commercial pilot licence;
 - (iii) a multi-crew pilot licence;
 - (iv) an air transport pilot licence; and
 - (b) when the test begins, the examiner is not satisfied that the applicant has a current aviation English language proficiency assessment.

Penalty: 50 penalty units.

- (3) A flight examiner commits an offence if:
- (a) the examiner conducts a flight test for a pilot licence in an aircraft; and
 - (b) when the test begins, the examiner is not satisfied that:
 - (i) if the test is for a licence other than a recreational pilot licence—the applicant holds:
 - (A) a current medical certificate of the class required for the exercise of the privileges of the licence; or
 - (B) a medical exemption to exercise the privileges of the licence; or
 - (ii) if the test is for a recreational pilot licence—the applicant holds:
 - (A) a current class 1 or 2 medical certificate or recreational aviation medical practitioner's certificate; or
 - (B) a medical exemption for the exercise of the privileges of the licence.

Penalty: 50 penalty units.

- (4) A flight examiner commits an offence if:

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- (a) the examiner conducts a flight test for a rating or endorsement on a pilot licence; and
- (b) when the test begins, the examiner is not satisfied that the applicant:
 - (i) has passed the aeronautical knowledge examination for the rating or endorsement; and
 - (ii) has met the flight training requirements for the grant of the rating or endorsement; and
 - (iii) has met the aeronautical experience requirements for the rating or endorsement.

Penalty: 50 penalty units.

- (5) A flight examiner commits an offence if:
- (a) the examiner conducts a flight test for a rating or endorsement on a pilot licence in an aircraft; and
 - (b) when the test begins, the examiner is not satisfied that the applicant holds:
 - (i) a current class 1 or 2 medical certificate or recreational aviation medical practitioner's certificate; or
 - (ii) a medical exemption for the exercise of the privileges of the rating.

Penalty: 50 penalty units.

61.1305 Obligations of flight examiners—proficiency checks

- (1) A flight examiner commits an offence if:
- (a) the examiner conducts a relevant proficiency check for the holder of a pilot licence; and
 - (b) the holder successfully completes the proficiency check; and
 - (c) the examiner does not, within 14 days after the day the holder successfully completes the proficiency check:
 - (i) endorse the holder's licence document in accordance with subregulation (2); and
 - (ii) give CASA a written notice that complies with subregulation (3).

Penalty: 50 penalty units.

- (2) For subparagraph (1)(c)(i), the following details must be endorsed on the licence document:
- (a) a statement to the effect that the holder has successfully completed the proficiency check;
 - (b) the date on which the proficiency check was successfully completed;
 - (c) the rating for which the proficiency check was conducted; and
 - (d) if the proficiency check related to a category, class or type of aircraft—the category, class or type.
- (3) For subparagraph (1)(c)(ii), the notice must state the following:
- (a) the holder's name and ARN;
 - (b) that the holder has successfully completed the proficiency check;

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- (c) the date on which the proficiency check was successfully completed;
 - (d) the rating for which the proficiency check was conducted;
 - (e) if the proficiency check related to a category, class or type of aircraft—the category, class or type;
 - (f) if the proficiency check was conducted in an aircraft—the aircraft's nationality and registration marks;
 - (g) if the proficiency check was conducted in a flight simulator—the identifying number for the flight simulator stated on its flight simulator qualification certificate.
- (3A) A flight examiner commits an offence if:
- (a) the examiner conducts a relevant proficiency check; and
 - (b) the examiner has not notified CASA of the examiner's intention to conduct the proficiency check at least 24 hours before conducting the proficiency check; and
 - (c) the examiner does not hold, under regulation 61.040, an approval to conduct the proficiency check without notifying CASA of his or her intention to conduct the proficiency check.

Penalty: 50 penalty units.

(4) An offence against this regulation is an offence of strict liability.

(5) In this regulation:

relevant proficiency check means any of the following:

- (a) an aerial application proficiency check;
- (b) an instructor proficiency check;
- (c) an instrument proficiency check;
- (d) a night vision imaging system proficiency check.

Division 61.U.3—Privileges and requirements for grant of flight examiner endorsements

61.1310 Kinds of flight examiner endorsement

The kinds of flight examiner endorsement are set out in column 1 of table 61.1310.

Table 61.1310 Flight examiner endorsements

Item	Column 1 Endorsement	Column 2 Activities authorised	Column 3 Requirements
<i>Part 1—Flight test endorsements</i>			
1	Private pilot licence flight test endorsement (category specific)	Conduct a flight test for any of the following authorisations in an aircraft of the specified category: (a) recreational pilot licence; (b) private pilot licence; (c) the specified aircraft category rating on a recreational pilot licence or private pilot licence; (d) single-engine aeroplane class rating; (e) single-engine helicopter class rating; (f) single-engine gyroplane class rating; (g) airship class rating	Grade 1 training endorsement
2	Commercial pilot licence flight test endorsement (category specific)	Conduct a flight test for an authorisation mentioned in column 2 of item 1 Conduct a flight test for any of the following authorisations in an aircraft of the specified category: (a) commercial pilot licence; (b) the specified aircraft category rating on a commercial pilot licence	Grade 1 training endorsement

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Division 61.U.3 Privileges and requirements for grant of flight examiner endorsements

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Table 61.1310 Flight examiner endorsements

Item	Column 1 Endorsement	Column 2 Activities authorised	Column 3 Requirements
3	Air transport pilot licence flight test endorsement (category specific)	Conduct a flight test for any of the following authorisations in an aircraft of the specified category: (a) multi-crew pilot licence; (b) air transport pilot licence; (c) the specified aircraft category rating on an air transport pilot licence; (d) if the aeroplane category is specified—multi-engine aeroplane class ratings; (e) instrument rating	Air transport pilot licence with the specified aircraft category rating Instrument rating flight test endorsement
4	Multi-engine aeroplane class rating flight test endorsement	Conduct a flight test for a multi-engine aeroplane class rating	Multi-engine aeroplane training endorsement
5	Type rating flight test endorsement (type specific)	Conduct a flight test for either of the following ratings in an aircraft of the specified type: (a) pilot type rating; (b) cruise relief co-pilot type rating	Type rating training endorsement for the specified aircraft type
6	Instrument rating flight test endorsement (category specific)	Conduct a flight test in an aircraft of the specified category for any of the following: (a) instrument rating; (b) private instrument rating; (c) instrument endorsement; (d) private instrument endorsement Conduct an instrument proficiency check in an aircraft of the specified category	Instrument rating training endorsement for the specified aircraft category
7	Night VFR rating flight test endorsement (category specific)	Conduct a flight test for a night VFR rating or night VFR endorsement in an aircraft of the specified category	Night VFR rating training endorsement for the specified aircraft category

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Table 61.1310 Flight examiner endorsements

Item	Column 1 Endorsement	Column 2 Activities authorised	Column 3 Requirements
8	Night vision imaging system rating flight test endorsement	Conduct a flight test for a night vision imaging system rating or night vision imaging system endorsement Conduct a night vision imaging system proficiency check	Night vision imaging system training endorsement
9	Low-level rating flight test endorsement (category specific)	Conduct a flight test for a low-level rating or low-level endorsement in an aircraft of the specified category	Low-level training endorsement for the specified aircraft category
10	Aerial application rating flight test endorsement (category specific)	Conduct a flight test for any of the following in an aircraft of the specified category: (a) aerial application rating; (b) aerial application endorsement; (c) low-level rating; (d) low-level endorsement Conduct an aerial application proficiency check in an aircraft of the specified category	Aerial application (day) training endorsement for the specified aircraft category
11	Flight instructor rating flight test endorsement (category specific)	Conduct a flight test for any of the following in an aircraft of the specified category: (a) flight instructor rating; (b) simulator instructor rating; (c) training endorsement Conduct an instructor proficiency check in an aircraft of the specified category	Grade 1 training endorsement for the specified aircraft category
<i>Part 2—Other flight examiner endorsements</i>			
12	English language assessment endorsement	Conduct a level 6 aviation English language proficiency assessment Conduct a general English language proficiency assessment	Any of the following endorsements: (a) private pilot licence flight test endorsement; (b) commercial pilot licence flight test endorsement; (c) pilot type rating flight test endorsement

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61.1315 Privileges of flight examiner endorsements

Subject to Subpart 61.E and Division 61.U.1, the holder of an endorsement mentioned in column 1 of an item in table 61.1310 is authorised to conduct each activity mentioned in column 2 of the item.

Note: Subpart 61.E sets out certain limitations that apply to all pilot licences, and ratings and endorsements on pilot licences.

61.1318 Limitations on exercise of privileges of flight examiner endorsements—flight tests in aircraft

The holder of a flight test endorsement is authorised to conduct a flight test under the endorsement in an aircraft only if the flight test for the examiner's flight test endorsement was conducted in an aircraft.

61.1320 Requirements for grant of flight examiner endorsements

- (1) An applicant for an endorsement mentioned in column 1 of an item in table 61.1310 must hold:

- (a) a flight examiner rating; and
- (b) the licences and endorsements mentioned in column 3 of the item.

Note: Subregulation (1) is satisfied, in relation to a required licence, rating or endorsement, if the applicant holds a certificate of validation of an overseas flight crew licence, rating or endorsement that is equivalent to the required licence, rating or endorsement: see item 36 of Part 2 of the Dictionary.

- (2) An applicant for an endorsement mentioned in column 1 of an item in Part 1 of table 61.1310 must also have:

- (a) completed a course of training for the endorsement that:
 - (i) is conducted by CASA or the holder of an approval under regulation 61.040 to conduct the course; and
 - (ii) includes the content mentioned in the Part 61 Manual of Standards for the course; and
- (b) passed the flight test mentioned in the Part 61 Manual of Standards for the grant of the endorsement.

Note: For paragraph (b), for the conduct of flight tests, see Division 61.B.4.

- (3) An applicant for an English language assessment endorsement must also have:
- (a) completed training in the assessment of aviation English language proficiency to the ICAO standards conducted by CASA or the holder of an approval under regulation 61.040 to conduct the training; and
 - (b) been assessed by CASA or the approval holder as competent to assess aviation English language proficiency to the ICAO standards; and
 - (c) successfully completed an interview conducted by CASA or the holder of an approval under regulation 61.040 to conduct the interview.

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- (4) For paragraph (3)(c), an applicant successfully completes an interview if the applicant satisfies CASA or the approval holder that he or she understands the standards for assessment of aviation English language proficiency.

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Subpart 61.V—Flight engineer licences

61.1325 Privileges of flight engineer licences

Subject to regulations 61.1330 to 61.1352, the holder of a flight engineer licence is authorised to act as flight engineer of an aircraft certificated to be operated with a minimum flight crew that includes a flight engineer.

61.1330 Limitations on exercise of privileges of flight engineer licences—ratings

- (1) The holder of a flight engineer licence is authorised to exercise the privileges of the licence in an aircraft of a particular type only if the holder also holds the flight engineer type rating for the aircraft.
- (2) The holder of a flight engineer licence is authorised to conduct an activity mentioned in regulation 61.1395 (Privileges of flight engineer instructor ratings) only if the holder also holds a flight engineer instructor rating.
- (3) The holder of a flight engineer licence is authorised to conduct an activity mentioned in regulation 61.1445 (Privileges of flight engineer examiner ratings) only if the holder also holds a flight engineer examiner rating.

Note: In certain circumstances, a person may act as flight engineer of an aircraft of a particular type if he or she holds a pilot licence and a cruise relief flight engineer type rating for that type of aircraft: see regulation 61.830.

61.1335 Limitations on exercise of privileges of flight engineer licences—recent experience

- (1) The holder of a flight engineer licence is authorised to act as the flight engineer of an aircraft of a particular type only if the holder has, within the previous 90 days:
 - (a) performed the duties of a flight engineer by day or night during at least 3 take-offs and at least 3 landings in an aircraft of that type or an approved flight simulation training device for the purpose; or
 - (b) as a member of the flight crew of an aircraft, observed a flight engineer perform the duties of a flight engineer by day or night during at least 3 take-offs and at least 3 landings in an aircraft of that type or an approved flight simulation training device for the purpose.
- (2) For paragraphs (1)(a) and (b), each take-off must be followed by a climb to at least 500 ft AGL.
- (3) The holder is taken to meet the requirements of subregulation (1) if:
 - (a) within the previous 90 days, in an aircraft of that type or an approved flight simulator for the purpose, the holder has:
 - (i) successfully completed an instructor proficiency check, operator proficiency check or flight review; or

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- (ii) passed a flight test for a flight engineer licence or a rating on a flight engineer licence; or
- (b) both:
 - (i) the holder is successfully participating in an operator's training and checking system for an operation in an aircraft of that type; and
 - (ii) the operator holds an approval under regulation 61.040 for the system for this subregulation and operations in aircraft of that type.

61.1340 Limitations on exercise of privileges of flight engineer licences—flight review

- (1) For this Part, successful completion of a flight review for a rating on a flight engineer licence requires demonstration, to a person mentioned in subregulation (2), that the holder of the rating is competent in each unit of competency mentioned in the Part 61 Manual of Standards for the rating.
- (2) For subregulation (1), the persons are as follows:
 - (a) CASA;
 - (b) the holder of an approval under regulation 61.040 for this regulation;
 - (c) a flight engineer instructor who holds a training endorsement that authorises the person to conduct flight training for the rating.
- (3) The flight review must be conducted in an aircraft or approved flight simulator for the flight review.

61.1345 Limitations on exercise of privileges of flight engineer licences—current medical certificates

The holder of a flight engineer licence is authorised to exercise the privileges of the licence only if the holder also holds:

- (a) a class 1 or 2 medical certificate; or
- (b) a medical exemption for the exercise of the privileges of the licence.

Note: A licence holder must not exercise the privileges of his or her licence and rating during any period of temporary medical unfitness that could render the holder unable to exercise those privileges safely: see regulation 67.270.

61.1350 Limitations on exercise of privileges of flight engineer licences—carriage of documents

The holder of a flight engineer licence is authorised to exercise the privileges of the licence on a flight only if the holder carries the following documents on the flight:

- (a) his or her licence document;
- (b) unless the holder holds a medical exemption for the exercise of the privileges of the licence—his or her medical certificate;
- (ba) if the holder holds a medical exemption for the exercise of the privileges of the licence—a copy of the exemption;

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- (c) a document that includes a photograph of the holder showing the holder's full face and his or her head and shoulders:
 - (i) that was issued within the previous 10 years by the government, or a government authority, of:
 - (A) the Commonwealth or a State or Territory; or
 - (B) a foreign country, or a state or province (however described) of a foreign country; and
 - (ii) that has not expired or been cancelled.

61.1352 Limitations on exercise of privileges of flight engineer licences—aviation English language proficiency

- (1) The holder of a flight engineer licence is authorised to exercise the privileges of the licence only if the holder has a current aviation English language proficiency assessment.
- (2) Subregulation (3) applies to the holder of a flight engineer licence that was granted on the basis of regulation 202.272 if the licence was granted in recognition of an old authorisation (within the meaning of regulation 202.261) that was granted on or before 4 March 2008.
- (3) Subregulation (1) does not apply to the holder in relation to the exercise of the privileges of his or her licence in Australian Territory.

61.1355 Certain holders of flight engineer licences authorised to operate aircraft radio

- (1) A person is authorised to transmit on an aviation safety radio frequency if the person holds a flight engineer licence.
- (2) For regulation 61.1345, transmitting on an aviation safety radio frequency does not constitute the exercise of the privileges of a licence.

Note 1: A person is prohibited from transmitting on an aviation safety radio frequency unless the person is authorised or qualified to do so: see regulation 91.625.

Note 2: For the definition of *aviation safety radio frequency*, see the Dictionary.

61.1360 Requirements for grant of flight engineer licences

- (1) An applicant for a flight engineer licence must be at least 18.
- (2) The applicant must meet the requirements for the grant of at least one flight engineer type rating.
- (3) The applicant must also have:
 - (a) passed the aeronautical knowledge examination for the flight engineer licence; and
 - (b) completed flight training for the flight engineer licence; and
 - (d) passed the flight test mentioned in the Part 61 Manual of Standards for the flight engineer licence; and

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- (e) at least 100 hours of aeronautical experience performing the duties of a flight engineer under the direct supervision of a flight engineer instructor.

- Note 1: For paragraph (a), for the conduct of aeronautical knowledge examinations, see Division 61.B.3.
- Note 2: For paragraph (b), for the requirements for flight training, see Division 61.B.2.
- Note 3: For paragraph (d), for the conduct of flight tests, see Division 61.B.4.
- Note 4: For paragraph (e), for the determination of a person's flight time and other aeronautical experience, see Division 61.A.2.

- (3A) If the applicant applies on or after 1 September 2015, the applicant must also have completed an approved course of training in multi-crew cooperation.
- (4) For paragraph (3)(e), up to 50 hours of the aeronautical experience may be completed as simulated flight engineer time.
- (5) The applicant is taken to meet the requirements of paragraph (3)(e) if:
- (a) the applicant holds:
 - (i) a commercial pilot licence with the aeroplane category rating; and
 - (ii) a pilot type rating for an aeroplane that is certificated for multi-crew operation; and
 - (b) the applicant has completed at least 50 hours of flight training performing the duties of a flight engineer under the direct supervision of a flight engineer instructor.

Subpart 61.W—Flight engineer type ratings

61.1365 Privileges of flight engineer type ratings

Subject to Subpart 61.V and regulations 61.1370 to 61.1380, the holder of a flight engineer type rating is authorised to act as the flight engineer of an aircraft covered by the rating.

Note 1: Subpart 61.V sets out certain limitations that apply to all flight engineer licences, and ratings and endorsements on flight engineer licences.

Note 2: The types for which flight engineer type ratings may be granted are set out in legislative instruments under regulations 61.055 (multi-crew aircraft) and 61.060 (single-pilot aircraft).

61.1370 Limitations on exercise of privileges of flight engineer type ratings—general

- (1) This regulation applies if:
 - (a) the holder of a flight engineer type rating passed the flight test for the rating in:
 - (i) an aircraft model covered by the rating (the *first variant*); or
 - (ii) a flight simulator that represents the first variant; and
 - (b) differences training is required by a legislative instrument under regulation 61.055 for another aircraft model covered by the rating (the *second variant*).
- (2) The holder is authorised to exercise the privileges of the rating in the second variant only if the holder has completed the differences training for the second variant.

61.1375 Limitations on exercise of privileges of flight engineer type ratings—recent experience on aircraft models

The holder of a flight engineer type rating is authorised to exercise the privileges of the rating in an aircraft model covered by the rating only if:

- (a) within the previous 24 months, the holder has:
 - (i) exercised the privileges of the rating in the aircraft model; or
 - (ii) passed the flight test for the rating in the aircraft model; or
 - (iii) successfully completed a flight review in the aircraft model; or
 - (iv) if differences training is required by an instrument under regulation 61.055 or 61.060 for the aircraft model—completed the differences training; or
- (b) both:
 - (i) the holder is successfully participating in an operator's training and checking system for an operation in the aircraft model; and

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- (ii) the operator holds an approval under regulation 61.040 for the system for this regulation and operations in aircraft of that model.

**61.1380 Limitations on exercise of privileges of flight engineer type ratings—
flight review**

- (1) The holder of a flight engineer type rating is authorised to exercise the privileges of the rating only if the holder has, within the previous 24 months, successfully completed a flight review for the rating in accordance with subregulation (2).
- (2) For subregulation (1), the flight review must be conducted in:
 - (a) an aircraft of the type covered by the rating; or
 - (b) an approved flight simulator for the flight review.
- (3) The holder is taken to meet the requirements of subregulation (1) if the holder:
 - (a) has passed a flight test for the rating within the previous 24 months; or
 - (b) has successfully completed an operator proficiency check that covers operations in aircraft of the type covered by the rating within the previous 24 months; or
 - (c) both:
 - (i) the holder is successfully participating in an operator's training and checking system for an operation in an aircraft of the type covered by the rating; and
 - (ii) the operator holds an approval under regulation 61.040 for the system for this subregulation and operations in aircraft of that type.

Note: For general rules in relation to flight reviews, see regulation 61.1340.

61.1385 Requirements for grant of flight engineer type ratings

- (1) This regulation applies to an applicant for a flight engineer type rating if the applicant is not taken to meet the requirements for the grant of the rating under regulation 61.1390.
- (2) The applicant must hold a flight engineer licence.

Note: Subregulation (2) is satisfied if the applicant holds a certificate of validation of an overseas flight crew licence that is equivalent to a flight engineer licence: see item 36 of Part 2 of the Dictionary.

- (3) The applicant must also have:
 - (a) completed an approved course of training for the rating, that includes:
 - (i) theory and technical training; and
 - (ii) flight training in accordance with the approved course, consisting of:
 - (A) dual flight in an aircraft of the type covered by the rating; or
 - (B) dual simulated flight in an approved flight simulator for the training; and
 - (b) passed an examination, conducted by the Part 141 or 142 operator that conducted the training mentioned in paragraph (a), testing the applicant's

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knowledge against the standards mentioned in the Part 61 Manual of Standards for the rating; and

- (c) passed the flight test mentioned in the Part 61 Manual of Standards for the rating.

Note 1: For paragraph (a), for the requirements for an approved course of training, see Division 61.B.2.

Note 2: For paragraph (c), for the conduct of flight tests, see Division 61.B.4.

- (4) For paragraph (3)(a), the approved course of training must be conducted by:
 - (a) a Part 141 or 142 operator that is authorised to conduct the training; or
 - (b) the holder of an approval under regulation 141.035 or 142.040 to conduct the training.

61.1390 Person taken to meet requirements for grant of flight engineer type rating—new type rating

A person is taken to meet the requirements for the grant of a flight engineer type rating (the *new type rating*) if:

- (a) the person holds a flight engineer type rating (the *old type rating*) covering 2 or more aircraft models that were, in accordance with a legislative instrument under regulation 61.055 (the *old legislative instrument*), variants of each other; and
- (b) as a result of a change to the legislative instrument, or the making of a new legislative instrument:
 - (i) the models are no longer variants of each other; and
 - (ii) one or more of the models is covered by the new type rating; and
- (c) one of the following applies:
 - (i) the person passed the flight test for the old type rating in:
 - (A) an aircraft model that is covered by the new type rating; or
 - (B) a flight simulator that represents an aircraft model covered by the new type rating;
 - (ii) differences training was not required by the old legislative instrument for the person to exercise the privileges of the old type rating in an aircraft covered by the new type rating;
 - (iii) both:
 - (A) differences training was required by the old legislative instrument for the person to exercise the privileges of the old type rating in an aircraft covered by the new type rating; and
 - (B) the person has completed the differences training.

Subpart 61.X—Flight engineer instructor ratings

Division 61.X.1—Privileges and requirements for grant of flight engineer instructor ratings

61.1395 Privileges of flight engineer instructor ratings

Subject to Subpart 61.V and regulations 61.1400 to 61.1410, a flight engineer instructor is authorised:

- (a) to conduct flight training for:
 - (i) flight engineer licences; and
 - (ii) ratings on flight engineer licences, other than flight engineer examiner ratings; and
 - (iii) endorsements on flight engineer licences, other than flight engineer flight test endorsements; and
 - (iv) cruise relief flight engineer type ratings; and
- (b) to grant flight engineer training endorsements; and
- (c) to conduct training in multi-crew cooperation; and
- (d) to conduct flight reviews required by this Part for flight engineer ratings, other than flight engineer examiner ratings; and
- (e) to approve a person who does not hold a flight engineer licence, or who holds a licence but does not hold a required rating or endorsement, to act as flight engineer of an aircraft for the purpose of flight training; and
- (f) to approve a person who does not hold a flight crew licence to transmit on an aviation safety radio frequency; and
- (g) to assess the standard of knowledge of an applicant for flight engineer licence in any items mentioned in the applicant's knowledge deficiency report.

Note: Subpart 61.V sets out certain limitations that apply to all flight engineer licences, and ratings and endorsements on flight engineer licences.

61.1400 Limitations on exercise of privileges of flight engineer instructor ratings—general

- (1) The holder of a flight engineer instructor rating is authorised to exercise the privileges of the rating in an aircraft of a particular type only if the instructor also holds a flight engineer type rating for that type of aircraft.
- (2) A flight engineer instructor is authorised to conduct flight training for a flight engineer licence or a rating on a flight engineer licence only if the instructor is engaged to conduct the flight training by a Part 141 or 142 operator that is authorised to conduct the flight training.

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61.1405 Limitations on exercise of privileges of flight engineer instructor ratings—endorsements

- (1) A flight engineer instructor is authorised to conduct an activity mentioned in column 2 of an item in table 61.1430 only if the instructor also holds the flight engineer training endorsement mentioned in column 1 of the item.
- (2) A flight engineer instructor is authorised to grant an endorsement only if the instructor also holds a training endorsement required to conduct flight training for the endorsement.
- (3) A flight engineer instructor is authorised to make an assessment of a knowledge deficiency report for an applicant for a licence only if the instructor also holds a flight engineer training endorsement that authorises the instructor to provide flight training for the licence.

61.1410 Limitations on exercise of privileges of flight engineer instructor ratings—instructor proficiency check

- (1) The holder of a flight engineer instructor rating is authorised to exercise the privileges of the rating only if the holder has a valid instructor proficiency check.
- (2) For subregulation (1), the holder is taken to have a valid instructor proficiency check during the following periods:
 - (a) the period from when the holder passes the flight test for the rating to the end of the 24th month after the month in which the holder passes the flight test;
 - (b) if:
 - (i) the holder passes the flight test for a training endorsement; and
 - (ii) the flight test is conducted more than 6 months after the holder passes the flight test for the rating;the period from when the holder passes the flight test for the endorsement to the end of the 24th month after the month in which the holder passes the flight test for the endorsement;
 - (c) if the holder successfully completes an operator proficiency check that covers operations under the rating, and that is conducted by a flight engineer examiner who holds a flight engineer instructor rating flight test endorsement—the period from when the holder successfully completes the check to the end of the 24th month after the month in which the holder successfully completes the check;
 - (d) if:
 - (i) the holder is successfully participating in an operator's training and checking system for an operation under the rating; and
 - (ii) the operator holds an approval under regulation 61.040 for the system for this subregulation;the period during which the holder is successfully participating in the system;

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- (e) if the holder successfully completes an instructor proficiency check—the period from when the holder successfully completes the check to the end of the 24th month after the month in which the holder successfully completes the check;
- (f) if:
 - (i) the holder is taken to have a valid instructor proficiency check under any of paragraphs (a) to (e) (the *existing check*); and
 - (ii) within 3 months before the validity of the existing check expires, the holder successfully completes an instructor proficiency check; the period from when the validity of the existing check expires to the end of the 24th month after the validity of the existing check expires.
- (3) However, if, at any time, the holder attempts, but does not successfully complete, an instructor proficiency check, the holder is no longer taken to have a valid instructor proficiency check.
- (4) For paragraphs (2)(e) and (f), the holder successfully completes an instructor proficiency check if:
 - (a) the instructor proficiency check is conducted in an aircraft or an approved flight simulation training device for the proficiency check; and
 - (b) a person mentioned in subregulation (5) assesses the holder's competency to conduct flight training as meeting the standards mentioned in the Part 61 Manual of Standards for a flight engineer instructor rating; and
 - (c) the person endorses the holder's licence document to the effect that the holder has completed the instructor proficiency check on the date stated.
- (5) For paragraph (4)(b), the persons are as follows:
 - (a) CASA;
 - (b) a flight engineer examiner;
 - (c) the holder of an approval under regulation 61.040 to conduct the proficiency check.

61.1415 Requirements for grant of flight engineer instructor ratings

- (1) An applicant for a flight engineer instructor rating must:
 - (a) hold a flight engineer licence; and
 - (b) meet the requirements for the grant of at least one flight engineer training endorsement.

Note: Paragraph (a) is satisfied if the applicant holds a certificate of validation of an overseas flight crew licence that is equivalent to a flight engineer licence: see item 36 of Part 2 of the Dictionary.
- (2) The applicant must also have:
 - (a) passed an examination on the knowledge standards mentioned in the Part 61 Manual of Standards for the flight engineer instructor rating; and
 - (b) completed flight training for the rating; and
 - (c) passed the flight test mentioned in the Part 61 Manual of Standards for the flight engineer instructor rating.

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Subpart 61.X Flight engineer instructor ratings

Division 61.X.1 Privileges and requirements for grant of flight engineer instructor ratings

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Note 1: For paragraph (a), for the conduct of aeronautical knowledge examinations, see Division 61.B.3.

Note 2: For paragraph (b), for the requirements for flight training, see Division 61.B.2.

Note 3: For paragraph (c), for the conduct of flight tests, see Division 61.B.4.

(3) The applicant must also:

- (a) have completed an approved course of training in principles and methods of instruction; or
- (b) hold a Certificate IV in Training and Assessment; or
- (c) hold a tertiary qualification in teaching.

Division 61.X.2—Obligations of flight engineer instructors

61.1420 Obligations of flight engineer instructors—training

- (1) A flight engineer instructor commits an offence if:
 - (a) the instructor conducts:
 - (i) flight training for a flight engineer type rating or a cruise relief flight engineer type rating; or
 - (ii) differences training;
in an aircraft; and
 - (b) regulation 61.205 prohibits the conduct of the training in the aircraft.

Penalty: 50 penalty units.

- (2) An offence against this regulation is an offence of strict liability.

61.1425 Obligations of flight engineer instructors—flight review

- (1) A flight engineer instructor commits an offence if:
 - (a) the instructor conducts a flight review for the holder of a flight engineer licence or a cruise relief flight engineer type rating; and
 - (b) the holder successfully completes the flight review; and
 - (c) the instructor does not, within 14 days after the day the flight review is successfully completed:
 - (i) endorse the holder's licence document in accordance with subregulation (2); and
 - (ii) give CASA a written notice that complies with subregulation (3).

Penalty: 50 penalty units.

- (2) For subparagraph (1)(c)(i), the following details must be endorsed on the licence document:
 - (a) a statement to the effect that the holder has successfully completed the flight review;
 - (b) the date on which the flight review was successfully completed;
 - (c) the rating for which the flight review was conducted.
- (3) For subparagraph (1)(c)(ii), the notice must state the following:
 - (a) the holder's name and ARN;
 - (b) that the holder has successfully completed the flight review;
 - (c) the date on which the flight review was successfully completed;
 - (d) the rating for which the flight review was conducted.
- (4) An offence against this regulation is an offence of strict liability.

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61.1427 Obligations of flight engineer instructors—approval to operate aircraft radio

- (1) A flight engineer instructor commits an offence if:
- (a) the instructor approves a person who does not hold a flight crew licence (the *student*) to transmit on an aviation safety radio frequency; and
 - (b) the student is not qualified for approval.

Penalty: 50 penalty units.

- (2) For paragraph (1)(b), a student is qualified for approval only if:
- (a) the student has been assessed by CASA or an examiner as meeting the general English language proficiency standard mentioned in the Part 61 Manual of Standards; or
 - (b) the student has completed an approved course of training in English language proficiency.

Division 61.X.3—Privileges and requirements for grant of flight engineer training endorsements

61.1430 Kinds of flight engineer training endorsement

The kinds of flight engineer training endorsement are set out in column 1 of table 61.1430.

Table 61.1430 Flight engineer training endorsements

Item	Column 1 Endorsement	Column 2 Activities authorised	Column 3 Requirements
1	Flight engineer type rating training endorsement (type specific)	Conduct flight training for a flight engineer licence Conduct flight training for a flight engineer type rating for the specified aircraft type Conduct flight training for a cruise relief flight engineer type rating on a pilot licence for the specified aircraft type	At least 200 hours of flight time as a flight engineer At least 100 hours of flight time as flight engineer of an aircraft of the specified type
2	Flight engineer instructor rating training endorsement	Conduct flight training for a flight engineer instructor rating	At least 500 hours conducting flight training for the grant of a flight engineer licence or a rating on a flight engineer licence At least 200 hours conducting training for the grant of a flight engineer type rating

61.1435 Privileges of flight engineer training endorsements

Subject to Subpart 61.V and Division 61.X.1, the holder of an endorsement mentioned in column 1 of an item in table 61.1430 is authorised to conduct the activities mentioned in column 2 of the item.

Note: Subpart 61.V sets out certain limitations that apply to all flight engineer licences, and ratings and endorsements on flight engineer licences.

61.1440 Requirements for grant of flight engineer training endorsements

- (1) An applicant for an endorsement mentioned in column 1 of an item in table 61.1430 must hold a flight engineer instructor rating.

Note: Subregulation (1) is satisfied, in relation to a required rating, if the applicant holds a certificate of validation of a foreign licence, rating or endorsement that is equivalent to the rating: see item 36 of Part 2 of the Dictionary.

- (2) The applicant must also have:

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Division 61.X.3 Privileges and requirements for grant of flight engineer training endorsements

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- (a) met the aeronautical experience requirements mentioned in column 3 of the item; and
- (b) completed flight training for the endorsement; and
- (c) passed the flight test mentioned in the Part 61 Manual of Standards for the endorsement.

Note 1: For paragraph (a), for the determination of a person's flight time and other aeronautical experience, see Division 61.A.2.

Note 2: For paragraph (b), for the requirements for flight training, see Division 61.B.2.

Note 3: For paragraph (c), for the conduct of flight tests, see Division 61.B.4.

- (3) An applicant for a flight engineer type rating training endorsement for a specified aircraft type must also hold the flight engineer type rating for the aircraft type.

Note: Subregulation (3) is satisfied, in relation to a required rating, if the applicant holds a certificate of validation of a foreign licence, rating or endorsement that is equivalent to the rating: see item 36 of Part 2 of the Dictionary.

Subpart 61.Y—Flight engineer examiner ratings

Division 61.Y.1—Privileges and requirements for grant of flight engineer examiner ratings

61.1445 Privileges of flight engineer examiner ratings

Subject to Subpart 61.V and regulations 61.1455 to 61.1470, a flight engineer examiner is authorised:

- (a) to conduct flight tests for the grant of:
 - (i) flight engineer licences; and
 - (ii) ratings or endorsements on flight engineer licences; and
 - (iii) cruise relief flight engineer type ratings; and
- (b) to grant to holders of flight engineer licences:
 - (i) ratings, other than flight engineer examiner ratings; and
 - (ii) endorsements, other than flight engineer examiner rating flight test endorsements; and
- (c) to grant cruise relief flight engineer type ratings; and
- (d) to conduct instructor proficiency checks for holders of flight engineer instructor ratings; and
- (e) to conduct training and checking of holders of flight engineer licences for AOC holders; and
- (f) to conduct flight training for flight engineer examiner ratings and flight engineer flight test endorsements; and
- (g) to conduct assessments of aviation English language proficiency.

Note: Subpart 61.V sets out certain limitations that apply to all flight engineer licences, and ratings and endorsements on flight engineer licences.

61.1455 Limitations on exercise of privileges of flight engineer examiner ratings—endorsements

- (1) A flight engineer examiner is authorised to conduct a flight test, or grant a rating or endorsement, mentioned in column 2 of an item in Part 1 of table 61.1495 only if the examiner also holds the flight engineer flight test endorsement mentioned in column 1 of the item.
- (2) A flight engineer examiner is authorised to conduct a flight test for a rating or endorsement only if the examiner:
 - (a) also holds a rating or endorsement of the same kind; or
 - (b) holds an approval under regulation 61.040 to conduct the flight test.
- (3) A flight engineer examiner is authorised to conduct an instructor proficiency check only if the examiner also holds a flight engineer instructor rating flight test endorsement.

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- (4) A flight engineer examiner is authorised to conduct flight training for a flight engineer examiner rating or flight engineer flight test endorsement only if the examiner also holds a flight engineer examiner rating flight test endorsement.
- (5) A flight engineer examiner is authorised to conduct an activity mentioned in column 2 of item 4 of table 61.1495 only if the examiner also holds an English language assessment endorsement.

61.1460 Limitations on exercise of privileges of flight engineer examiner ratings—professional development

A flight engineer examiner is authorised to exercise the privileges of his or her flight engineer examiner rating only if the examiner has, during the previous 24 months, successfully completed:

- (a) a professional development program conducted by CASA including the content mentioned in the Part 61 Manual of Standards for the program; or
- (b) an approved course of professional development conducted by the holder of an approval under regulation 61.040 to conduct the course.

61.1465 Limitations on exercise of privileges of flight engineer examiner ratings—recent experience

A flight engineer examiner is authorised to conduct a flight test in an aircraft of a particular type, or a flight simulation training device that represents an aircraft of a particular type only if the examiner meets the recent experience requirements mentioned in this Part for the exercise of the privileges of a flight engineer licence in an aircraft of that type.

61.1470 Limitations on exercise of privileges of flight engineer examiner ratings—examiner proficiency check

- (1) The holder of a flight engineer examiner rating is authorised to exercise the privileges of the rating only if the holder has a valid examiner proficiency check.
- (2) For subregulation (1), the holder is taken to have a valid examiner proficiency check during the following periods:
 - (a) the period from when the holder passes the flight test for the rating to the end of the 24th month after the month in which the holder passes the flight test;
 - (b) if:
 - (i) the holder passes the flight test for a flight engineer examiner endorsement; and
 - (ii) the flight test is conducted more than 6 months after the holder passes the flight test for the rating;the period from when the holder passes the flight test for the endorsement to the end of the 24th month after the month in which the holder passes the flight test for the endorsement;

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- (c) if the holder successfully completes an examiner proficiency check—the period from when the holder successfully completes the check to the end of the 24th month after the month in which the holder successfully completes the check;
- (d) if:
 - (i) the holder is taken to have a valid examiner proficiency check under any of paragraphs (a) to (c) (the *existing check*); and
 - (ii) within 3 months before the validity of the existing check expires, the holder successfully completes another examiner proficiency check; the period from when the validity of the existing check expires to the end of the 24th month after the validity of the existing check expires.
- (3) However, if, at any time, the holder attempts, but does not successfully complete, an examiner proficiency check, the holder is no longer taken to have a valid examiner proficiency check.
- (4) For paragraphs (2)(c) and (d), the holder successfully completes an examiner proficiency check if:
 - (a) the examiner proficiency check is conducted in an aircraft or an approved flight simulation training device for the proficiency check; and
 - (b) a person mentioned in subregulation (5) assesses the holder's competency to conduct flight testing as meeting the standards mentioned in the Part 61 Manual of Standards for a flight engineer examiner rating; and
 - (c) the person endorses the holder's licence document to the effect that the holder has completed the examiner proficiency check on the date stated.
- (5) For paragraph (4)(b), the persons are as follows:
 - (a) CASA;
 - (b) the holder of an approval under regulation 61.040 to conduct the proficiency check.

61.1475 Requirements for grant of flight engineer examiner ratings

- (1) An applicant for a flight engineer examiner rating must:
 - (a) hold:
 - (i) a flight engineer licence; and
 - (ii) a flight engineer instructor rating; and
 - (b) meet the requirements for the grant of at least one flight engineer flight test endorsement.

Note: Paragraph (a) is satisfied, in relation to a required licence or rating, if the applicant holds a certificate of validation of a foreign licence, rating or endorsement that is equivalent to the required licence or rating: see item 36 of Part 2 of the Dictionary.

- (2) The applicant must also have:
 - (a) completed a course of training for the rating that:
 - (i) is conducted by CASA or the holder of an approval under regulation 61.040 to conduct the course; and

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- (ii) includes the content mentioned in the Part 61 Manual of Standards for the course; and
- (b) passed the flight test mentioned in the Part 61 Manual of Standards for the flight engineer examiner rating; and
- (c) successfully completed an interview conducted by CASA.

Note: For paragraph (b), for the conduct of flight tests, see Division 61.B.4.

- (3) For paragraph (2)(c), an applicant successfully completes an interview if he or she satisfies CASA that he or she has the necessary skills and experience to be granted a flight engineer examiner rating.

Division 61.Y.2—Obligations of flight engineer examiners

61.1480 Obligations of flight engineer examiners—flight tests: strict liability offences

- (1) A flight engineer examiner commits an offence if the examiner:
- (a) conducts a flight test for a flight engineer licence, a rating on a flight engineer licence or a cruise relief flight engineer type rating; and
 - (b) is not nominated to conduct the flight test:
 - (i) by the applicant's training provider under subregulation 61.245(3); or
 - (ii) by CASA under subregulation 61.245(4).

Penalty: 50 penalty units.

- (2) A flight engineer examiner commits an offence if the examiner:
- (a) conducts a flight test for a flight engineer licence; and
 - (b) is the person who provided the certification under paragraph 61.235(2)(aa) (Flight tests for flight crew licences and ratings—prerequisites) for the person taking the flight test.

Penalty: 50 penalty units.

- (3) A flight engineer examiner commits an offence if the examiner:
- (a) conducts a flight test for a flight engineer licence, a rating on a flight engineer licence or a cruise relief flight engineer type rating; and
 - (b) does not:
 - (i) conduct the flight test in accordance with the standards mentioned in the Part 61 Manual of Standards; and
 - (ii) assess the applicant for the licence or rating against the competency standards mentioned in the Part 61 Manual of Standards for the flight test.

Penalty: 50 penalty units.

- (4) A flight engineer examiner commits an offence if the examiner:
- (a) conducts a flight test for a flight engineer licence, a rating on a flight engineer licence or a cruise relief flight engineer type rating; and
 - (b) does not:
 - (i) at the completion of the flight test, advise the applicant and the Part 141 or 142 operator responsible for the applicant's training of the result of the flight test, including the reasons for any failure in an element of the flight test; and
 - (ii) within 14 days after the day the flight test is successfully completed:
 - (A) complete a report, in an approved form, setting out the result of the flight test; and
 - (B) give a completed copy of the report to the applicant, the Part 141 or 142 operator and CASA.

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Penalty: 50 penalty units.

- (5) A flight engineer examiner commits an offence if the examiner:
- (a) conducts a flight test for a flight engineer licence, a rating on a flight engineer licence or a cruise relief flight engineer type rating; and
 - (b) has not notified CASA of the examiner's intention to conduct the flight test at least 24 hours before conducting the flight test.

Penalty: 50 penalty units.

- (6) An offence against this regulation is an offence of strict liability.

61.1485 Obligations of flight engineer examiners—flight tests: other offences

- (1) A flight engineer examiner commits an offence if:
- (a) the examiner conducts a flight test for a flight engineer licence; and
 - (b) when the test begins, the examiner is not satisfied that the applicant:
 - (i) is at least the minimum age to hold the licence; and
 - (ii) has passed the aeronautical knowledge examination for the licence; and
 - (iii) has met the flight training requirements for the grant of the licence; and
 - (iv) has met the aeronautical experience requirements for the licence; and
 - (v) has a current aviation English language proficiency assessment.

Penalty: 50 penalty units.

- (2) A flight engineer examiner commits an offence if:
- (a) the examiner conducts a flight test for a rating on a flight engineer licence or a cruise relief flight engineer type rating; and
 - (b) when the test begins, the examiner is not satisfied that the applicant:
 - (i) has passed the aeronautical knowledge examination for the rating; and
 - (ii) has met the flight training requirements for the grant of the rating; and
 - (iii) has met the aeronautical experience requirements for the rating.

Penalty: 50 penalty units.

61.1490 Obligations of flight engineer examiners—proficiency checks

- (1) A flight engineer examiner commits an offence if:
- (a) the examiner conducts an instructor proficiency check for the holder of a flight engineer licence; and
 - (b) the holder successfully completes the proficiency check; and
 - (c) the examiner does not, within 14 days after the day the holder successfully completes the proficiency check:
 - (i) endorse the holder's licence document in accordance with subregulation (2); and
 - (ii) give CASA a written notice that complies with subregulation (3).

Penalty: 50 penalty units.

- (2) For subparagraph (1)(c)(i), the following details must be endorsed on the licence document:
 - (a) a statement to the effect that the holder has successfully completed the proficiency check;
 - (b) the date on which the proficiency check was successfully completed.
- (3) For subparagraph (1)(c)(ii), the notice must state the following:
 - (a) the holder's name and ARN;
 - (b) that the holder has successfully completed the proficiency check;
 - (c) the date on which the proficiency check was successfully completed;
 - (d) if the proficiency check was conducted in an aircraft—the aircraft's nationality and registration marks;
 - (e) if the proficiency check was conducted in a flight simulator—the identifying number for the flight simulator stated on its flight simulator qualification certificate.
- (3A) A flight engineer examiner commits an offence if:
 - (a) the examiner conducts an instructor proficiency check; and
 - (b) the examiner has not notified CASA of the examiner's intention to conduct the proficiency check at least 24 hours before conducting the proficiency check; and
 - (c) the examiner does not hold, under regulation 61.040, an approval to conduct the proficiency check without notifying CASA of his or her intention to conduct the proficiency check.

Penalty: 50 penalty units.

- (4) An offence against this regulation is an offence of strict liability.

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Division 61.Y.3—Privileges and requirements for grant of flight engineer examiner endorsements

61.1495 Kinds of flight engineer examiner endorsement

The kinds of flight engineer examiner endorsement are set out in column 1 of table 61.1495.

Table 61.1495 Flight engineer examiner endorsements

Item	Column 1 Endorsement	Column 2 Activities authorised	Column 3 Requirements
<i>Part 1—Flight engineer flight test endorsements</i>			
1	Flight engineer type rating flight test endorsement (type specific)	Conduct flight test for a flight engineer licence Conduct flight test for the specified flight engineer type rating Conduct flight test for the cruise relief flight engineer type rating for the specified aircraft type	Flight engineer type rating training endorsement
2	Flight engineer instructor rating flight test endorsement	Conduct flight test for a flight engineer instructor rating or flight engineer training endorsement	Flight engineer instructor rating training endorsement
3	Flight engineer examiner rating flight test endorsement	Conduct flight test for a flight engineer examiner rating or flight engineer flight test endorsement	
<i>Part 2—Other flight engineer examiner endorsements</i>			
4	English language assessment endorsement (flight engineer)	Conduct a level 6 aviation English language proficiency assessment Conduct a general English language proficiency assessment	

61.1500 Privileges of flight engineer examiner endorsements

Subject to Subpart 61.V and Division 61.Y.1, the holder of an endorsement mentioned in column 1 of an item in table 61.1495 is authorised to conduct the activities mentioned in column 2 of the item.

Note: Subpart 61.V sets out certain limitations that apply to all flight engineer licences, and ratings and endorsements on flight engineer licences.

61.1505 Requirements for grant of flight engineer examiner endorsements

- (1) An applicant for an endorsement mentioned in column 1 of an item in table 61.1495 must hold:

- (a) a flight engineer examiner rating; and
- (b) the endorsement (if any) mentioned in column 3 of the item.

Note: Paragraph (a) is satisfied, in relation to a required rating or endorsement, if the applicant holds a certificate of validation of a foreign licence, rating or endorsement that is equivalent to the required rating or endorsement: see item 36 of Part 2 of the Dictionary.

- (2) An applicant for an endorsement mentioned in column 1 of an item in Part 1 of table 61.1495 must also have:

- (a) completed a course of training for the endorsement that:
 - (i) is conducted by CASA or the holder of an approval under regulation 61.040 to conduct the course; and
 - (ii) includes the content mentioned in the Part 61 Manual of Standards for the course; and
- (b) passed the flight test mentioned in the Part 61 Manual of Standards for the endorsement.

Note: For paragraph (b), for the conduct of flight tests, see Division 61.B.4.

- (3) An applicant for an English language assessment endorsement must also have:
- (a) completed training in the assessment of aviation English language proficiency to the ICAO standards conducted by CASA or the holder of an approval under regulation 61.040 to conduct the training; and
 - (b) been assessed by CASA or the approval holder as competent to assess aviation English language proficiency to the ICAO standards; and
 - (c) successfully completed an interview conducted by CASA or the holder of an approval under regulation 61.040 to conduct the interview.
- (4) For paragraph (3)(c), an applicant successfully completes an interview if the applicant satisfies CASA or the approval holder that he or she understands the standards for assessment of aviation English language proficiency.

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Subpart 61.Z—Glider pilot licences

Note: Subpart 61.E does not apply to glider pilot licences: see the definition of *pilot licence* in regulation 61.010.

61.1510 Privileges of glider pilot licences

Subject to regulations 61.1515 to 61.1535, the holder of a glider pilot licence is authorised:

- (a) to pilot a glider as pilot in command; and
- (b) to transmit on an aviation safety radio frequency.

Note 1: A person is prohibited from transmitting on an aviation safety radio frequency unless the person is authorised or qualified to do so: see regulation 91.625.

Note 2: For the definition of *aviation safety radio frequency*, see the Dictionary.

61.1515 Limitations on exercise of privileges of glider pilot licences—general

- (1) The holder of a glider pilot licence is authorised to conduct an activity in the exercise of the privileges of the licence only if the activity is conducted in accordance with:
 - (a) the operations manual or exposition (whichever is applicable) of a glider organisation; or
 - (b) an approval, held by the holder, under regulation 61.040 for this paragraph.
- (2) The holder of a glider pilot licence is authorised to act as pilot in command of a glider of a particular kind only if the holder:
 - (a) has received training in the operation of gliders of that kind; and
 - (b) has been assessed as competent to operate a glider of that kind.
- (3) The holder of a glider pilot licence is authorised to act as pilot in command of a glider in a flight that begins with a launch using a particular method only if the holder:
 - (a) has received training in the launching method; and
 - (b) has been assessed as competent to pilot a glider using the launching method.
- (4) For subregulations (2) and (3), the training and assessment must be conducted by:
 - (a) a person authorised by a glider organisation to conduct training and assessment in a glider; or
 - (b) the holder of an approval under regulation 61.040 to conduct the training and assessment.

61.1520 Limitations on exercise of privileges of glider pilot licences—recent experience

The holder of a glider pilot licence is authorised to act as pilot in command of a glider carrying a passenger only if the holder meets the recent experience requirements mentioned in the operations manual or exposition (whichever is applicable) of the glider organisation that granted the certificate mentioned in subregulation 61.1540(2) to the holder.

61.1525 Limitations on exercise of privileges of glider pilot licences—flight review

- (1) The holder of a glider pilot licence is authorised to exercise the privileges of the licence only if the holder has, within the previous 24 months, successfully completed a flight review for the licence.
- (2) The holder is taken to meet the requirements of subregulation (1) if the holder was granted the licence within the previous 24 months.
- (3) For subregulation (1), successful completion of a flight review requires:
 - (a) demonstration, to the holder of an approval under regulation 61.040 to conduct the flight review, that the holder is competent in each unit of competency mentioned in the Part 61 Manual of Standards for the licence; or
 - (b) successful completion of the flight review requirements of a glider organisation.

61.1530 Limitations on exercise of privileges of glider pilot licences—medical certificates

The holder of a glider pilot licence is authorised to pilot a glider as pilot in command only if the holder also holds:

- (a) a class 1 or 2 medical certificate; or
- (b) a medical exemption for the exercise of the privileges of the licence.

Note: A licence holder must not exercise the privileges conferred by his or her licence and rating during any period of temporary medical unfitness that could render the holder unable to exercise those privileges safely: see regulation 67.270.

61.1535 Limitations on exercise of privileges of glider pilot licences—carriage of documents

The holder of a glider pilot licence is authorised to exercise the privileges of the licence on a flight only if the holder carries the following documents on the flight:

- (a) his or her licence document;
- (b) unless the holder holds a medical exemption for the exercise of the privileges of the licence—his or her medical certificate;
- (ba) if the holder holds a medical exemption for the exercise of the privileges of the licence—a copy of the exemption;

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- (c) a document that includes a photograph of the holder showing the holder's full face and his or her head and shoulders:
 - (i) that was issued within the previous 10 years by the government, or a government authority, of:
 - (A) the Commonwealth or a State or Territory; or
 - (B) a foreign country, or a state or province (however described) of a foreign country; and
 - (ii) that has not expired or been cancelled.

61.1540 Requirements for grant of glider pilot licences

- (1) An applicant for a glider pilot licence must be at least 16.
- (2) The applicant must hold a pilot certificate that:
 - (a) is granted by a glider organisation; and
 - (b) is granted on the basis of the applicant meeting competency standards that are at least equivalent to the competency standards for the glider pilot licence mentioned in the Part 61 Manual of Standards; and
 - (c) permits the holder to pilot a glider, as pilot in command.
- (3) The applicant must also have aeronautical experience that includes:
 - (a) at least 6 hours of flight time in a glider; and
 - (b) at least 2 hours of solo flight time in a glider; and
 - (c) at least 20 launches, and at least 20 landings, as pilot of a glider.

Note: For the determination of a person's flight time and other aeronautical experience, see Division 61.A.2.

Part 64—Authorisations for non-licensed personnel

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Subpart 64.A—Preliminary

64.005 What Part 64 is about

This Part sets out requirements that persons other than holders of flight crew licences must satisfy to:

- (a) transmit on an aviation safety radio frequency; or
- (b) taxi an aeroplane.

Note 1: A person is prohibited from transmitting on an aviation safety radio frequency unless the person is authorised or qualified to do so: see regulation 91.625.

Note 1A: Under Part 61:

- (a) holders of flight crew licences are authorised to transmit on an aviation safety radio frequency, or to taxi an aeroplane, in certain circumstances; and
- (b) people receiving training for a flight crew licence are authorised to transmit on an aviation safety radio frequency in certain circumstances.

Note 1B: For the definition of *aviation safety radio frequency*, see the Dictionary.

Note 2: A person is prohibited from taxiing an aircraft unless the person is qualified to do so: see regulation 91.415.

64.010 Definitions for Part 64

In this Part:

aeronautical radio operator certificate means a certificate granted under regulation 64.030.

certificate of competency means a certificate granted under regulation 64.055.

class: each of the following is a *class* of aeroplane:

- (a) single-engine aeroplane;
- (b) multi-engine aeroplane.

equivalent: a foreign qualification is *equivalent* to an authorisation granted under this Part or Part 61 (an *Australian authorisation*) if it allows the holder to conduct substantially the same activities as the activities authorised by the Australian authorisation.

foreign qualification means a qualification issued under the law of a Contracting State.

taxiing, for an aeroplane, means manoeuvring on the surface of an aerodrome under the aeroplane's own power except when taking off or landing.

type rating: see regulation 61.010.

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64.012 Approvals by CASA for Part 64

- (1) If a provision of this Part refers to a person holding an approval under this regulation, the person may apply to CASA for the approval.
- (2) Subject to regulation 11.055, CASA must grant the approval.
- (3) Subregulation 11.055(1B) applies to the granting of an approval under this regulation.

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Subpart 64.B—Transmission on aeronautical radio frequencies

64.015 Eligibility for aeronautical radio operator certificate

Person trained and assessed against Part 61 Manual of Standards

- (1) A person is eligible for the grant of an aeronautical radio operator certificate if the person:
 - (a) is at least 17; and
 - (b) has received the training mentioned in subregulation (2) from a person or body mentioned in subregulation (3); and
 - (c) has been assessed by a person mentioned in subregulation (4) as meeting the competency standards specified in the Part 61 Manual of Standards for the operation of an aeronautical radio; and
 - (d) has a current aviation English language proficiency assessment.
- (2) For paragraph (1)(b), the training is training in the operation of an aeronautical radio to the standards specified in the Part 61 Manual of Standards for the operation of an aeronautical radio.
- (3) For paragraph (1)(b), the persons and bodies are the following:
 - (a) a pilot instructor who holds a training endorsement that authorises the instructor to conduct flight training for a pilot licence or flight crew rating;
 - (b) a registered training organisation whose scope of registration covers the training mentioned in subregulation (2);
 - (c) the holder of an approval under regulation 64.012 for this paragraph.
- (4) For paragraph (1)(c), the persons are the following:
 - (a) CASA;
 - (b) a flight examiner;
 - (c) a pilot instructor who holds a training endorsement that authorises the instructor to conduct flight training for a pilot licence or flight crew rating;
 - (d) the holder of an approval under regulation 64.012 for this paragraph.

Holder of equivalent foreign qualification

- (5) A person is eligible for the grant of an aeronautical radio operator certificate if:
 - (a) the person is at least 17; and
 - (b) the person holds a foreign qualification that is equivalent to:
 - (i) a private pilot licence, commercial pilot licence, multi-crew pilot licence, air transport pilot licence or flight engineer licence; or
 - (ii) a recreational pilot licence with a flight radio endorsement; or
 - (iii) an aeronautical radio operator certificate; and
 - (c) either:

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- (i) the qualification includes a statement to the effect that the person meets an ICAO English language proficiency standard equivalent to the ICAO level 4, 5 or 6 aviation English language proficiency standard specified in the Part 61 Manual of Standards; or
- (ii) the person has a current aviation English language proficiency assessment.

64.020 Obligation of assessor to ensure training is completed

- (1) This regulation applies to a flight examiner, pilot instructor or approval holder (the *assessor*) who conducts an assessment of a person for paragraph 64.015(1)(c).
- (2) The assessor commits an offence if the assessor is not satisfied, before conducting the assessment, that the person has completed the training mentioned in subregulation 64.015(2).

Penalty: 50 penalty units.

64.025 Applying for aeronautical radio operator certificate

- (1) A person may apply, in writing, to CASA for the grant of an aeronautical radio operator certificate.
- (2) If the applicant is relying on the training and assessment mentioned in subregulation 64.015(1), the application must be accompanied by evidence of the applicant's aviation English language proficiency assessment.
- (3) If the applicant is relying on a foreign qualification, the application must be accompanied by:
 - (a) a certified true copy of the qualification; and
 - (b) unless the qualification includes a statement to the effect that the person meets the ICAO level 4, 5 or 6 aviation English language proficiency standard—evidence of the applicant's ICAO English language proficiency assessment.

64.030 Grant of aeronautical radio operator certificate

Subject to regulation 11.055, CASA must grant the certificate if satisfied that the applicant is eligible for the grant of the certificate.

64.035 Holder of aeronautical radio operator certificate may operate radio

- (1) The holder of an aeronautical radio operator certificate is authorised to transmit on an aviation safety radio frequency.
- (2) However, the holder is authorised to make the transmission only if the holder has a current aviation English language proficiency assessment.

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- (3) Subregulation (2) does not apply to the holder of a certificate that was granted on the basis of regulation 202.304.

64.040 Person undergoing training or assessment may operate radio

A person who does not hold an aeronautical radio operator certificate is authorised to transmit on an aviation safety radio frequency if the transmission is made:

- (a) for the purpose of receiving training or assessment in the use of an aeronautical radio; and
- (b) under the direct supervision of a person mentioned in subregulation 64.015(3) or (4).

Subpart 64.C—Taxiing aeroplanes

64.045 Persons who may taxi aeroplanes—general

- (1) A person is authorised to taxi an aeroplane of a particular class, or covered by a particular type rating, at an aerodrome if:
 - (a) the person is at least 17; and
 - (b) the person holds a certificate of competency to taxi an aeroplane of the class, or covered by the type rating, that was issued in the previous 5 years; and
 - (c) the person has received instruction from a person mentioned in subregulation (2) on the layout and operating procedures of the aerodrome; and
 - (d) the person:
 - (i) is the operator of the aeroplane; or
 - (ii) has permission to taxi the aeroplane from the operator of the aeroplane; or
 - (iii) has permission to taxi the aeroplane from a person permitted by these Regulations, and engaged by the operator of the aeroplane or the operator's continuing airworthiness management organisation, to carry out maintenance on the aeroplane; and
 - (e) for an aerodrome mentioned in subregulation (3)—the person holds an aeronautical radio operator certificate.
- (2) For paragraph (1)(c), the persons are the following:
 - (a) the operator of the aerodrome;
 - (b) the operator of the aeroplane;
 - (c) any other person (including the holder of a flight crew licence) with knowledge of the layout and operating procedures of the aerodrome.
- (3) For paragraph (1)(e), the aerodromes are the following:
 - (a) a controlled aerodrome;
 - (b) a certified aerodrome;
 - (d) a military aerodrome;
 - (e) an aerodrome prescribed as a designated non-controlled aerodrome by the Part 91 Manual of Standards for the purposes of subparagraph 91.400(1)(a)(iv).

64.050 Persons who may taxi aeroplanes—persons undergoing training or assessment

- (1) A person is authorised to taxi an aeroplane of a particular class, or covered by a particular type rating, at an aerodrome if the person:
 - (a) is receiving training in taxiing aeroplanes of the class or covered by the type rating; or

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- (b) is being assessed against the competency standards specified in the Part 61 Manual of Standards for taxiing aeroplanes of the class or covered by the type rating.
- (2) However, the person is authorised to taxi the aeroplane only under the direct supervision of a person who is authorised under regulation 64.045 or Part 61 to taxi the aeroplane at the aerodrome.

64.055 Grant of certificate of competency to taxi aeroplanes of a class or covered by a type rating

- (1) A person may apply, in writing, to a person mentioned in subregulation (4) (a ***granting body***) for the grant of a certificate of competency for taxiing aeroplanes of a particular class, or covered by a particular type rating.
- (2) Subject to regulation 11.055, the granting body must grant the certificate if satisfied that the applicant meets the competency standards specified in the Part 61 Manual of Standards for taxiing aeroplanes of the class, or covered by the type rating.
- (3) The certificate of competency must:
 - (a) state the following:
 - (i) each class or type rating for which the person meets the competency standards;
 - (ii) the date on which it is issued; and
 - (b) be signed by the granting body.
- (4) For subregulation (1), the persons are the following:
 - (a) CASA;
 - (b) a flight examiner;
 - (c) a pilot instructor who is authorised under Part 61 to conduct flight training for aeroplanes of the class, or covered by the type rating;
 - (d) the holder of an approval under regulation 64.012 for this paragraph.

64.060 Production of certificate of competency

- (1) CASA may direct a person who holds a certificate of competency to produce the certificate for inspection by CASA.
- (2) The person commits an offence if the person does not comply with the direction within 7 days after the day the direction is given.

Penalty: 50 penalty units.

- (3) An offence against this regulation is an offence of strict liability.

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Subpart 65.A—General

65.005 Applicability of this Part

- (1) This Part applies to the performance of functions in connection with providing air traffic services (within the meaning of Annex 11 to the Chicago Convention) in Australian territory.
- (2) However, this Part does not apply to a person who is providing an air traffic service in the course of his or her duties for the Defence Force.

65.010 Definitions for this Part

In this Part:

currency requirement means the requirement referred to in regulation 65.030.

Manual of Standards means the document called ‘Manual of Standards (MOS) – Part 65’ issued by CASA under regulation 65.033, as in force from time to time.

recency requirement means the requirement referred to in regulation 65.025.

Note: **Air traffic control function** means a function described in a paragraph of subregulation 65.075(2); **flight service function** means the function described in subregulation 65.130(2)—see the Dictionary.

65.015 Meaning of *successful completion of training*

For this Part, a person has successfully completed training for a licence, rating, endorsement or qualification only if:

- (a) he or she has passed (to the standard required by the Manual of Standards) any examination required by that Manual; and
- (b) he or she has successfully completed (to the standard required by that Manual) any practical performance assessment so required.

65.020 Effect of ATS provider’s failure to comply with this Part

A failure by an ATS provider to comply with a requirement of or under this Part is not an offence but may be taken into account in deciding whether or not the provider’s certificate should be suspended or revoked.

65.025 How to satisfy recency requirement

- (1) The holder of an ATC licence or a flight service licence satisfies the **recency requirement** in relation to an endorsement at a particular time if he or she has performed the duties required by the relevant function at the aerodrome or in relation to the airspace to which the endorsement relates, for at least 5 hours within the previous 21 days.

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- (2) If an ATS provider specifies in its operations manual that 2 or more endorsements are of like type for this regulation, a licence holder who performed the duties of any of those endorsements for a total of at least 5 hours within the previous 21 days also satisfies the recency requirement.
- (3) A licence holder who does not satisfy the recency requirement at a particular time in relation to an endorsement is taken to satisfy that requirement at a later time after:
 - (a) he or she:
 - (i) has carried out the relevant function at that aerodrome, or in relation to that airspace, under supervision for at least 1 normal working day for each month that has passed since he or she last performed the function at that aerodrome or in relation to that airspace; or
 - (ii) has undergone any retraining required by the relevant ATS provider's operations manual; and
 - (b) he or she has been assessed by the ATS provider as competent in performing the function at that aerodrome or in relation to that airspace.

65.030 How to satisfy currency requirement

- (1) The holder of an ATC licence or a flight service licence satisfies the **currency requirement** in relation to an endorsement at a particular time if:
 - (a) within the previous 12 months, he or she has passed, to the standard required by the Manual of Standards, an examination in the subject-matter specific to the endorsement; and
 - (b) within the previous 6 months, his or her performance of the relevant function at the aerodrome, or in relation to the airspace, to which the endorsement relates, has been assessed as satisfactory.
- (2) The holder of an ATC licence or a flight service licence satisfies the **currency requirement** in relation to a rating at a particular time if, within the previous 12 months, he or she has passed, to the standard required by the Manual of Standards, an examination in the subject-matter specific to the rating.
- (3) The examination and assessment must be carried out in accordance with any relevant requirements and standards in the Manual of Standards.

65.033 Issue of Manual of Standards

- (1) CASA may issue a Manual of Standards for this Part that provides for the following matters:
 - (a) the form and classification of a licence, rating, endorsement or qualification that is granted for this Part (an **ATS authorisation**);
 - (b) the requirements for, and standards to be met by, an applicant for, and the holder of, an ATS authorisation;
 - (c) the requirements and standards for training, tests and examinations for ATS authorisations;

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- (d) the duration of an ATS authorisation and the procedure for the renewal of an ATS authorisation;
- (e) any matter required or permitted by these Regulations to be provided for by the Manual of Standards;
- (f) any matter necessary or convenient to be provided for the effective operation of this Part.

Note: A Manual of Standards is a legislative instrument—see subsections 98(5A) and (5B) of the Act. It must be registered in accordance with the *Legislation Act 2003* and must be tabled in both Houses of the Parliament within 6 sitting days after its making.

- (2) CASA must give a copy of a notice about a Manual of Standards for this Part (being a notice referred to in subregulation 11.275(3) or regulation 11.280) to each ATS provider.

Note: Subpart 11.J (including regulations 11.275 and 11.280) sets out procedures for the issue, amendment and revocation of a MOS.

Subpart 65.B—Authority to act in air traffic control and flight service

65.035 Authority to carry out air traffic control function

- (1) A person may carry out an air traffic control function in Australian territory if, at the time the person carries out the function:
 - (a) he or she holds an ATC licence with a rating for the function and an endorsement for the place where, or the airspace in relation to which, he or she carries it out; and
 - (b) the licence, rating and endorsement are in force; and
 - (c) he or she:
 - (i) satisfies the recency and currency requirements in relation to the endorsement; and
 - (ii) satisfies the currency requirement in relation to the rating; and
 - (d) he or she holds a Class 3 medical certificate.
- (2) A person to whom subregulation (3) applies may carry out an air traffic control function in Australian territory under the supervision of a person who meets the requirements of subregulation (1).
- (3) This subregulation applies to each of the following persons:
 - (a) a person who CASA has authorised in writing to carry out the relevant function;
 - (b) a person who:
 - (ia) holds a Class 3 medical certificate; and
 - (i) holds an ATC licence with a rating for the function and an endorsement for the place where, or the airspace in relation to which, he or she carries it out; but
 - (ii) at the relevant time, in relation to the rating or endorsement, does not satisfy the recency or currency requirement;
 - (c) a person who:
 - (i) holds an ATC licence; and
 - (ia) holds a Class 3 medical certificate; and
 - (ii) carries out the function in the course of training for a rating or endorsement (whether or not the person holds a rating or endorsement at the time);
 - (d) a person (other than a person who held an ATC licence that has been cancelled) who:
 - (i) has completed an approved course of training in the theory of air traffic control; and
 - (ia) holds a Class 3 medical certificate; and
 - (ii) carries out the function in the course of undergoing practical training for an ATC licence.

65.040 Rules applicable when a person performs ATC function under supervision

- (1) If a person to whom subregulation 65.035(3) applies (the *trainee*) is carrying out an air traffic control function under the supervision of a person who meets the requirements of subregulation 65.035(1) (the *supervisor*), this regulation applies.
- (2) The trainee must comply with the supervisor's directions.

Penalty: 25 penalty units.

- (3) Any failure by the supervisor to supervise the trainee adequately is not an offence, but may be taken into account in considering whether the supervisor's ATC licence should be suspended or cancelled.

65.045 Offences—carrying out ATC function without authority

- (1) A person who is not authorised to do so by subregulation 65.035(1) or (2) must not carry out an air traffic control function in Australian territory.

Penalty: 25 penalty units.

- (2) A person to whom subregulation 65.035(3) applies must not carry out an air traffic control function in Australian territory if the person is not acting under the supervision of a person who meets the requirements of subregulation 65.035(1).

Penalty: 25 penalty units.

- (3) Strict liability applies to the following physical elements:
 - (a) in subregulation (1)—that the person is not authorised by subregulation 65.035(1) or (2);
 - (b) in subregulation (2)—that the person under whose supervision the air traffic control function is carried out is a person who meets the requirements of subregulation 65.035(1).

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

- (4) It is a defence to a charge of contravening subregulation (1) or (2) that the relevant action was, in the circumstances, reasonable in the interests of the safety of air navigation.

Note: A defendant bears an evidential burden in relation to the matter mentioned in subregulation (4).

65.050 Authority to carry out flight service function

- (1) A person may carry out a flight service function in Australian territory if, at the time he or she carries out the function:
 - (a) he or she holds a flight service licence with a rating for the function and an endorsement for the place where, or the airspace in relation to which, he or she carries it out; and
 - (b) the licence, rating and endorsement are in force; and

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- (c) he or she:
 - (i) satisfies the recency and currency requirements in relation to the endorsement; and
 - (ii) satisfies the currency requirement in relation to the rating; and
 - (d) he or she holds a Class 3 medical certificate.
- (2) A person to whom subregulation (3) applies may carry out a flight service function in Australian territory under the supervision of a person who meets the requirements of subregulation (1).
- (3) This subregulation applies to each of the following persons:
- (a) a person who CASA has authorised in writing to carry out the function;
 - (b) a person who:
 - (ia) holds a Class 3 medical certificate; and
 - (i) holds a flight service licence with a rating for the function and an endorsement for the place where, or the airspace in relation to which, he or she carries it out; but
 - (ii) at the relevant time, in relation to the rating or endorsement, does not satisfy the recency or currency requirement;
 - (c) a person who:
 - (i) holds a flight service licence; and
 - (ia) holds a Class 3 medical certificate; and
 - (ii) carries out the function in the course of training for a rating or endorsement (whether or not the person holds a rating or endorsement at the time);
 - (d) a person (other than a person who held a flight service licence that has been cancelled) who:
 - (i) has completed an approved course of training in the theory of flight service; and
 - (ia) holds a Class 3 medical certificate; and
 - (ii) carries out the function in the course of undergoing practical training for a flight service licence.

65.055 Rules applicable when a person performs flight service function under supervision

- (1) If a person to whom subregulation 65.050(3) applies (the *trainee*) is carrying out a flight service function under the supervision of a person who meets the requirements of subregulation 65.050(1) (the *supervisor*), this regulation applies.
- (2) The trainee must comply with the supervisor's directions.

Penalty: 25 penalty units.

- (3) Any failure by the supervisor to supervise the trainee adequately is not an offence, but may be taken into account in considering whether the supervisor's flight service licence should be suspended or cancelled.

65.060 Offences—carrying out flight service function without authority

- (1) A person who is not authorised to do so by subregulation 65.050(1) or (2) must not carry out a flight service function in Australian territory.

Penalty: 25 penalty units.

- (2) A person to whom subregulation 65.050(3) applies must not carry out a flight service function in Australian territory if the person is not acting under the supervision of a person who meets the requirements of subregulation 65.050(1).

Penalty: 25 penalty units.

- (3) Strict liability applies to the following physical elements:
- (a) in subregulation (1)—that the person is not authorised by subregulation 65.050(1) or (2);
 - (b) in subregulation (2)—that the person under whose supervision the flight service function is carried out is a person who meets the requirements of subregulation 65.050(1).

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

65.065 Authority to use ground-based radio equipment

- (1) A person to whom subregulation (2) applies is authorised to transmit on an aviation safety radio frequency if the transmission is made:
- (a) for the purpose of performing an air traffic control function or a flight service function; and
 - (b) using a radiocommunication system that is not installed in or carried on an aircraft.
- (2) This subregulation applies to the following:
- (a) a person who may, under regulation 65.035, carry out an air traffic control function or, under regulation 65.050, carry out a flight service function in Australian territory;
 - (b) a person who is engaged by an ATS provider (whether or not as an employee), and who is acting in the course of his or her duties.
- (3) For paragraph (2)(b), **ATS provider** means an ATS provider, within the meaning given by regulation 172.015, that is approved to provide a flight information service.

Note 1: A person is prohibited from transmitting on an aviation safety radio frequency unless the person is authorised or qualified to do so: see regulation 91.625.

Note 2: For the definition of **aviation safety radio frequency**, see the Dictionary.

Subpart 65.C—Licensing

Note: In addition to the provisions of this Subpart, Part 11 contains provisions relating to an application for a rating or endorsement on an ATC licence or flight service licence.

Division 65.C.1—Air traffic controller licensing

65.070 Eligibility for grant of ATC licence

- (1) A person is eligible to be granted an ATC licence if he or she:
 - (a) has turned 18; and
 - (b) holds a Class 3 medical certificate; and
 - (c) has successfully completed the training (including any examination or assessment) specified in the Manual of Standards for the licence, a rating and an endorsement; and
 - (e) speaks English clearly, and understands spoken English, to a standard that allows clear spoken two-way communication in the course of performing an air traffic control function.
- (3) A statement by an ATS provider, given in accordance with procedures set out in its operations manual, that a person meets the requirements in paragraph (1)(e) is, in the absence of contrary evidence, sufficient evidence of that fact.

65.075 Air traffic controller ratings

- (1) The air traffic controller ratings for Australia are the following:
 - (a) aerodrome control rating;
 - (b) approach control rating;
 - (c) approach radar control rating;
 - (d) area control rating;
 - (e) area radar control rating.
- Note: The air traffic controller ratings are specified in section 4.4 of Annex 1, *Personnel Licensing*, to the Chicago Convention. Not all the ratings specified there are in use in Australia.
- (2) The function of an ATC licence holder who holds a particular rating is as follows:
 - (a) if the rating is an *aerodrome control rating*—to provide, or supervise the provision of, aerodrome control service (including traffic information, flight information and alerting services) for the aerodrome for which the licence holder holds an endorsement;
 - (b) if the rating is an *approach control rating*—to provide, or supervise the provision of, approach control service (including traffic information, flight information and alerting services) for the airspace for which the licence holder holds an endorsement;
 - (c) if the rating is an *approach radar control rating*—to provide, or supervise the provision of, approach control service (including traffic information,

flight information and alerting services) with the use of radar or another surveillance system for the airspace for which the licence holder holds an endorsement;

- (d) if the rating is an *area control rating*—to provide, or supervise the provision of, area control service (including traffic information, flight information and alerting services) for the airspace for which the licence holder holds an endorsement;
- (e) if the rating is an *area radar control rating*—to provide, or supervise the provision of, area control service (including traffic information, flight information and alerting services) with the use of radar or another surveillance system for the airspace for which the licence holder holds an endorsement.

65.080 Grant of rating on ATC licence

- (1A) A person may apply to CASA, in writing, for an air traffic controller rating.

Note: An application must be in the approved form, include all the information required by these Regulations and be accompanied by every document required by these Regulations—see regulation 11.030.

- (1) Subject to regulation 11.055, CASA must grant a rating to an applicant who:
- (a) is eligible to be granted an ATC licence; and
 - (b) successfully completes the training required by the Manual of Standards for the grant of the rating.

Note: Under regulation 201.004, an application may be made to the Administrative Review Tribunal for review of:

- (a) a decision refusing to grant, or cancelling, suspending or varying, a rating; or
- (b) a decision imposing a condition on a rating.

- (2) An ATS provider must set up and maintain a program to ensure that its employees who hold ATC licences maintain ratings appropriate to their duties.
- (3) That program must be in accordance with any standards and requirements set out in the Manual of Standards.
- (4) The provider must include details of the program, including necessary training and tests of competency, in its operations manual.

65.085 Grant of endorsement on ATC licences

- (1) An endorsement certifies that an ATC licence holder is competent to perform a particular air traffic control function at a particular aerodrome, or in relation to particular airspace.

- (1A) A person may apply to CASA, in writing, for an endorsement on an ATC licence.

Note: An application must be in the approved form, include all the information required by these Regulations and be accompanied by every document required by these Regulations—see regulation 11.030.

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- (2) Subject to regulation 11.055, CASA must grant an endorsement to an applicant who:
 - (a) is eligible to be granted an ATC licence with a rating; and
 - (b) successfully completes the training required by the Manual of Standards for the grant of the endorsement.
- Note: Under regulation 201.004, an application may be made to the Administrative Review Tribunal for review of:
- (a) a decision refusing to grant, or cancelling, suspending or varying, an endorsement; or
 - (b) a decision imposing a condition on an endorsement.
- (3) An ATS provider must set up and maintain a program to ensure that its employees who hold ATC licences maintain endorsements appropriate to their duties.
 - (4) That program must be in accordance with any standards and requirements set out in the Manual of Standards.
 - (5) The provider must include details of the program, including necessary training and tests of competency, in its operations manual.

65.090 ATS provider's obligation to provide currency and recency training and assessment

- (1) An ATS provider must set up and maintain, in accordance with the Manual of Standards, programs for:
 - (a) continuing assessment of its employees' competency for the purposes of ensuring that they continue to satisfy the currency requirements in relation to ratings and endorsements; and
 - (b) familiarisation, retraining and assessment of any of its employees who at any time do not satisfy the currency or recency requirement in relation to an endorsement.
- (2) The provider must include details of the program, including necessary training and tests of competency, in its operations manual.

65.095 Ancillary qualifications

- (1) An ATC qualification certifies that the holder is competent to perform a particular ancillary function.
- (2) The functions include the following:
 - (a) classroom instructor;
 - (b) on-the-job instructor;
 - (c) workplace assessor.
- (3) Within the limits set out in the Manual of Standards, an ATS provider may define, for the provider's organisation, the responsibilities of the holder of an ATC qualification mentioned in paragraph (2)(a), (b) or (c).

- (4) Subregulation (3) does not prevent an ATS provider defining an ancillary function for use within its own organisation.
- (5) An ATS provider must set up and maintain a program to grant ATC qualifications to, and administer ATC qualifications held by, its employees.
- (6) The provider must include details of the program, including necessary training and tests of competency, in its operations manual.
- (7) The program must be in accordance with the standards and requirements set out in the Manual of Standards.

65.100 Conduct of practical training

An ATS provider must ensure that practical training carried out by it, or on its behalf, for the award of an ATC licence, rating, endorsement or ATC qualification, is carried out in accordance with:

- (a) the standards and requirements set out in the Manual of Standards; and
- (b) the provider's operations manual.

65.105 Conduct of examinations

An ATS provider must ensure that an examination or assessment carried out by it, or on its behalf, for the award of an ATC licence, rating, endorsement or ATC qualification, is carried out in accordance with:

- (a) the standards and requirements set out in the Manual of Standards; and
- (b) the provider's operations manual.

65.115 Periods of validity of ratings and endorsements

- (1) Unless sooner cancelled, a rating on an ATC licence is valid for 12 months or until the licence is cancelled.
- (2) Unless sooner cancelled, an endorsement on an ATC licence remains valid:
 - (a) for the period (no longer than 6 months) specified for an endorsement in the operations manual of the ATS provider that granted it; or
 - (b) if the licence is cancelled before that time—until the licence is cancelled; or
 - (c) if the rating with which the endorsement is connected is cancelled before that time—until the rating is cancelled; or
 - (d) until the licence holder ceases to be employed by that ATS provider.
- (3) For paragraph (2)(c), an endorsement is connected with a rating if the endorsement authorises the performance, at a particular aerodrome or in relation to particular airspace, of the function of a holder of the rating.

Note: For the function of the holder of each kind of rating, see subregulation 65.075(2).

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65.120 Periods of validity of ATC qualifications

- (1) Unless sooner cancelled, an ATC qualification remains valid:
 - (a) for the period specified by the ATS provider or ATS training provider that granted it; or
 - (b) if any ATC licence, rating or endorsement on which it is dependent, is cancelled before that time—until the licence, rating or endorsement is cancelled; or
 - (c) until the holder ceases to be employed by that ATS provider or ATS training provider.
- (2) For paragraph (1)(b), an ATC qualification is dependent on a particular licence, rating or endorsement if the ATS provider or ATS training provider that grants the qualification so specifies.
- (3) A qualification is not in force during any period of suspension, but is not taken to be suspended by the suspension of any licence, rating or endorsement held by the holder of the qualification.

Division 65.C.2—Flight service licensing

65.125 Eligibility for grant of flight service licence

- (1) A person is eligible to be granted a flight service licence with a traffic information service rating if he or she:
 - (a) has turned 18; and
 - (b) holds a Class 3 medical certificate; and
 - (c) has successfully completed the training (including any examination or assessment) specified in the Manual of Standards for the licence, the rating and an endorsement; and
 - (e) speaks English clearly, and understands spoken English, to a standard that allows clear spoken two-way communication in the course of performing a flight service function.
- (3) A statement by an ATS provider, given in accordance with procedures set out in its operations manual, that a person meets the requirements in paragraph (1)(e) is, in the absence of contrary evidence, sufficient evidence of that fact.

65.130 Flight service ratings

- (1A) A person may apply to CASA, in writing, for a traffic information service rating.

Note 1: The traffic information service rating is the only flight service rating for Australia.

Note 2: An application must be in the approved form, include all the information required by these Regulations and be accompanied by every document required by these Regulations—see regulation 11.030.

- (1) Subject to regulation 11.055, CASA must grant a rating to an applicant who:
 - (a) is eligible to be granted a flight service licence with a traffic information service rating; and
 - (b) successfully completes the training required by the Manual of Standards for the grant of the rating.

Note: Under regulation 201.004, an application may be made to the Administrative Review Tribunal for review of:

- (a) a decision refusing to grant, or cancelling, suspending or varying, a rating; or
- (b) a decision imposing a condition on a rating.

- (2) The function of a flight service licence holder holding a traffic information service rating is to provide, or supervise the provision of, a traffic and flight information and alerting service for the flight information area for which the licence is endorsed.

65.135 Maintenance of ratings on flight service licence

- (1) An ATS provider must set up and maintain a program to ensure that its employees who hold flight service licences hold traffic information service ratings.

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- (2) The provider must include details of that program, including necessary training and tests of competency, in its operations manual.
- (3) That program must be in accordance with the standards and requirements set out in the Manual of Standards.

65.140 Endorsements on flight service licences

- (1AA) A person may apply to CASA, in writing, for an endorsement on a flight service licence.

Note: An application must be in the approved form, include all the information required by these Regulations and be accompanied by every document required by these Regulations—see regulation 11.030.

- (1A) Subject to regulation 11.055, CASA must grant an endorsement to an applicant who:

- (a) is eligible to be granted a flight service licence with a traffic information service rating; and
- (b) successfully completes the training required by the Manual of Standards for the grant of the endorsement.

Note: Under regulation 201.004, an application may be made to the Administrative Review Tribunal for review of:

- (a) a decision refusing to grant, or cancelling, suspending or varying, an endorsement; or
- (b) a decision imposing a condition on an endorsement.

- (1) An endorsement on a flight service licence certifies that the licence holder is competent to perform a flight service function in relation to an aerodrome or particular airspace.
- (2) An ATS provider must set up and maintain a program to grant and administer endorsements on flight service licences held by its employees.
- (3) The provider must include details of the program, including necessary training and tests of competency, in its operations manual.
- (4) The program must be in accordance with the standards and requirements set out in the Manual of Standards.

65.145 Ancillary qualifications

- (1) A flight service qualification certifies that the holder is competent to perform a particular ancillary function.
- (2) The functions are the following:
 - (a) classroom instructor;
 - (b) on-the-job instructor;
 - (c) workplace assessor.

- (3) Within the limits set by the Manual of Standards, an ATS provider may define, for the provider's organisation, the responsibilities of the holder of a flight service qualification mentioned in paragraph (2)(a), (b) or (c).
- (4) Subregulation (1) does not prevent an ATS provider defining an ancillary function for use within its own organisation.
- (5) An ATS provider must set up and maintain a program to grant flight service qualifications to, and administer flight service qualifications held by, its employees.
- (6) The provider must include details of the program, including necessary training and tests of competency, in its operations manual.
- (7) The program must be in accordance with the standards and requirements set out in the Manual of Standards.

65.150 Conduct of training

An ATS provider must ensure that training carried out by it, or on its behalf, for the award of a flight service licence, rating, endorsement or flight service qualification, is carried out in accordance with:

- (a) the standards and requirements set out in the Manual of Standards; and
- (b) the provider's operations manual.

65.155 Conduct of examinations

An ATS provider must ensure that an examination carried out by it, or on its behalf, for the award of a flight service licence, rating, endorsement or flight service qualification, is carried out in accordance with:

- (a) the standards and requirements set out in the Manual of Standards; and
- (b) the provider's operations manual.

65.165 Periods of validity of rating and endorsement

- (1) Unless sooner cancelled, a rating on a flight service licence is valid for 12 months or until the licence is cancelled or ceases to be valid.
- (2) Unless sooner cancelled, an endorsement on a flight service licence remains valid:
 - (a) for the period (no longer than 6 months) specified for an endorsement in the operations manual of the ATS provider that granted it; or
 - (b) if the licence is cancelled before that time—until the licence is cancelled; or
 - (c) until the licence holder ceases to be employed by that ATS provider.

65.170 Period of validity of flight service qualification

- (1) Unless sooner cancelled, a flight service qualification remains valid:

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- (a) for the period specified by the ATS provider or ATS training provider that granted it; or
 - (b) if a flight service licence, rating or endorsement on which it is dependent is cancelled before that time—until the licence, rating or endorsement is cancelled; or
 - (c) until the holder ceases to be employed by that ATS provider or ATS training provider.
- (2) For paragraph (1)(b), a flight service qualification is dependent on a flight service licence, rating or endorsement if the ATS provider or ATS training provider that granted the qualification so specifies.
- (3) A qualification is not in force during any period of suspension, but is not taken to be suspended by the suspension of any licence, rating or endorsement held by the holder of the qualification.

Subpart 65.E—Administrative functions

Division 65.E.1—Grant of licences

Note: In addition to the provisions of this Division, Part 11 contains provisions relating to an application for an ATC licence or a flight service licence.

65.175 Definitions for this Subpart

In this Subpart:

licence means an ATC licence or a flight service licence.

qualification means an ATC qualification or a flight service qualification.

65.180 How to apply

- (1) A person may apply to CASA, in writing, for the grant of a licence.

Note: An application must be in the approved form, include all the information required by these Regulations and be accompanied by every document required by these Regulations—see regulation 11.030.

- (3) The application must give details of the applicant's training, qualifications and experience, so far as relevant.
- (4) The application must be accompanied by:
 - (a) a copy of any document that shows that the applicant has completed that training, holds that qualification or has that experience; and
 - (b) evidence that the applicant holds a Class 3 medical certificate; and
 - (c) evidence of the kind mentioned in subregulation 65.070(3) or 65.125(3), as the case requires.

65.225 Grant of licence

Subject to regulation 11.055, if a person has applied for the grant of a licence under this Part, CASA must grant the licence.

Note: Under regulation 201.004, an application may be made to the Administrative Review Tribunal for review of:

- (a) a decision refusing to issue, or cancelling, suspending or varying, a licence; or
- (b) a decision imposing a condition on a licence.

See also section 31 of the Act.

65.230 When decision must be made

- (1) If CASA does not make a decision about an application within 21 days after receiving it, CASA is taken to have refused the application.
- (2) However, if CASA makes a request under regulation 11.035 or 11.040, the time between when CASA makes the request, and when the applicant undertakes the

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test, or comes in for interview, or gives CASA the information or copy requested, does not count towards the 21 days.

- (3) Also, if CASA asks an applicant to make a statutory declaration under regulation 11.047 or subregulation 11.050(3A), the time between when CASA asks the applicant to do so and when the applicant gives CASA the statutory declaration does not count towards the 21 days.
- (4) Also, if CASA invites an applicant to make a written submission under subregulation 11.050(2), the time between when CASA gives the invitation and when the applicant makes the written submission does not count towards the 21 days.

Division 65.E.2—Ongoing proficiency and medical testing

65.250 Re-examination or re-assessment of licence or qualification holder

(1) If:

- (a) there is evidence that the holder of a licence or a qualification is not adequately performing his or her duties (whether because of lack of proficiency, injury, illness or for any other reason); and
- (b) it is necessary, in the interests of the safety of air navigation, to require the holder to demonstrate his or her proficiency or fitness to perform those duties;

CASA may, at a reasonable time and on reasonable notice, direct the holder to undertake:

- (c) an appropriate examination or performance assessment; or
- (d) a medical assessment by a designated aviation medical examiner.

(2) In paragraph (1)(d):

medical includes psychological and psychiatric.

Division 65.E.3—Suspension and cancellation of licences

65.255 Provisional suspension of licence pending examination or assessment

- (1) If under regulation 65.250 CASA directs the holder of a licence or qualification to undergo an examination, performance assessment or medical assessment, CASA may provisionally suspend the licence or a rating or endorsement on it, or the qualification, by notice in writing to the holder.
- (2) The provisional suspension has effect from the time the notice is served on the holder.
- (3) As soon as practicable after the examination or assessment, CASA must either:
 - (a) give the holder a notice under regulation 65.265 to show cause why the licence, rating, endorsement or qualification should not be cancelled or further suspended; or
 - (b) revoke the provisional suspension and tell the holder in writing that it has done so.
- (4) CASA may revoke the provisional suspension at any time by notice in writing.
- (5) If CASA gives the holder a show cause notice, the provisional suspension remains in effect (unless sooner revoked) until CASA decides, or is taken to have decided, whether or not to cancel the licence, rating, endorsement or qualification, or to further suspend it.
- (6) However, if the holder does not comply with the direction within the time allowed by the notice to do so (or any extension of that time allowed by CASA), the licence, rating, endorsement or qualification remains suspended until the holder does so.

65.260 Provisional suspension of licence etc during investigation

- (1) If there is evidence that the holder of a licence:
 - (a) may have contravened a provision of the Act or these Regulations; or
 - (b) may not meet a requirement of, or under, these Regulations in relation to getting or keeping the licence, rating, endorsement or qualification; or
 - (c) may have failed in his or her duty in a way that might adversely affect the safe navigation or operation of an aircraft;CASA may provisionally suspend the holder's licence, or a rating, endorsement or qualification, by notice in writing to the holder.
- (2) CASA may revoke the provisional suspension at any time by notice in writing.
- (3) The provisional suspension has effect from the time notice under subregulation (1) is served on the holder, and remains in effect (unless sooner revoked) until:

- (a) if CASA gives to the holder a show cause notice—CASA decides, or is taken to have decided, whether or not to cancel the licence, rating, endorsement or qualification, or to further suspend it; or
- (b) the end of 7 days after the time the notice under subregulation (1) is served on the holder.

65.265 Show cause procedure

- (1) If there is evidence that the holder of a licence:
 - (a) may have contravened a provision of the Act or these Regulations; or
 - (b) may not meet a requirement of, or under, these Regulations in relation to getting or keeping the licence, rating, endorsement or qualification; or
 - (c) may have failed in his or her duty in a way that might adversely affect the safe navigation or operation of an aircraft;CASA may give to the holder a notice in accordance with this regulation (a ***show cause notice***).
- (2) Also, CASA may give to the holder of a licence a show cause notice if:
 - (a) under regulation 65.250, CASA has directed the holder to undertake an examination or a performance assessment or medical assessment; and
 - (b) the holder has not done so within the time allowed by the direction (or any extension of that time allowed by CASA).
- (3) The notice must be in writing.
- (4) The notice must set out the facts and circumstances that appear to justify cancellation or suspension of the licence, rating, endorsement or qualification.
- (5) The notice must invite the holder to show cause in writing, within a reasonable period stated in the notice, why the licence, rating, endorsement or qualification should not be cancelled or further suspended.

65.270 CASA's powers in respect of licence etc

CASA may cancel or suspend a licence, rating, endorsement or qualification if the holder:

- (a) has contravened a provision of the Act or these Regulations; or
- (b) does not meet a requirement of, or under, these Regulations in relation to getting or keeping the licence, rating, endorsement or qualification; or
- (c) has failed in his or her duty in a way that adversely affects the safe navigation or operation of an aircraft.

65.275 Choice between cancellation and suspension

- (1) This regulation sets out how CASA decides whether to cancel a person's licence, rating, endorsement or qualification, or suspend it.

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- (2) If the person has contravened a provision of the Act or these Regulations, or has failed in his or her duty in a way that adversely affects the safe navigation or operation of an aircraft:
 - (a) where CASA is satisfied that the contravention or failure is not likely to recur, CASA may do either or both of the following:
 - (i) suspend the person's licence, rating, endorsement or qualification for an appropriate period;
 - (ii) direct the person to receive appropriate counselling or training; and
 - (b) where CASA is not satisfied as mentioned in paragraph (a), CASA may:
 - (i) if the contravention or failure is sufficiently serious, or has occurred before—cancel the licence, rating, endorsement or qualification; or
 - (ii) take either or both of the courses mentioned in paragraph (a).
- (3) If the person does not meet a requirement of, or under, these Regulations in relation to getting or keeping the licence, rating, endorsement or qualification, but there is a reasonable prospect that he or she will be able to do so within a reasonable time, CASA may suspend the licence, rating, endorsement or qualification:
 - (a) until the happening of a specified event; or
 - (b) until the holder successfully completes specified training; or
 - (c) for a specified period within which the holder is likely to become able to meet the requirement.
- (4) If the person does not meet a requirement of, or under, these Regulations in relation to getting or keeping the licence, rating, endorsement or qualification and there is no reasonable prospect that he or she will be able to do so within a reasonable time, CASA must cancel the licence, rating, endorsement or qualification.

65.280 Procedure for decision

- (1) When considering whether to cancel or suspend a licence, rating, endorsement or qualification, CASA must take into account any submission that the holder makes within the time allowed by the relevant show cause notice.
- (2) CASA must tell the holder in writing of its decision.
- (3) If CASA has not decided whether or not to cancel or further suspend the licence, rating, endorsement or qualification within 30 days after the end of the period allowed for submissions by the show cause notice, CASA is taken to have decided, at the end of that 30-day period, neither to cancel nor further suspend the licence, rating, endorsement or qualification.
- (4) If the licence, rating, endorsement or qualification is provisionally suspended, and CASA decides, or is taken under subregulation (3) to have decided, neither to cancel nor further suspend it, the provisional suspension ceases to have effect when CASA makes, or is taken to have made, that decision.

65.285 Effect of suspension or provisional suspension of authorisation

If CASA suspends, or provisionally suspends, a person's licence, rating or endorsement under this Division:

- (a) the person is taken not to be the holder of the licence, rating or endorsement; and
- (b) the licence, rating or endorsement is not in force during the period of suspension.

Part 66—Continuing airworthiness—aircraft engineer licences and ratings

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Subpart 66.A—General

66.005 Purpose of Part

This Part:

- (a) deals with aircraft engineer licences and ratings for:
 - (i) the performance of maintenance certification for maintenance carried out on aircraft; and
 - (ii) issuing certificates of release to service for aircraft in relation to maintenance carried out on aircraft; and
- (b) empowers CASA to issue a Manual of Standards for this Part.

Note: Under regulations 42.695, 42.735 and 42.790, a person performing maintenance certification or issuing a certificate of release to service on behalf of an approved maintenance organisation must hold a certification authorisation from the organisation that permits the person to perform the maintenance certification or issue the certificate of release to service.

66.010 Definitions for Part

In this Part:

additional practical experience, for an applicant for an aircraft engineer licence or a rating to be endorsed on a licence, means practical experience in carrying out maintenance on operating aircraft:

- (a) that the applicant carries out under the supervision of a person who holds:
 - (i) the same aircraft engineer licence as the licence applied for; or
 - (ii) the same rating as the rating applied for; and
- (b) that the applicant carries out on the kind of aircraft for:
 - (i) the licence applied for; or
 - (ii) the licence on which the rating applied for is to be endorsed.

aircraft type means:

- (a) a particular type, or type and model, of large aircraft with a particular type of aircraft engine; or
- (b) a large aircraft with a particular type of aircraft engine; or
- (c) a small aircraft with a particular type of aircraft engine.

Note: For paragraph (b), aircraft mentioned in this paragraph are known as “non-rated aircraft”.

Example 1: For paragraph (a), Airbus A310(GE CF6)

Example 2: For paragraph (a), Boeing 747-400 (RR RB211)

Example 3: For paragraph (b), non-rated aircraft (PWC PT6)

Example 4: For paragraph (b), non-rated aircraft (Honeywell TPE331)

Example 5: For paragraph (c), small aircraft (PWC PT6)

Example 6: For paragraph (c), small aircraft (Honeywell TPE331)

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category A licence holder means an individual who holds a category A licence that is in force.

category B1 licence holder means an individual who holds a category B1 licence that is in force.

category B2 licence holder means an individual who holds a category B2 licence that is in force.

category C licence holder means an individual who holds a category C licence that is in force.

Defence Force aircraft means aircraft mentioned in paragraph (a) of the definition of *state aircraft* in section 3 of the Act.

Defence Force aircraft authorisation means an authorisation to perform, in relation to Defence Force aircraft, a function that is of the same nature as:

- (a) the function of performing maintenance certification; or
- (b) the function of issuing a certificate of release to service.

Defence Force aircraft rating means an authorisation that:

- (a) is of the same nature as a rating; and
- (b) relates to Defence Force aircraft.

foreign rating means an authorisation that:

- (a) is of the same nature as a rating; and
- (b) is:
 - (i) granted under a national aviation law of a foreign country, other than a foreign country that is an excluded State; or
 - (ii) issued by a foreign company, other than a foreign company incorporated or formed in an excluded State.

medical practitioner has the meaning given by subregulation 67.010(1).

practical experience in carrying out maintenance on operating aircraft includes:

- (a) simulated maintenance experience using maintenance simulation technology; and
- (b) practical maintenance experience on representative aeronautical products during maintenance training.

requalification requirement, for an aircraft engineer licence, has the meaning given by the Part 66 Manual of Standards.

safety-relevant, in relation to a medically significant condition, has the meaning given by regulation 67.015.

specialist medical practitioner has the meaning given by subregulation 67.010(1).

Note: See the Dictionary for definitions of other terms used in this Part.

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66.015 Part 66 Manual of Standards

- (1) For subsection 98(5A) of the Act, CASA may issue a Manual of Standards for this Part prescribing matters:
 - (a) required or permitted by these Regulations to be prescribed by the Part 66 Manual of Standards; or
 - (b) necessary or convenient to be prescribed for carrying out or giving effect to this Part.
- (2) Without limiting subregulation (1), the Part 66 Manual of Standards may specify the following matters:
 - (a) that a specified foreign country is an excluded State;
 - (b) that a specified foreign country is a recognised State;
 - (c) the privileges that a licensed aircraft maintenance engineer may exercise;
 - (d) the privileges that a licensed aircraft maintenance engineer whose licence is endorsed with a rating may exercise;
 - (e) that a specified aircraft type is a type rated aircraft type for an aircraft engineer licence;
 - (f) the training and experience requirements for the grant of an aircraft engineer licence;
 - (g) the required subject modules for an aircraft engineer licence;
 - (h) a list of levels of knowledge for the required subject modules;
 - (i) the required level of knowledge for each subject module, or each part of a subject module;
 - (j) the required units of competency for an aircraft engineer licence;
 - (ja) the required aircraft type training, subject modules and units of competency for a rating on an aircraft engineer licence;
 - (k) the basic knowledge examination standard for category training;
 - (l) that a specified aircraft system is designated as 1 of the following:
 - (i) avionic;
 - (ii) electrical;
 - (iii) mechanical;
 - (iv) powerplant;
 - (v) structural;
 - (m) that a specified condition or limitation applies to:
 - (i) the performance of maintenance certification by a licensed aircraft maintenance engineer in relation to maintenance carried out on a particular aircraft system; or
 - (ii) the issue of a certificate of release to service by a licensed aircraft maintenance engineer for an aircraft in relation to maintenance carried out on a particular aircraft system;
 - (n) for aircraft type training:
 - (i) the required theoretical elements for an aircraft engineer licence; and
 - (ii) the required training level for each theoretical element; and
 - (iii) requirements for practical elements; and

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- (iv) standards for assessments for theoretical elements; and
- (v) standards for assessments for practical elements;
- (o) that a specified aircraft type, aircraft system or subset of an aircraft system is one for which a Part 145 organisation may provide training and assessment;
- (p) that a specified aircraft type is one for which a Part 145 organisation may arrange for the manufacturer of the aircraft or the aircraft engine to provide training and assessment;
- (q) requalification requirements for an aircraft engineer licence;
- (r) the aircraft systems or subsets of aircraft systems that may be excluded from the scope of:
 - (i) a category A, B1 or B2 licence; or
 - (ii) a rating for a type rated aircraft type;
- (s) the required subject modules and units of competency for each aircraft system or subset of an aircraft system specified for subparagraph (r)(i);
- (t) the required aircraft type training for each aircraft system or subset of an aircraft system specified for subparagraph (r)(ii).

Note 1: For paragraphs (g), (h) and (i), see also section 147.A.200 of the Part 147 Manual of Standards (requirements for the conduct of maintenance training courses).

Note 2: For paragraph (n), see also section 147.A.300 of the Part 147 Manual of Standards (requirements for maintenance training course plans).

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Subpart 66.B—Aircraft engineer licences

66.018 Aircraft engineer licences and kinds of aircraft

An aircraft engineer licence specified in column 1 of an item in the following table may be granted in relation to the kind of aircraft specified in column 2 of the item.

Aircraft engineer licences and kinds of aircraft		
Item	Licence	Kind of aircraft
1	Subcategory A1	Turbine-engined fixed-wing aeroplane
2	Subcategory A2	Piston-engined fixed-wing aeroplane
3	Subcategory A3	Turbine-engined helicopter
4	Subcategory A4	Piston-engined helicopter
5	Subcategory B1.1	Turbine-engined fixed-wing aeroplane
6	Subcategory B1.2	Piston-engined fixed-wing aeroplane
7	Subcategory B1.3	Turbine-engined helicopter
8	Subcategory B1.4	Piston-engined helicopter
9	Category B2	An aircraft mentioned in another item of this table
10	Category C	Large aircraft

66.020 Applications for licences

- (1) A person may apply to CASA for an aircraft engineer licence.
- (2) The application must:
 - (a) be in writing; and
 - (b) specify the aircraft engineer licence being applied for; and
 - (ba) specify whether the application is for a licence that would be subject to the exclusion of an aircraft system or a subset of an aircraft system; and
 - (c) if the applicant does not hold an aircraft engineer licence at the time of making the application—be accompanied by evidence of the applicant's identity; and
 - (d) be accompanied by copies of documents evidencing the qualifications and experience relevant to the licence being applied for, including any relevant foreign licence or Defence Force aircraft authorisation that the applicant holds; and
 - (e) if, at the time of making the application, the applicant has a medically significant condition that is safety-relevant:
 - (i) specify the condition; and
 - (ii) be accompanied by a report from a medical practitioner that describes the condition.

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Note 1: An application must be in the approved form, include all the information required by these Regulations and be accompanied by every document required by these Regulations—see regulation 11.030.

Note 2: Part 11 deals with applications and decision making.

66.025 Grant of licence

- (1) Subject to regulation 11.055, CASA must grant an aircraft engineer licence to an applicant if:
 - (a) the applicant is not a licensed aircraft maintenance engineer at the time of making the application; and
 - (b) CASA is satisfied that the applicant meets the requirements mentioned in subregulation (3).
- (2) Subject to regulation 11.055, CASA must grant an aircraft engineer licence to an applicant if:
 - (a) the applicant is a licensed aircraft maintenance engineer at the time of making the application; and
 - (b) CASA is satisfied that the applicant meets the requirements mentioned in paragraphs (3)(d) and (e).
- (3) The requirements are that:
 - (a) the applicant is at least 18 at the time of making the application; and
 - (b) the applicant can read, write and converse in English to a level that is sufficient to enable the applicant to safely exercise the privileges mentioned in the Part 66 Manual of Standards for the licence applied for; and
 - (c) the applicant understands the applicant's role, as a licensed aircraft maintenance engineer, in airworthiness management; and
 - (d) if, at the time of making the application, the applicant had a medically significant condition that was safety-relevant—the applicant can safely exercise at least 1 of the privileges mentioned in the Part 66 Manual of Standards for the licence applied for; and
 - (e) the applicant:
 - (i) meets the requirements of sections 66.A.25 and 66.A.30 of the Part 66 Manual of Standards for the licence applied for; or
 - (ii) is taken, under regulation 66.030, 66.035, 66.040, 66.045, 66.050, 66.055, 66.065 or 66.070, to meet those requirements.

Note 1: For paragraph (d), CASA may grant a licence in respect of only some of the matters sought in the application—see subregulation 11.055(7).

Note 2: For paragraph (d), CASA may grant a licence subject to any condition that CASA is satisfied is necessary in the interests of the safety of air navigation—see regulation 11.056.

- (4) If:
 - (a) CASA receives a report from a maintenance training organisation under section 147.A.139 of the Part 147 Manual of Standards; and

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- (b) the report includes a statement that the applicant can read, write and converse as required by paragraph (3)(b);

CASA need consider only that report in making its decision about the requirement mentioned in paragraph (3)(b).

(5) If:

- (a) CASA receives a report from a maintenance training organisation under section 147.A.139 of the Part 147 Manual of Standards; and
- (b) the report includes a statement that the applicant has the understanding required by paragraph (3)(c);

CASA need consider only that report in making its decision about the requirement mentioned in paragraph (3)(c).

Note 1: For review of decisions about licences, see section 31 of the Act.

Note 2: For the privileges that a licensed aircraft maintenance engineer may exercise, see the Part 66 Manual of Standards.

66.026 Grant of licence subject to exclusion

Not meeting requirements for excluded system

- (1) Subject to regulation 11.055, CASA must grant an aircraft engineer licence to an applicant subject to the exclusion of an aircraft system or a subset of an aircraft system if:
 - (a) the licence applied for is a category B1 or B2 licence; and
 - (b) either:
 - (i) CASA is satisfied that the applicant meets the requirements mentioned in paragraphs 66.025(3)(a) to (c); or
 - (ii) the applicant is a licensed aircraft maintenance engineer at the time of making the application; and
 - (c) CASA is satisfied that the applicant meets the requirement mentioned in paragraph 66.025(3)(d); and
 - (d) the aircraft system or subset is specified in the Part 66 Manual of Standards as a system or subset that may be excluded from the scope of a category B1 or B2 licence; and
 - (e) the applicant meets the requirements of sections 66.A.25 and 66.A.30 of the Part 66 Manual of Standards for the licence applied for, except the requirements specified in the Part 66 Manual of Standards for the aircraft system or subset.

Partially equivalent foreign licence or Defence Force aircraft authorisation

- (2) Subject to regulation 11.055, CASA must grant an aircraft engineer licence to an applicant subject to the exclusion of an aircraft system or a subset of an aircraft system if:
 - (a) either:
 - (i) CASA is satisfied that the applicant meets the requirements mentioned in paragraphs 66.025(3)(a) to (c); or

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- (ii) the applicant is a licensed aircraft maintenance engineer at the time of making the application; and
- (b) CASA is satisfied that the applicant meets the requirement mentioned in paragraph 66.025(3)(d); and
- (c) regulation 66.030, 66.035, 66.040, 66.045, 66.050, 66.055, 66.065 or 66.070 applies to the applicant; and
- (d) the applicant is taken, under that regulation, to meet the requirements of sections 66.A.25 and 66.A.30 of the Part 66 Manual of Standards for the licence applied for, except the requirements specified in the Part 66 Manual of Standards for the aircraft system or subset.

66.030 Recognition of foreign licences from recognised States held at time of application

- (1) This regulation applies to an applicant for an aircraft engineer licence if:
 - (a) at the time of making the application for the licence, the applicant holds a foreign licence, that is in force, issued by:
 - (i) a recognised State; or
 - (ii) a foreign company incorporated or formed in a recognised State; and
 - (b) the applicant exercised privileges under the foreign licence or under a foreign rating endorsed on the foreign licence; and
 - (c) CASA determines, in writing, that at least 1 of the privileges exercised was equivalent to a privilege mentioned in the Part 66 Manual of Standards for the licence applied for; and
 - (d) in the 2 years immediately before the time of making the application, the applicant has:
 - (i) exercised the privileges for at least 6 months; or
 - (ii) gained at least 6 months additional practical experience; or
 - (iii) for an applicant for a category C licence who does not hold, and is not applying for, a category B1 or B2 licence—gained experience that CASA determines, in writing, is relevant to the privileges mentioned in the Part 66 Manual of Standards for the licence applied for.
- (2) The applicant is taken to meet the requirements of sections 66.A.25 and 66.A.30 of the Part 66 Manual of Standards for the licence applied for to the extent mentioned in the determination under paragraph (1)(c).

66.035 Recognition of foreign licences from recognised States held before time of application

- (1) This regulation applies to an applicant for an aircraft engineer licence if:
 - (a) before the time of making the application for the licence, the applicant held a foreign licence issued by:
 - (i) a recognised State; or
 - (ii) a foreign company incorporated or formed in a recognised State; and
 - (b) the applicant does not hold the foreign licence at the time of making the application; and
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- (c) the applicant exercised privileges under the foreign licence or under a foreign rating endorsed on the foreign licence; and
 - (d) CASA determines, in writing, that at least 1 of the privileges exercised was equivalent to a privilege mentioned in the Part 66 Manual of Standards for the licence applied for; and
 - (e) in the 2 years immediately before the time of making the application, the applicant has:
 - (i) exercised the privileges for at least 6 months; or
 - (ii) gained at least 6 months additional practical experience; or
 - (iii) for an applicant for a category C licence who does not hold, and is not applying for, a category B1 or B2 licence—gained experience that CASA determines, in writing, is relevant to the privileges mentioned in the Part 66 Manual of Standards for the licence applied for; and
 - (f) CASA is satisfied that the licence that the applicant held was not cancelled or revoked for a reason involving a matter mentioned in subregulation 11.055(4).
- (2) The applicant is taken to meet the requirements of sections 66.A.25 and 66.A.30 of the Part 66 Manual of Standards for the licence applied for to the extent mentioned in the determination under paragraph (1)(d).

66.040 Recognition of foreign licences not from recognised States held at time of application—assessment by maintenance training organisation

- (1) This regulation applies to an applicant for an aircraft engineer licence if:
- (a) at the time of making the application for the licence, the applicant holds a foreign licence, that is in force, issued by:
 - (i) a foreign country that is not a recognised State; or
 - (ii) a foreign company incorporated or formed in a foreign country that is not a recognised State; and
 - (b) the foreign licence has been assessed by a maintenance training organisation that is:
 - (i) approved to assess foreign licences issued by the foreign country or by a foreign company incorporated or formed in the foreign country; and
 - (ii) approved to provide category training for the licence applied for; and
 - (c) the maintenance training organisation has given CASA the outcome of the assessment in a report under section 147.A.139 of the Part 147 Manual of Standards; and
 - (d) the applicant exercised privileges under the foreign licence or under a foreign rating endorsed on the foreign licence; and
 - (e) CASA determines, in writing, that at least 1 of the privileges exercised was equivalent to a privilege mentioned in the Part 66 Manual of Standards for the licence applied for; and
 - (f) in the 2 years immediately before the time of making the application, the applicant has:

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- (i) exercised the privileges for at least 6 months; or
 - (ii) gained at least 6 months additional practical experience.
- (2) The applicant is taken to meet the requirements of sections 66.A.25 and 66.A.30 of the Part 66 Manual of Standards for the licence applied for to the extent mentioned in the determination.

66.045 Recognition of foreign licences not from recognised States held at time of application—assessment by CASA

- (1) This regulation applies to an applicant for an aircraft engineer licence if:
 - (a) at the time of making the application for the licence, the applicant holds a foreign licence, that is in force, issued by:
 - (i) a foreign country that is not a recognised State; or
 - (ii) a foreign company incorporated or formed in a foreign country that is not a recognised State; and
 - (b) there is no maintenance training organisation that is approved to assess foreign licences issued by the foreign country or by a foreign company incorporated or formed in the foreign country; and
 - (c) CASA has assessed the foreign licence; and
 - (d) the applicant exercised privileges under the foreign licence or under a foreign rating endorsed on the foreign licence; and
 - (e) CASA determines, in writing, that at least 1 of the privileges exercised was equivalent to a privilege mentioned in the Part 66 Manual of Standards for the licence applied for; and
 - (f) in the 2 years immediately before the time of making the application, the applicant has:
 - (i) exercised the privileges for at least 6 months; or
 - (ii) gained at least 6 months additional practical experience; or
 - (iii) for an applicant for a category C licence who does not hold, and is not applying for, a category B1 or B2 licence—gained experience that CASA determines, in writing, is relevant to the privileges mentioned in the Part 66 Manual of Standards for the licence applied for.
- (2) The applicant is taken to meet the requirements of sections 66.A.25 and 66.A.30 of the Part 66 Manual of Standards for the licence applied for to the extent mentioned in the determination under paragraph (1)(e).

66.050 Recognition of foreign licences not from recognised States held before time of application—assessment by maintenance training organisation

- (1) This regulation applies to an applicant for an aircraft engineer licence if:
 - (a) before the time of making the application for the licence, the applicant held a foreign licence issued by:
 - (i) a foreign country that is not a recognised State; or

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- (ii) a foreign company incorporated or formed in a foreign country that is not a recognised State; and
 - (b) the applicant does not hold the foreign licence at the time of making the application; and
 - (c) the foreign licence has been assessed by a maintenance training organisation that is:
 - (i) approved to assess foreign licences issued by the foreign country or by a foreign company incorporated or formed in the foreign country; and
 - (ii) approved to provide category training for the licence applied for; and
 - (d) the maintenance training organisation has given CASA the outcome of the assessment in a report under section 147.A.139 of the Part 147 Manual of Standards; and
 - (e) the applicant exercised privileges under the foreign licence or under a foreign rating endorsed on the foreign licence; and
 - (f) CASA determines, in writing, that at least 1 of the privileges exercised was equivalent to a privilege mentioned in the Part 66 Manual of Standards for the licence applied for; and
 - (g) in the 2 years immediately before the time of making the application, the applicant has:
 - (i) exercised the privileges for at least 6 months; or
 - (ii) gained at least 6 months additional practical experience; and
 - (h) CASA is satisfied that the foreign licence that the applicant held was not cancelled or revoked for a reason involving a matter mentioned in subregulation 11.055(4).
- (2) The applicant is taken to meet the requirements of sections 66.A.25 and 66.A.30 of the Part 66 Manual of Standards for the licence applied for to the extent mentioned in the determination.

66.055 Recognition of foreign licences not from recognised States held before time of application—assessment by CASA

- (1) This regulation applies to an applicant for an aircraft engineer licence if:
- (a) before the time of making the application for the licence, the applicant held a foreign licence issued by:
 - (i) a foreign country that is not a recognised State; or
 - (ii) a foreign company incorporated or formed in a foreign country that is not a recognised State; and
 - (b) the applicant does not hold the foreign licence at the time of making the application; and
 - (c) there is no maintenance training organisation that is approved to assess foreign licences issued by the foreign country or by a foreign company incorporated or formed in the foreign country; and
 - (d) CASA has assessed the foreign licence; and

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- (e) the applicant exercised privileges under the foreign licence or under a foreign rating endorsed on the foreign licence; and
 - (f) CASA determines, in writing, that at least 1 of the privileges exercised was equivalent to a privilege mentioned in the Part 66 Manual of Standards for the licence applied for; and
 - (g) in the 2 years immediately before the time of making the application, the applicant has:
 - (i) exercised the privileges for at least 6 months; or
 - (ii) gained at least 6 months additional practical experience; or
 - (iii) for an applicant for a category C licence who does not hold, and is not applying for, a category B1 or B2 licence—gained experience that CASA determines, in writing, is relevant to the privileges mentioned in the Part 66 Manual of Standards for the licence applied for; and
 - (h) CASA is satisfied that the foreign licence that the applicant held was not cancelled or revoked for a reason involving a matter mentioned in subregulation 11.055(4).
- (2) The applicant is taken to meet the requirements of sections 66.A.25 and 66.A.30 of the Part 66 Manual of Standards for the licence applied for to the extent mentioned in the determination under paragraph (1)(f).

66.060 Qualifications from excluded States not recognised

- (1) This regulation applies to an applicant for an aircraft engineer licence if the applicant holds:
- (a) a licence issued by a foreign country that is an excluded State; or
 - (b) an authorisation issued by a foreign company incorporated or formed in a foreign country that is an excluded State.
- (2) The applicant is not, only because of holding the licence or authorisation, or a rating endorsed on the licence or authorisation, taken to meet any of the requirements of sections 66.A.25 and 66.A.30 of the Part 66 Manual of Standards for the aircraft engineer licence applied for.

Note: In assessing a person, a maintenance training organisation must not give credit to the person for holding a licence (however described) that was issued to the person by an excluded State—see regulation 147.075.

66.065 Recognition of Defence Force aircraft authorisations held at time of application

- (1) This regulation applies to an applicant for an aircraft engineer licence if:
- (a) at the time of making the application for the licence, the applicant holds a Defence Force aircraft authorisation that is in force; and
 - (b) the applicant exercised privileges under the authorisation or under a Defence Force aircraft rating endorsed on the authorisation; and
 - (c) a maintenance training organisation that is approved to provide category training for the licence applied for has:
 - (i) assessed the Defence Force aircraft authorisation; and

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- (ii) given CASA the outcome of the assessment in a report under section 147.A.139 of the Part 147 Manual of Standards; and
- (d) CASA determines, in writing, that at least 1 of the privileges exercised was equivalent to a privilege mentioned in the Part 66 Manual of Standards for the licence applied for; and
- (e) in the 2 years immediately before the time of making the application, the applicant has:
 - (i) exercised the privileges for at least 6 months; or
 - (ii) gained at least 6 months additional practical experience.
- (2) The applicant is taken to meet the requirements of sections 66.A.25 and 66.A.30 of the Part 66 Manual of Standards for the licence applied for to the extent mentioned in the determination.

66.070 Recognition of Defence Force aircraft authorisations held before time of application

- (1) This regulation applies to an applicant for an aircraft engineer licence if:
 - (a) before the time of making the application for the licence, the applicant held a Defence Force aircraft authorisation; and
 - (b) the applicant does not hold the authorisation at the time of making the application; and
 - (c) the applicant exercised privileges under the authorisation or under a Defence Force aircraft rating endorsed on the authorisation; and
 - (d) a maintenance training organisation that is approved to provide category training for the licence applied for has:
 - (i) assessed the Defence Force aircraft authorisation; and
 - (ii) given CASA the outcome of the assessment in a report under section 147.A.139 of the Part 147 Manual of Standards; and
 - (e) CASA determines, in writing, that at least 1 of the privileges exercised was equivalent to a privilege mentioned in the Part 66 Manual of Standards for the licence applied for; and
 - (f) in the 2 years immediately before the time of making the application, the applicant has:
 - (i) exercised the privileges for at least 6 months; or
 - (ii) gained at least 6 months additional practical experience; and
 - (g) CASA is satisfied that the authorisation that the applicant held was not cancelled or revoked for a reason involving a matter mentioned in subregulation 11.055(4).
- (2) The applicant is taken to meet the requirements of sections 66.A.25 and 66.A.30 of the Part 66 Manual of Standards for the licence applied for to the extent mentioned in the determination.

66.071 Endorsement on licence of licence exclusion

If CASA grants an aircraft engineer licence that is subject to an exclusion imposed under regulation 66.026, CASA must endorse on the licence that the licence is subject to the exclusion.

66.072 Removal of exclusion from licence

- (1) The holder of an aircraft engineer licence that is subject to the exclusion of an aircraft system or a subset of an aircraft system may apply to CASA for removal of the exclusion.
- (2) Subject to regulation 11.055, CASA must remove the exclusion if CASA is satisfied, on the basis of evidence mentioned in subregulation (3), that the holder has successfully completed the training necessary for the removal of the exclusion.
- (3) For subregulation (2), CASA must receive evidence from a maintenance training organisation that the holder has successfully completed the training and assessment that is required for the aircraft system or subset under section 66.A.25 of the Part 66 Manual of Standards.
- (4) If CASA removes the exclusion from the licence, CASA must:
 - (a) amend the licence document to remove the endorsement that the licence is subject to the exclusion; and
 - (b) for each rating on the licence that is subject to the exclusion of the aircraft system or subset—endorse on the licence that the rating is subject to the exclusion.

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Subpart 66.C—Ratings

66.075 Applications for ratings

- (1) A person may apply to CASA for a rating for an aircraft type.
- (2) A person may apply for a rating only if, at the time of making the application, the person is applying for, or holds, the aircraft engineer licence for which the aircraft type is specified in the Part 66 Manual of Standards (the **relevant licence**).
- (3) The application must:
 - (a) be in writing; and
 - (b) specify the rating being applied for; and
 - (ba) for a rating for a type rated aircraft type—specify whether the application is for a rating that is subject to the exclusion of an aircraft system or a subset of an aircraft system; and
 - (bb) specify whether the application is for a rating in relation to a partially equivalent foreign licence or Defence Force aircraft authorisation; and
 - (c) be accompanied by copies of documents evidencing the qualifications and experience relevant to the rating applied for.
- (4) Also, the application must comply with subregulation (5) if, at the time of making the application:
 - (a) the applicant has a medically significant condition that is safety-relevant; and
 - (b) the condition was not specified in the applicant's application for the relevant licence.
- (5) For subregulation (4), the application must:
 - (a) specify the condition; and
 - (b) be accompanied by a report from a medical practitioner that describes the condition.

Note 1: An application must be in the approved form, include all the information required by these Regulations and be accompanied by every document required by these Regulations—see regulation 11.030.

Note 2: Part 11 deals with applications and decision making.

66.080 Grant of rating

- (1) Subject to regulation 11.055, CASA must grant to an applicant a rating on an aircraft engineer licence if CASA is satisfied that:
 - (a) the applicant meets the requirements specified in the Part 66 Manual of Standards for the rating applied for; and

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- (b) if subregulation 66.075(4) applies to the applicant—the applicant can safely exercise at least one of the privileges specified in the Part 66 Manual of Standards for the rating applied for; and
 - (c) if the application is for a rating that requires aircraft type training—the applicant meets the requirements mentioned in subregulation (2), (3) or (4).
- (1A) If the applicant holds a licence that is, or is applying for a licence that will be, subject to the exclusion of an aircraft system or a subset of an aircraft system, CASA must not grant the rating unless it is subject to the exclusion of the aircraft system or subset.

Successful completion of aircraft type training and assessment

- (2) The requirements are that:
- (a) at the time of making the application, the applicant has evidence of the successful completion of the aircraft type training, or an element of the aircraft type training, for the rating; and
 - (b) within the 5 years immediately before the time of making the application, the applicant has successfully completed:
 - (i) the theoretical elements of the aircraft type training for the rating; and
 - (ii) the assessment for the training; and
 - (c) within the 3 years immediately before the time of making the application, the applicant has successfully completed:
 - (i) the practical elements of the aircraft type training for the rating; and
 - (ii) the assessment for the training.

Training, assessment and experience provided by Part 145 organisations

- (3) The requirements are that:
- (a) at the time of making the application, the applicant has a notice in relation to the rating, issued under paragraph 145.A.37(d) of the Part 145 Manual of Standards by a Part 145 organisation; and
 - (b) within the 5 years immediately before the time of making the application, the applicant has successfully completed:
 - (i) the theoretical elements of the aircraft type training for the rating; and
 - (ii) the assessment for the training; and
 - (c) within the 3 years immediately before the time of making the application, the applicant has successfully completed:
 - (i) the practical elements of the aircraft type training for the rating; and
 - (ii) the assessment for the training.

Fully or partially equivalent foreign or Defence Force rating

- (4) The requirements are that, at the time of making the application, the applicant holds, or has held:
- (a) a foreign licence that is endorsed with a foreign rating that CASA determines, under regulation 66.085 or 66.090, is fully or partially equivalent to the rating applied for; or

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- (b) a Defence Force aircraft authorisation that is endorsed with a Defence Force aircraft rating that CASA determines, under regulation 66.085 or 66.090, is fully or partially equivalent to the rating applied for.

Note: For review of decisions about ratings, see section 31 of the Act.

66.085 Determination of equivalence of certain ratings endorsed on certain licences and authorisations held at time of application

If:

- (a) at the time of making an application for a rating for an aircraft type, an applicant holds:
 - (i) a foreign licence that is endorsed with a foreign rating that relates to the aircraft type; or
 - (ii) a Defence Force aircraft authorisation that is endorsed with a Defence Force aircraft rating that relates to the aircraft type; and
- (b) in the 2 years immediately before making the application, the applicant:
 - (i) exercised privileges under the licence or authorisation for at least 6 months; or
 - (ii) gained at least 6 months additional practical experience;

CASA must determine, in writing, whether the rating endorsed on the licence or authorisation is fully or partially equivalent to the rating applied for.

66.090 Determination of equivalence of certain ratings endorsed on certain licences and authorisations held before time of application

If:

- (a) before making an application for a rating for an aircraft type, an applicant held:
 - (i) a foreign licence that was endorsed with a foreign rating that relates to the aircraft type; or
 - (ii) a Defence Force aircraft authorisation that was endorsed with a Defence Force aircraft rating that relates to the aircraft type; and
- (b) the applicant does not hold the licence or authorisation at the time of making the application; and
- (c) in the 2 years immediately before making the application, the applicant:
 - (i) exercised privileges under the licence or authorisation for at least 6 months; or
 - (ii) gained at least 6 months additional practical experience; and
- (d) CASA is satisfied that the licence or authorisation was not cancelled or revoked for a reason involving a matter mentioned in subregulation 11.055(4);

CASA must determine, in writing, whether the rating endorsed on the licence or authorisation is fully or partially equivalent to the rating applied for.

66.095 Grant of rating subject to exclusions

Not meeting requirements for excluded system

- (1) Subject to regulation 11.055, CASA must grant a rating to an applicant subject to the exclusion of an aircraft system or a subset of an aircraft system if:
 - (a) the applicant holds, or is an applicant for, a category B1 or B2 licence that is, or will be, subject to the exclusion of the aircraft system or subset; and
 - (b) CASA is satisfied that the applicant meets the requirement mentioned in paragraph 66.080(1)(a); and
 - (c) CASA is satisfied that the applicant meets the requirements mentioned in subregulation 66.080(2) or (3), except the requirements for the aircraft system or subset.
- (2) Subject to regulation 11.055, CASA must grant a rating to an applicant subject to the exclusion of an aircraft system or a subset of an aircraft system if:
 - (a) the applicant holds, or is an applicant for, a category B1 or B2 licence other than a licence that is, or will be, subject to the exclusion of the aircraft system or subset; and
 - (b) the application specifies that the rating is to be subject to the exclusion; and
 - (c) CASA is satisfied that the applicant meets the requirement mentioned in paragraph 66.080(1)(a); and
 - (d) CASA is satisfied that the applicant meets the requirements mentioned in subregulation 66.080(2) or (3), except the requirements for the aircraft system or subset.

Partially equivalent foreign licence or Defence Force aircraft authorisation

- (3) Subregulation (4) applies if CASA has determined, under regulation 66.085 or 66.090, that:
 - (a) a foreign rating endorsed on a foreign licence that the applicant holds or has held; or
 - (b) a Defence Force aircraft rating endorsed on a Defence Force aircraft authorisation that the applicant holds or has held;is partially equivalent to the rating applied for because the foreign rating or Defence Force aircraft rating does not cover an aircraft system or a subset of an aircraft system.
- (4) Subject to regulation 11.055, CASA must grant the rating subject to the exclusion of the aircraft system or subset.

66.100 Training, assessment and experience for removal of exclusion from rating

If CASA grants a rating subject to an exclusion under regulation 66.095, CASA must decide:

- (a) whether the training and assessment that is necessary for the removal of the exclusion:

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- (i) is of a kind that must be provided by a maintenance training organisation; or
 - (ii) is of a kind that may be provided either by a Part 145 organisation or a maintenance training organisation; and
- (b) whether any practical experience is necessary for the removal of the exclusion.

66.105 Endorsement of rating on licence

If CASA grants a rating, CASA must endorse on the applicant's licence:

- (a) the rating; and
- (b) if the rating is granted subject to an exclusion imposed under regulation 66.095—the exclusion.

66.110 Removal of exclusion from rating

- (1) The holder of a rating that is subject to the exclusion of an aircraft system or a subset of an aircraft system may apply to CASA for removal of the exclusion.
- (2) Subject to regulation 11.055, CASA must remove the exclusion if:
 - (a) CASA is satisfied, on the basis of evidence received from a maintenance training organisation or a Part 145 organisation, that the holder has:
 - (i) successfully completed the aircraft type training for the aircraft type required by the Part 66 Manual of Standards for the aircraft system or subset; and
 - (ii) obtained any practical experience that, under regulation 66.100, is necessary to remove the exclusion; and
 - (b) the holder's licence is not subject to the exclusion of the aircraft system or subset.

Subpart 66.D—Conditions of licences

Note 1: For CASA's power to impose conditions, see regulations 11.056, 11.067 and 11.068.

Note 2: For other conditions that apply to licences, see regulations 11.070 to 11.075.

66.115 Conditions

It is a condition of an aircraft engineer licence that the holder of the licence must not contravene a provision of this Subpart.

66.115A Offence not to comply with licence conditions

- (1) A licensed aircraft maintenance engineer commits an offence of strict liability if he or she contravenes a provision of this Subpart (other than regulation 66.125).

Penalty: 50 penalty units.

- (2) A licensed aircraft maintenance engineer commits an offence if:
- (a) at a particular time, he or she exercises a privilege mentioned in the Part 66 Manual of Standards for his or her aircraft engineer licence or for a rating endorsed on the licence; and
 - (b) at that time:
 - (i) he or she knows that he or she has a medically significant condition; and
 - (ii) the condition is safety-relevant; and
 - (iii) the condition was not specified in an application made by the licensed aircraft maintenance engineer for an aircraft engineer licence or a rating that he or she holds; and
 - (iv) the exercise of the privilege is not permitted by subregulation (3).

Penalty: 50 penalty units.

- (3) The exercise of a privilege is permitted if:
- (a) at least 30 days have elapsed since the day the licensed aircraft maintenance engineer first knew that he or she had the condition; and
 - (b) the licensed aircraft maintenance engineer has obtained a certificate from a medical practitioner or specialist medical practitioner to the effect that his or her ability to exercise the privilege is no longer reduced by the condition.

66.120 All licences—general

Compliance with privileges and conditions or limitations

- (1) A licensed aircraft maintenance engineer may perform maintenance certification or issue a certificate of release to service only if he or she does so in accordance with:

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- (a) the privileges mentioned in the Part 66 Manual of Standards for his or her aircraft engineer licence or for any ratings endorsed on the licence; and
- (b) a condition or limitation that applies to the performance of the maintenance certification or the issue of the certificate of release to service under the Part 66 Manual of Standards.

Requirement for recent qualification or experience

- (2) A licensed aircraft maintenance engineer may perform maintenance certification or issue a certificate of release to service at a particular time only if, in the 2 years immediately before that time:
 - (a) he or she was granted his or her aircraft engineer licence; or
 - (b) he or she has had at least 6 months experience of exercising the privileges mentioned in the Part 66 Manual of Standards for the licence or for a rating endorsed on the licence; or
 - (c) he or she has met a requalification requirement for the licence.
- (3) For subregulation (2), the holder of an aircraft engineer licence ***exercises the privileges*** of the licence if:
 - (a) for a category A, B1 or B2 licence—the holder performs maintenance certifications or issues certificates of release to service under the licence; and
 - (b) for a category C licence—the holder issues certificates of release to service under the licence.
- (4) For subregulation (2), a licensed aircraft maintenance engineer is taken to have had at least 6 months experience of exercising the privileges mentioned in the Part 66 Manual of Standards for a licence or for a rating endorsed on a licence if:
 - (a) he or she holds another aircraft engineer licence; and
 - (b) that licence is a category A, B1 or B2 licence; and
 - (c) he or she has had at least 6 months experience of exercising the privileges mentioned in the Part 66 Manual of Standards for that licence or a rating endorsed on that licence.

66.125 All licences—medically significant conditions

- (1) This regulation applies to a licensed aircraft maintenance engineer if:
 - (a) the licensed aircraft maintenance engineer knows that he or she has a medically significant condition; and
 - (b) the condition is safety-relevant; and
 - (c) the condition was not specified in an application made by the licensed aircraft maintenance engineer for an aircraft engineer licence or a rating that he or she holds.
- (2) The licensed aircraft maintenance engineer must not exercise a privilege mentioned in the Part 66 Manual of Standards for his or her aircraft engineer licence or for a rating endorsed on the licence unless the licensed aircraft maintenance engineer:

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- (a) has had the condition for more than 30 days beginning on the day that he or she first knew that he or she had the condition (the **30 day period**); and
 - (b) has obtained a certificate from a medical practitioner or specialist medical practitioner to the effect that his or her ability to exercise the privilege is no longer reduced by the condition.
- (3) If the licensed aircraft maintenance engineer has had the condition for more than the 30 day period and cannot obtain a certificate mentioned in paragraph (2)(b), he or she must give CASA a written notice including the following information:
 - (a) that he or she has the condition;
 - (b) when he or she first knew that he or she had the condition;
 - (c) that he or she cannot obtain the certificate.

66.130 Category A licences

- (1) A category A licence holder may perform maintenance certification for maintenance carried out on an aircraft of a particular aircraft type only if:
 - (a) the maintenance:
 - (i) is line maintenance; and
 - (ii) is mentioned in Appendix II to the Part 145 Manual of Standards; and
 - (b) he or she carried out the maintenance; and
 - (c) he or she:
 - (i) performs the maintenance certification on behalf of a Part 145 organisation; and
 - (ii) has completed training and assessment from the organisation in performing maintenance certification for that line maintenance carried out on aircraft of that aircraft type; and
 - (iii) has a certification authorisation from the organisation to perform maintenance certification for that line maintenance carried out on aircraft of that aircraft type.
- (2) A category A licence holder may issue a certificate of release to service for an aircraft of a particular type rated aircraft type in relation to maintenance carried out on the aircraft only if:
 - (a) the maintenance:
 - (i) is line maintenance; and
 - (ii) is mentioned in Appendix II to the Part 145 Manual of Standards; and
 - (b) he or she:
 - (i) issues the certificate on behalf of a Part 145 organisation; and
 - (ii) has completed training and assessment from the organisation in issuing a certificate of release to service for an aircraft of that aircraft type in relation to that line maintenance; and
 - (iii) has a certification authorisation from the organisation to issue a certificate of release to service for an aircraft of that aircraft type in relation to that line maintenance.

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- (3) A reference in subregulation (1) or (2) to maintenance does not include supervision of maintenance.

66.135 Category B1 and B2 licences—maintenance certification on behalf of Part 145 organisation

- (1) A category B1 or B2 licence holder may perform maintenance certification on behalf of a Part 145 organisation for maintenance that was carried out on an aircraft of a particular type rated aircraft type only if subregulation (3), (4), (5) or (6) applies.
- (2) However, the holder must not perform maintenance certification on behalf of a Part 145 organisation for maintenance carried out on an aircraft system, or a subset of an aircraft system, that is excluded from the holder's licence under regulation 66.026.
- (2A) A category B1 or B2 licence holder may perform maintenance certification on behalf of a Part 145 organisation for maintenance that was carried out on an aircraft that is not of a type rated aircraft type only if the holder holds a licence that authorises that kind of maintenance.

Rating not subject to exclusion

- (3) For subregulation (1), this subregulation applies if:
- (a) the holder's licence is endorsed with a rating for the aircraft type; and
 - (b) the rating is not subject to the exclusion of an aircraft system or a subset of an aircraft system.

Rating subject to exclusion that does not apply

- (4) For subregulation (1), this subregulation applies if:
- (a) the holder's licence is endorsed with a rating for the aircraft type; and
 - (b) the rating is subject to the exclusion of an aircraft system or a subset of an aircraft system; and
 - (c) the maintenance is not carried out on an aircraft system or subset that is excluded from the rating under regulation 66.095.

Rating subject to exclusion—certification authorisation

- (5) For subregulation (1), this subregulation applies if:
- (a) the holder's licence is endorsed with a rating for the aircraft type; and
 - (b) the maintenance is carried out on an aircraft system or a subset of an aircraft system that is excluded from the rating under regulation 66.095 (the ***excluded system***); and
 - (c) the holder has a certification authorisation from the organisation in relation to the aircraft type and the excluded system, granted in accordance with paragraph 145.A.37(b) of the Part 145 Manual of Standards.

No rating—certification authorisation

- (6) For subregulation (1), this subregulation applies if:
- (a) the holder's licence is not endorsed with a rating for the aircraft type; and
 - (b) the holder has a certification authorisation from the organisation in relation to the aircraft type, granted in accordance with paragraph 145.A.37(b) or
 - (c) of the Part 145 Manual of Standards.

66.137 Category B1 and B2 licences—maintenance certification other than on behalf of Part 145 organisation

Type rated aircraft type

- (1) A category B1 or B2 licence holder may perform maintenance certification other than on behalf of a Part 145 organisation for maintenance that was carried out on an aircraft of a particular type rated aircraft type only if:
- (a) if carrying out of the maintenance requires the holder to hold a particular licence with a particular rating—the holder's licence is endorsed with the rating for the aircraft type; and
 - (b) the maintenance is not carried out on an aircraft system or a subset of an aircraft system that is:
 - (i) excluded from the licence under regulation 66.026; or
 - (ii) excluded from the rating under regulation 66.095.

Aircraft not of a type rated aircraft type

- (2) A category B1 or B2 licence holder may perform maintenance certification other than on behalf of a Part 145 organisation for maintenance that was carried out on an aircraft that is not of a type rated aircraft type only if:
- (a) the holder holds a licence for the kind of aircraft on which the maintenance was carried out; and
 - (b) if carrying out the maintenance requires the holder to hold a particular rating—the holder's licence is endorsed with that rating.

66.138 Category B1 and B2 licences—certificate of release to service issued on behalf of Part 145 organisation

Type rated aircraft type

- (1) A category B1 or B2 licence holder may issue a certificate of release to service on behalf of a Part 145 organisation for an aircraft of a particular type rated aircraft type in relation to maintenance carried out on the aircraft only if:
- (a) if carrying out of the maintenance requires the holder to hold a particular rating—either:
 - (i) the holder's licence is endorsed with the rating for the aircraft type; or
 - (ii) the holder has a certification authorisation from the organisation in relation to the aircraft type, granted in accordance with the Part 145 Manual of Standards; and

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- (b) the holder has a certification authorisation from the organisation to issue a certificate of release to service for an aircraft of that aircraft type, granted under section 145.A.35 of the Part 145 Manual of Standards.

Aircraft not of a type rated aircraft type

- (2) A category B1 or B2 licence holder may issue a certificate of release to service on behalf of a Part 145 organisation for an aircraft that is not of a type rated aircraft type in relation to maintenance carried out on the aircraft only if the holder holds a licence for that kind of aircraft.

66.139A Category B1 and B2 licences—certificate of release to service issued other than on behalf of Part 145 organisation

Type rated aircraft type

- (1) A category B1 or B2 licence holder may issue a certificate of release to service, other than on behalf of a Part 145 organisation, for an aircraft of a particular type rated aircraft type in relation to maintenance carried out on the aircraft only if the holder's licence is endorsed with the rating for the aircraft type.

Aircraft not of a type rated aircraft type

- (2) A category B1 or B2 licence holder may issue a certificate of release to service, other than on behalf of a Part 145 organisation, for an aircraft that is not of a type rated aircraft type in relation to maintenance carried out on the aircraft only if the holder holds a licence for that kind of aircraft.

66.140 Category C licences

- (1) A category C licence holder may issue a certificate of release to service for an aircraft in relation to maintenance carried out on the aircraft only if:
 - (a) he or she issues the certificate on behalf of a Part 145 organisation; and
 - (b) the maintenance is base maintenance.
- (2) A category C licence holder may issue a certificate of release to service for an aircraft of a particular type rated aircraft type in relation to maintenance carried out on the aircraft type only if:
 - (a) the holder's licence is endorsed with the rating for the aircraft type; and
 - (b) the holder has a certification authorisation, from a Part 145 organisation, that:
 - (i) authorises the holder to issue a certificate of release to service for an aircraft of that aircraft type on behalf of the organisation; and
 - (ii) is granted under section 145.A.35 of the Part 145 Manual of Standards.

Subpart 66.F—Administration

66.175 CASA may ask licensed aircraft maintenance engineers for information

- (1) CASA may ask a licensed aircraft maintenance engineer to give CASA information specified in the request about himself or herself, his or her aircraft engineer licence and any ratings endorsed on the licence.
- (2) A request under subregulation (1) must:
 - (a) be in writing; and
 - (b) specify the date by which the licensed aircraft maintenance engineer must give CASA the information; and
 - (c) include a statement of the effect of regulation 66.180.
- (3) If a licensed aircraft maintenance engineer gives CASA information in accordance with a request under subregulation (1), CASA must, within 28 days after receiving the information, give the licensed aircraft maintenance engineer written notice in accordance with subregulation (4).
- (4) The notice must include a statement to the effect that CASA has confirmed the information or updated its records about the licensed aircraft maintenance engineer, the aircraft engineer licence and any ratings endorsed on the licence.

66.180 Suspension of licence for failure to provide information

If a licensed aircraft maintenance engineer does not comply with a request under subregulation 66.175(1) by the date specified in the request, his or her aircraft engineer licence is suspended on the day after the date specified in the request.

66.185 CASA must revoke suspension of licence if information provided

- (1) This regulation applies if:
 - (a) an aircraft engineer licence is suspended by regulation 66.180; and
 - (b) on or after the day that the licence is suspended, the holder of the licence gives CASA information in accordance with the request under subregulation 66.175(1).
- (2) CASA must, by notice in writing to the holder, revoke the suspension of the licence.
- (3) The notice must include the date on which the revocation takes effect.

Part 67—Medical

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Subpart 67.A—General

67.005 Applicability

This Part:

- (a) provides for the appointment of appropriately qualified persons as DAMEs or DAOs and for the cancellation of such appointments; and
- (b) sets out procedures under which CASA may make declarations that particular persons, or persons who hold or perform the duties of certain positions or offices, are to be taken to be DAMEs or DAOs; and
- (c) sets out the medical standards for the issue of medical certificates; and
- (d) provides for the issue and administrative control of medical certificates; and
- (e) sets out when a person meets the modified Austroads medical standards; and
- (f) provides for offences in relation to holders of:
 - (i) medical certificates; and
 - (ii) recreational aviation medical practitioner's certificates.

67.010 Definitions for this Part

(1) In this Part:

clinical psychologist means a person who:

- (a) is registered or licensed as a clinical psychologist under a law of a State or Territory of Australia; or
- (b) in the case of a psychologist practising as a clinical psychologist in a country other than Australia—has other qualifications in clinical psychology acceptable to CASA.

Designated Aviation Medical Examiner's Handbook means the document called 'Designated Aviation Medical Examiner's Handbook' published by CASA, as in force from time to time.

Note: The Designated Aviation Medical Examiner's Handbook is available from CASA's website at:
<http://www.casa.gov.au/manuals/htm/dame/dame.htm>.

Human Services Department means the Department administered by the Minister administering the *Human Services (Medicare) Act 1973*.

medically significant condition includes:

- (a) any of the following (no matter how minor):
 - (i) any illness or injury;
 - (ii) any bodily infirmity, defect or incapacity;
 - (iii) any mental infirmity, defect or incapacity;

- (iv) any sequela of an illness, injury, infirmity, defect or incapacity mentioned in subparagraph (i), (ii) or (iii); and
- (b) any abnormal psychological state; and
- (c) drug addiction and drug dependence; and
- (d) for a woman—pregnancy and the physiological and psychological consequences of pregnancy or of termination of pregnancy.

medical practitioner means a person entitled to practise as a medical practitioner under a law of a State or Territory or under a law of a Contracting State.

medical standard 1 means the standard set out in table 67.150.

medical standard 2 means the standard set out in table 67.155.

medical standard 3 means the standard set out in table 67.160.

relevant examination means an examination or test of, or in relation to, a person for the purpose of finding out whether the person meets the relevant medical standard for the issue to him or her of a medical certificate.

relevant medical standard means:

- (a) for a class 1 medical certificate—medical standard 1; and
- (b) for a class 2 medical certificate—medical standard 2; and
- (c) for a class 3 medical certificate—medical standard 3.

specialist medical practitioner means a medical practitioner who has:

- (a) postgraduate qualifications in a recognised medical specialty entitling him or her to be recognised as a specialist medical practitioner by the Human Services Department or by the public hospital service or public health service of a State or Territory of Australia; or
- (b) in the case of a medical practitioner practising in a country other than Australia—other postgraduate qualifications in the specialty acceptable to CASA.

specialist psychiatrist means a medical practitioner who has:

- (a) postgraduate qualifications in psychiatry entitling him or her to be recognised as a specialist psychiatrist by the Human Services Department or by the public hospital service or public health service of a State or Territory of Australia; or
- (b) in the case of a psychiatrist practising in a country other than Australia—other postgraduate qualifications in psychiatry acceptable to CASA.

- (2) In this Part, a mention of a medically significant condition (other than pregnancy, a consequence of pregnancy or the termination of a pregnancy) includes both such a condition that is congenital and one that is the result of injury or illness.

67.015 Meaning of *safety-relevant*

For the purposes of this Part, a medically significant condition is ***safety-relevant*** if it reduces, or is likely to reduce, the ability of someone who has it to exercise a

Regulation 67.020

privilege conferred or to be conferred, or perform a duty imposed or to be imposed, by a licence that he or she holds or has applied for.

67.020 Extended meaning of *convicted of an offence*

- (1) In this Part, *convicted of an offence* has, in addition to its ordinary meaning, the meaning set out in subregulation (2).
- (2) For this Part, a person is taken to have been *convicted of an offence* if:
 - (a) he or she is found guilty of the offence but is discharged without a conviction being recorded; or
 - (b) with his or her consent, the offence is taken into account in sentencing him or her for another offence.

Subpart 67.B—Designated aviation medical examiners and designated aviation ophthalmologists

67.025 Application for appointment as DAME or DAO

- (1) A medical practitioner may apply to CASA for appointment as a DAME or DAO for the purposes of this Part.

Note 1: An application must be in the approved form, include all the information required by these Regulations and be accompanied by every document required by these Regulations—see regulation 11.030.

Note 2: Part 11 deals with applications and decision making.

- (2) An application must be in writing and must be accompanied by copies of the following documents:

(a) the certificate of the applicant's registration as a medical practitioner in the State or Territory of Australia, or the Contracting State, in which he or she proposes to function as a DAME or DAO;

(b) if the applicant is applying for appointment as a DAME—either:

(i) a certificate as to his or her successful completion of a course in aviation medicine approved by CASA; or

(ii) documents that are evidence of his or her demonstrated competence in aviation medicine;

(c) if the applicant is applying for appointment as a DAO—documents that are evidence that:

(i) he or she is a Fellow of the Royal Australian College of Ophthalmologists or has postgraduate qualifications in ophthalmology entitling him or her to be recognised as an ophthalmologist by the Human Services Department or by the public hospital service or public health service of a State or Territory of Australia; or

(ii) if the applicant is practising in a country other than Australia—he or she has postgraduate qualifications in ophthalmology that are acceptable to CASA.

Note: The documents 'Conditions of Appointment for DAMEs' and 'Conditions of Appointment for DAOs' (part of the application form for an appointment as a DAME or DAO) are available from CASA's website at:

<http://www.casa.gov.au/manuals/regulate/dame/form755.pdf>.

67.030 More information for application

- (2) If CASA gives a notice under regulation 11.040 to an applicant for appointment as a DAME or DAO, the notice must include a statement to the effect that the application will be taken to be withdrawn if the information or document is not given to CASA within 1 month or any further time allowed by CASA under paragraph (3)(b).

Regulation 67.035

- (3) The applicant must give to CASA the information or document:
 - (a) within 1 month after the date of the notice; or
 - (b) if the applicant asks CASA for an extension of time before the end of the month and CASA extends the time within which the applicant must give the information or document—before the end of the extended period.
- (4) If the applicant does not comply with subregulation (3), the application is taken to be withdrawn by the applicant.
- (5) If an applicant for appointment as a DAME or DAO is designated in a Contracting State as a medical examiner for subclause 1.2.2.4 of Annex 1, *Personnel Licensing*, to the Chicago Convention, CASA need not consider the application unless the applicant authorises the authority of the Contracting State that designated the applicant under that subclause to disclose to CASA information and documents about the applicant's performance and competence as a medical examiner.

67.035 Continuation of appointment until application decided

- (1) This regulation applies in relation to an appointment of a DAME or DAO that is granted by CASA for a specified period (the *old appointment*) if:
 - (a) at least 1 month before the time when the old appointment would, but for this regulation cease, its holder applies to CASA under this Subpart for a new appointment that authorises the holder to exercise the same powers or perform the same functions as the old appointment; and
 - (b) at the time when the old appointment would, but for this regulation cease, CASA has not made a decision on the application.
- (2) Despite anything else in these Regulations, but subject to subregulations (3) and (4), the old appointment continues in force until CASA makes a decision on the application.
- (3) If CASA asks for information or a document under regulation 11.040 and the holder does not provide the information or document within the period mentioned in paragraph 67.030(3)(a) or any further period allowed by CASA under paragraph 67.030(3)(b), the old appointment is taken to cease at the end of that period.
- (4) If subregulation 67.030(5) applies to the holder and the holder has not authorised the authority of the Contracting State concerned to disclose to CASA information and documents about the holder's performance and competence as a medical examiner within 1 month after the date of the application, the old appointment is taken to cease at the end of that period.

67.040 When decision must be made

- (1) Subject to this regulation, if CASA does not make a decision about an application for appointment as a DAME or DAO within 3 months after receiving it, CASA is taken to have refused the application.

Regulation 67.045

- (2) If CASA asks for information or a document under regulation 11.040, the time between when CASA asks for the information or document, and when the applicant gives CASA the information or document, does not count towards the period.
- (3) If subregulation 67.030(5) applies to the applicant, any time between when the applicant submits the application to CASA and when the applicant authorises the authority of the Contracting State concerned to disclose to CASA information and documents about the applicant's performance and competence as a medical examiner, does not count towards the period.

67.045 Appointment of DAMEs

Subject to regulation 11.055, if a medical practitioner has applied for appointment as a DAME in accordance with this Subpart, CASA must appoint the practitioner as a DAME if:

- (a) the practitioner is registered in the State or Territory of Australia, or registered or licensed in the Contracting State, in which he or she proposes to function as a DAME; and
- (b) either he or she:
 - (i) has received training acceptable to CASA in aviation medicine; or
 - (ii) has demonstrated competence in aviation medicine.

Note 1: The courses of training generally acceptable are set out in the *Designated Aviation Medical Examiner's Handbook*, available from CASA's website at <http://www.casa.gov.au>.

Note 2: Under regulation 201.004, an application may be made to the Administrative Review Tribunal for review of:

- (a) a decision refusing to appoint, or cancelling, suspending or varying, the appointment of, a person as a DAME; or
- (b) a decision imposing a condition on an appointment.

67.055 DAMEs—declaration about holders of position

- (1) CASA may declare, in writing, that the person holding or occupying a particular office or position from time to time, or performing the duties of a particular office or position from time to time, is, subject to subregulation (3), taken to be a DAME.
- (2) CASA may also declare, in writing, that a medical practitioner specified in the declaration is, for the purposes of doing a particular act or thing specified in the declaration, taken to be a DAME.
- (3) A declaration under subregulation (1) has no effect in relation to a person occupying or performing the duties of an office or position if the person is not a medical practitioner.
- (4) Subject to subregulation (5), a declaration under subregulation (1) remains in force:
 - (a) unless it is revoked; or

Regulation 67.060

- (b) if a period (which must not be less than 4 weeks) is specified in the declaration—until the end of that period unless it is sooner revoked.
- (5) A declaration under subregulation (1) is not in force while it is suspended.

67.060 DAMEs—conditions

- (1) The appointment of a DAME is subject to the following conditions:
 - (a) that he or she complies with any requirement of the Designated Aviation Medical Examiner's Handbook that is applicable to him or her;
 - (b) that he or she observes the Code of Ethics of the Australian Medical Association, as that Code is in effect from time to time;
 - (c) that he or she undertakes continuing training in aviation medicine according to a course or system specified, or referred to, on the CASA website or otherwise approved by CASA;
 - (d) that, if he or she is convicted of an offence punishable by imprisonment for 12 months or longer (whether or not such a sentence is actually imposed), he or she tells CASA of the conviction in writing as soon as practicable.

Note: For the extended meaning of *convicted of an offence*, see regulation 67.020.

- (2) A declaration under subregulation 67.055(1) is subject to the conditions that a person occupying, or performing the duties of, the office or position to which the declaration relates:
 - (a) observes, while he or she is acting as a DAME, the Code of Ethics of the Australian Medical Association, as that Code is in effect from time to time; and
 - (b) if he or she is convicted of an offence punishable by imprisonment for 12 months or longer (whether or not such a sentence is actually imposed), tells CASA of the conviction in writing as soon as practicable.
- (3) A declaration under subregulation 67.055(2) is subject to the condition that the person specified in the declaration observes, while he or she is acting as a DAME, the Code of Ethics of the Australian Medical Association, as that Code is in effect from time to time.

67.065 Appointment of DAOs

- (1) Subject to regulation 11.055, if a medical practitioner has applied for appointment as a DAO in accordance with this Subpart, CASA must appoint the practitioner as a DAO if the practitioner has the qualifications mentioned in subregulation (4).

Note: Under regulation 201.004, an application may be made to the Administrative Review Tribunal for review of:

- (a) a decision refusing to appoint, or cancelling, suspending or varying, the appointment of, a person as a DAO; or
- (b) a decision imposing a condition on an appointment.

- (4) The qualifications are:

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- (a) in the case of a practitioner who is an ophthalmologist practising in Australia—being a Fellow of the Royal Australian College of Ophthalmologists or otherwise having postgraduate qualifications in ophthalmology entitling him or her to be recognised as an ophthalmologist by the Human Services Department or by the public hospital service or public health service of a State or Territory of Australia; and
- (b) in the case of a practitioner who is an ophthalmologist practising in a country other than Australia—having postgraduate qualifications in ophthalmology that are acceptable to CASA.

67.075 DAOs—declaration about holders of position

- (1) CASA may declare, in writing, that the person holding or occupying a particular office or position from time to time, or performing the duties of a particular office or position from time to time, is, subject to subregulation (3), taken to be a DAO.
- (2) CASA may also declare, in writing, that a qualified person specified in the declaration is, for the purposes of doing a particular act or thing specified in the declaration, taken to be a DAO.
- (3) A declaration under subregulation (1) has no effect in relation to a person occupying, or performing the duties of, an office or position if:
 - (a) the person is not a Fellow of the Royal Australian College of Ophthalmologists, or does not have postgraduate qualifications in ophthalmology entitling him or her to be recognised as an ophthalmologist by the Human Services Department or by the public hospital service or public health service of a State or Territory of Australia; or
 - (b) in the case of an ophthalmologist practising in a country other than Australia—the person does not have postgraduate qualifications in ophthalmology that are acceptable to CASA.
- (4) Subject to subregulation (5), a declaration under subregulation (1) remains in force:
 - (a) unless it is revoked; or
 - (b) if a period (which must not be less than 4 weeks) is specified in the declaration—until the end of that period unless it is sooner revoked.
- (5) A declaration under subregulation (1) is not in force while it is suspended.
- (6) In this regulation:

qualified person means a person who is a medical practitioner having the qualifications referred to in paragraph 67.065(4)(a) or (b).

67.080 DAOs—conditions

- (1) The appointment of a DAO is subject to the following conditions:
 - (a) that he or she observes the Code of Ethics of the Australian Medical Association, as that Code is in effect from time to time;

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- (b) that he or she undertakes continuing training in ophthalmology according to courses or systems acceptable to CASA;
- (c) that, if he or she is convicted of an offence punishable by imprisonment for 12 months or longer (whether or not such a sentence is actually imposed), he or she tells CASA of the conviction in writing as soon as practicable.

Note: For the extended meaning of *convicted of an offence*, see regulation 67.020.

- (2) A DAO who is a Fellow of the Royal Australian College of Ophthalmologists, and undertakes continuing education in ophthalmology according to the requirements of the College, is taken to satisfy the requirement in paragraph (1)(b) as to continuing training in ophthalmology.
- (3) A declaration under subregulation 67.075(1) is subject to the conditions that a person occupying, or performing the duties of, the office or position to which the declaration relates:
 - (a) observes, while he or she is acting as a DAO, the Code of Ethics of the Australian Medical Association, as that Code is in effect from time to time; and
 - (b) if he or she is convicted of an offence punishable by imprisonment for 12 months or longer (whether or not such a sentence is actually imposed), tells CASA of the conviction in writing as soon as practicable.

Note: For the extended meaning of *convicted of an offence*, see regulation 67.020.

- (4) A declaration under subregulation 67.075(2) is subject to the condition that the person specified in the declaration observes, while he or she is acting as a DAO, the Code of Ethics of the Australian Medical Association, as that Code is in effect from time to time.

67.090 Release of information about performance of DAMEs or DAOs

- (1) CASA may disclose, to an authority referred to in subregulation (3), information about the performance and competence as a medical examiner of a person who:
 - (a) is a DAME or a DAO; or
 - (b) is performing or has performed the duties of a position referred to in a declaration under subregulation 67.055(1) or 67.075(1).
- (2) Despite subregulation (1), CASA may only disclose to the authority the information if CASA has taken all reasonable steps to ensure that that authority has given appropriate undertakings:
 - (a) for protecting the confidentiality of the information; and
 - (b) for ensuring that it is used only for the purpose of assessing the performance and competence of the person as a medical examiner.
- (3) The authority is the authority of a Contracting State that designates medical examiners for that State for subclause 1.2.2.4 of Annex 1, *Personnel Licensing*, to the Chicago Convention, being an authority:
 - (a) that has designated the person for that subclause; or
 - (b) to which the person has applied to be so designated.

Regulation 67.095

Note: Medical practitioners who apply to CASA for appointment as DAMEs or DAOs and persons occupying, or performing the duties of, an office or position to which a declaration under subregulation 67.055(1) or 67.075(1) relates are notified by CASA about the effect of regulation 67.090.

67.095 DAMEs and DAOs—cancellation or surrender of appointment

- (1) CASA may cancel a person's appointment as a DAME or DAO if there are reasonable grounds for believing that the person:
 - (a) has contravened a condition to which his or her appointment is subject; or
 - (b) has contravened regulation 67.125 or subregulation 67.170(1); or
 - (c) does not meet, or does not continue to meet, a requirement of, or imposed under, this Subpart for getting or holding the appointment.
- (2) Before cancelling the appointment of a person as a DAME or DAO under subregulation (1), CASA:
 - (a) must give to the person a show cause notice that:
 - (i) sets out the matters that might constitute grounds for cancellation; and
 - (ii) invites the person, within a reasonable time stated in the notice, to make representations explaining why his or her appointment should not be cancelled; and
 - (b) must take into account any written representations that the person makes within the period stated in the notice.
- (3) If CASA cancels the appointment of a person as a DAME or DAO under subregulation (1), CASA must give the person written notice of the cancellation, setting out the grounds for the cancellation.

Note: A decision by CASA to cancel a DAME's or DAO's appointment is reviewable by the Administrative Review Tribunal—see regulation 67.141.

67.100 DAMEs and DAOs—automatic suspension and cancellation after criminal conviction

- (1) This regulation applies to a person appointed as a DAME or DAO who is convicted of an offence punishable by imprisonment for 12 months or longer (whether or not such a sentence is actually imposed).

Note 1: For the extended meaning of **convicted of an offence**, see regulation 67.020.

Note 2: This regulation operates subject to the provisions of Part VIIC of the *Crimes Act 1914*.
- (2) The person's appointment is taken to be suspended at the time of the conviction.
- (3) The person's appointment is taken to be cancelled:
 - (a) if he or she appeals against the conviction and the appeal is dismissed—at the time the appeal is dismissed; or
 - (b) if he or she does not appeal against the conviction—on the last day for lodging such an appeal.

Regulation 67.105

67.105 DAMEs—automatic cancellation on ceasing to be medical practitioner

- (1) Subject to subregulation (2), this regulation applies to a person appointed as a DAME who ceases to be a medical practitioner.
- (2) This regulation does not apply to a person who is registered or licensed as a medical practitioner in a country other than Australia, and registered as a medical practitioner in a State or Territory of Australia, if he or she ceases to be registered or licensed as a medical practitioner in the other country.
- (3) The person's appointment is taken to be cancelled at the time he or she ceases to be registered or licensed as a medical practitioner.

67.110 DAOs—automatic cancellation on ceasing to be medical practitioner or ophthalmologist

- (1) Subject to subregulation (2), this regulation applies to a person appointed as a DAO who ceases to be a medical practitioner or specialist ophthalmologist.
- (2) This regulation does not apply to a person who is registered or licensed as a medical practitioner in a country other than Australia and registered as a medical practitioner in a State or Territory of Australia if he or she ceases to be registered or licensed as a medical practitioner in the other country.
- (3) The person's appointment is taken to be cancelled:
 - (a) at the time he or she ceases to be a specialist ophthalmologist; or
 - (b) if he or she ceases to be registered or licensed as a medical practitioner—at the time he or she so ceases.

67.120 Revocation of declarations

- (1) CASA may revoke a declaration made under subregulation 67.055(1) or 67.075(2) in respect of a particular office or position by written notice to the body or organisation of which the office or position forms part if there are reasonable grounds for believing that:
 - (a) a fact or circumstance exists that, had it existed and been known to CASA at the time the declaration was made, is likely to have resulted in the declaration not being made; or
 - (b) continuing the particular office or position to be declared would be likely to have an adverse effect on the safety of air navigation.
- (2) Before revoking a declaration made under subregulation 67.055(1) or 67.075(2) in respect of a particular office or position, CASA must give to the body or organisation of which the office forms part:
 - (a) written notice of the matters that might constitute grounds for the revocation of the declaration; and
 - (b) a reasonable opportunity to make representations explaining why the declaration should not be revoked.

Regulation 67.125

- (3) Despite anything else in this Part, CASA must revoke a declaration made under subregulation 67.055(1) or 67.075(1) if the organisation or body of which the office or position specified in it forms part asks CASA in writing to revoke the declaration.

67.125 Obligation to report

If the holder of a medical certificate tells a DAME or DAO about a medical condition that is safety-relevant, the DAME or DAO must inform CASA of the condition within 5 working days.

67.130 Surrender of certificate of appointment

- (1) CASA may require, by written notice, a DAME or DAO to surrender any certificate or replacement certificate issued to the person under regulation 11.060 within a reasonable time specified in the notice.
- (2) The DAME or DAO must comply with the requirement.
- Penalty: 5 penalty units.
- (3) A person who fails to comply with subregulation (2) is guilty of an offence in respect of each day during which the person refuses or fails to comply with the requirement, including the day of any conviction for such an offence.
- (4) A person must not destroy, mutilate or deface a certificate that he or she is required to surrender to CASA under subregulation (1) with intent to evade the obligation to comply with the requirement.

Penalty: 10 penalty units.

67.140 Indemnification of medical reporting

- (1) In this regulation:

indemnified act means any of the following acts:

- (a) advising CASA that a person does not meet a relevant medical standard;
- (b) expressing to CASA, whether in writing or otherwise, an opinion that a person whom the practitioner has examined or treated may not be competent or medically fit to undertake a duty or exercise a privilege under a licence that the person holds or has applied for, because of:
 - (i) illness or bodily or mental infirmity, defect or incapacity suffered by the person; or
 - (ii) the effect on the person of treatment for any illness, infirmity, defect or incapacity;
- (c) stating to CASA, whether in writing or otherwise:
 - (i) the nature of a person's illness, infirmity, defect or incapacity; or
 - (ii) the effect on a person of treatment for any illness, infirmity, defect or incapacity.

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- (2) A DAME or DAO is not subject to any civil or criminal liability for doing an indemnified act in good faith in the course of carrying out his or her functions under this Part.
- (3) A person to whom, or an organisation to which, subregulation (4) applies is not subject to any civil or criminal liability for doing an indemnified act in good faith in the course of answering any question put to the person or organisation by CASA:
 - (a) that concerns a person who has applied for, or holds, a medical certificate; and
 - (b) that is relevant to any action CASA may take under this Part.
- (4) This subregulation applies to:
 - (a) a medical practitioner; and
 - (b) a specialist psychiatrist or clinical psychologist; and
 - (c) a person, organisation, body or authority referred to in paragraph 67.180(6)(b), (c), (d) or (e) or 67.225(6)(b), (c), (d) or (e); and
 - (d) a person, organisation, body or authority acting on behalf of a person, organisation, body or authority referred to in paragraph (c).

Subpart 67.C—Medical certificates

67.145 Kinds of medical certificate

There are 3 classes of medical certificate, as follows:

- (a) class 1 medical certificate;
- (b) class 2 medical certificate;
- (c) class 3 medical certificate.

67.150 Who meets medical standard 1

- (1) Subject to subregulations (2) to (7), a person who satisfies the criteria in table 67.150 meets medical standard 1.
- (2) A person may use contact lenses to meet the criterion in item 1.35 of table 67.150 if the lenses are monofocal and not tinted, and are well tolerated.
- (3) A person whose visual acuity in either eye is worse than 6/60 must provide a full ophthalmic report to CASA.
- (4) A person who has undergone surgery affecting the refractive status of either eye is taken not to meet the criterion in item 1.35 of table 67.150 until he or she is free of safety-relevant sequelae of the surgery.
- (5) A person who requires both near correction and distant correction to meet the criteria in items 1.35 and 1.36 of table 67.150 must demonstrate that 1 pair of spectacles is sufficient to meet both requirements for correction.
- (6) A person must demonstrate that he or she meets the criterion in item 1.39 of table 67.150 by:
 - (a) in daylight, or artificial light of similar luminosity, readily identifying a series of pseudo-isochromatic plates of the Ishihara 24-plate type, making no more than 2 errors; or
 - (b) for somebody who makes more than 2 errors in a test mentioned in paragraph (a), readily identifying aviation coloured lights displayed by means of a Farnsworth colour-perception lantern, making:
 - (i) no errors on 1 run of 9 pairs of lights; or
 - (ii) no more than 2 errors on a sequence of 2 runs of 9 pairs of lights; or
 - (c) for somebody who does not satisfy paragraph (a) or (b), correctly identifying all relevant coloured lights in a test, determined by CASA, that simulates an operational situation.
- (7) If a change is made to a criterion in an item of table 67.150, a person who held a class 1 medical certificate and satisfied the criterion immediately before the change, but fails to satisfy the criterion as changed, is taken to satisfy the criterion for 2 years after the day when the change is made.

Regulation 67.150

Table 67.150 Criteria for medical standard 1

Item	Criterion
<i>Abnormalities, disabilities and functional capacity</i>	
1.1	Has no safety-relevant condition of any of the following kinds that produces any degree of functional incapacity or a risk of incapacitation: (a) an abnormality; (b) a disability or disease (active or latent); (c) an injury; (d) a sequela of an accident or a surgical operation
1.2	Has no physical conditions or limitations that are safety-relevant
1.3	Is not using any over-the-counter or prescribed medication or drug (including medication or a drug used to treat a disease or medical disorder) that causes the person to experience any side effects likely to affect the person to an extent that is safety-relevant
<i>Mental fitness</i>	
1.4	Has no established medical history or clinical diagnosis of any of the following conditions, to an extent that is safety-relevant: (a) psychosis; (b) significant personality disorder; (c) significant mental abnormality or neurosis
1.5	Does not engage in any problematic use of substances (within the meaning given by section 1.1 of Annex 1, <i>Personnel Licensing</i> , to the Chicago Convention)
1.6	If there is any personal history of problematic use of a substance (within the meaning given by section 1.1 of Annex 1, <i>Personnel Licensing</i> , to the Chicago Convention): (a) the person's abstinence from problematic use of the substance is certified by an appropriate specialist medical practitioner; and (b) the person is not suffering from any safety-relevant sequelae resulting from the person's use of the substance; and (c) the person provides evidence that the person is undertaking, or has successfully completed, an appropriate course of therapy
Note:	In Annex 1, <i>Personnel Licensing</i> , to the Chicago Convention, 'Problematic use of substances' is defined as follows: 'The use of one or more psychoactive substances by aviation personnel in a way that: a) constitutes a direct hazard to the user or endangers the lives, health or welfare of others; and/or b) causes or worsens an occupational, social, mental or physical problem or disorder.' 'Psychoactive substances' is there defined as 'Alcohol, opioids, cannabinoids, sedatives and hypnotics, cocaine, other psychostimulants, hallucinogens, and volatile solvents, whereas coffee and tobacco are excluded.'

Regulation 67.150

Item	Criterion
<i>Nervous system</i>	
1.7	Has no established medical history or clinical diagnosis of: (a) a safety-relevant disease of the nervous system; or (b) epilepsy; or (c) a disturbance of consciousness for which there is no satisfactory medical explanation and which may recur
1.8	Is not suffering from safety-relevant effects of a head injury or neurosurgical procedure
<i>Cardiovascular system</i>	
1.9	Has no safety-relevant heart abnormality
1.10	Systolic and diastolic blood pressures are within limits specified by CASA from time to time in the Designated Aviation Medical Examiner's Handbook (even if approved drugs are used to maintain the blood pressure within those limits)
1.11	Has no significant functional or structural abnormality of the circulatory tree
<i>Respiratory system</i>	
1.12	Is not suffering from a safety-relevant condition of the respiratory system
1.13	Has full and free respiratory function without the use of drugs (other than drugs approved by CASA for this item) that act on the respiratory organs
<i>Alimentary system and metabolic disorders</i>	
1.14	Is not suffering from any safety-relevant defect of the digestive system or its adnexae, nor from any safety-relevant effect of disease or trauma of, or an operation on, the digestive system or its adnexae
1.15	Is not suffering from any safety-relevant metabolic, nutritional or endocrine disorders
1.16	If suffering from diabetes mellitus—the diabetes is satisfactorily controlled without the use of any anti-diabetic drug
<i>Reticulo-endothelial system</i>	
1.17	Is not suffering from an enlargement of the spleen that causes a significant displacement below the costal margin
1.18	Is not suffering from a safety-relevant condition of any of the following kinds: (a) localised or generalised enlargement of the lymphatic nodes; (b) a disease of the blood; (c) an immune deficiency disorder
<i>Genito-urinary system</i>	
1.19	Is not suffering from any safety-relevant disease of the genito-urinary system
1.20	Has no safety-relevant sequelae of disease or surgical procedures on the kidneys or urinary tract
1.21	Kidneys and urinary tract are free of significant obstructions
1.22	If there is any personal history of syphilis—provides evidence that adequate treatment has been completed and that there are no safety-relevant sequelae of the infection

Regulation 67.150

Item	Criterion
<i>Gynaecological and obstetrical</i>	
1.23	Does not suffer from safety-relevant menstrual disturbances
1.24	If pregnant—the pregnancy is not likely to interfere with the safe exercise of privileges, or performance of duties, under the licence held or applied for Note: See regulation 67.235 regarding the periods during which a pregnant woman must not exercise the privileges of a licence.
<i>Skeletal system</i>	
1.25	Is not suffering from safety-relevant active disease of the bones, joints, muscles or tendons
1.26	Is not suffering from safety-relevant functional sequelae of medically significant conditions of the bones, joints, muscles or tendons
<i>Ear, nose and throat</i>	
1.27	Is not suffering from: (a) active pathological processes of the internal ear or of the middle ear; or (b) permanent obstructions of the Eustachian tubes; or (c) permanent disturbances of the vestibular apparatus
1.28	Has no safety-relevant condition of the buccal cavity or the upper respiratory tract
<i>Hearing requirements</i>	
1.29	Is not suffering from any safety-relevant hearing defect
1.30	If suffering from a hearing loss (measured in a quiet room using a properly calibrated, compensated audiometer) in either ear of more than: (a) 35 dB at any of the frequencies of 500 Hz, 1 000 Hz or 2 000 Hz; or (b) 50 dB at 3 000 Hz— passes a speech discrimination test, or an operational check, carried out by an approved person in an aircraft of similar ambient noise level to that in which the person being tested is or will be operationally involved
<i>Visual requirements</i>	
1.31	Eyes and their adnexae function normally
1.32	Is not suffering from any safety-relevant pathological condition (either acute or chronic), nor any sequelae of surgery or trauma
1.33	Has normal fields of vision
1.34	Has normal binocular vision
1.35	Has a distant visual acuity of 6/9 or better in each eye separately and 6/6 or better binocular (with or without correcting lenses)
1.36	Can read (with or without correcting lenses) an N5 chart (or its equivalent) binocularly at a distance that he or she selects (in the range of 30 to 50 centimetres), and can read an N14 chart binocularly (with or without correcting lenses) at a distance of 1 metre Note: A person who needs correcting lenses to meet this criterion must have the appropriate lenses available while carrying out duties under a relevant licence—see regulation 67.200.
1.37	Has a near point of accommodation no further away than 30 centimetres (with or without correcting lenses)

Regulation 67.155

Item	Criterion
1.38	If using contact lenses to meet the visual standards set out in items 1.31 to 1.37: (a) is able to wear those lenses for twice the projected length of flight time or duty time for the person without deterioration in visual acuity or discomfort; and (b) if the lenses are of the hard or gas-permeable variety, demonstrates the ability, immediately after removing the lenses, to read at least 6/9 with spectacles binocularly
<i>Colour perception</i>	
1.39	Can readily distinguish the colours that need to be distinguished for the safe exercise of privileges, or performance of duties, under the relevant licence Note: For how to demonstrate this, see subregulation 67.150(6).

67.155 Who meets medical standard 2

- (1) Subject to subregulations (2) to (7), a person who satisfies the criteria in table 67.155 meets medical standard 2.
- (2) A person may use contact lenses to meet the criterion in item 2.35 of table 67.155 if the lenses are monofocal and not tinted, and are well tolerated.
- (3) A person whose visual acuity in either eye is worse than 6/60 must provide a full ophthalmic report to CASA.
- (4) A person who has undergone surgery affecting the refractive status of either eye is taken not to meet the criterion in item 2.35 of table 67.155 until he or she is free of safety-relevant sequelae of the surgery.
- (5) A person who requires both near correction and distant correction to meet the criteria in items 2.35 and 2.36 of table 67.155 must demonstrate that 1 pair of spectacles is sufficient to meet both requirements for correction.
- (6) A person must demonstrate that he or she meets the criterion in item 2.39 of table 67.155 by:
 - (a) in daylight, or artificial light of similar luminosity, readily identifying a series of pseudo-isochromatic plates of the Ishihara 24-plate type, making no more than 2 errors; or
 - (b) for somebody who makes more than 2 errors in a test mentioned in paragraph (a), readily identifying aviation coloured lights displayed by means of a Farnsworth colour-perception lantern, making:
 - (i) no errors on 1 run of 9 pairs of lights; or
 - (ii) no more than 2 errors on a sequence of 2 runs of 9 pairs of lights; or
 - (c) for somebody who does not satisfy paragraph (a) or (b), correctly identifying all relevant coloured lights in a test, determined by CASA, that simulates an operational situation.
- (7) If a change is made to a criterion in an item of table 67.155, a person who held a class 2 medical certificate and satisfied the criterion immediately before the change, but fails to satisfy the criterion as changed, is taken to satisfy the criterion for 2 years after the day when the change is made.

Regulation 67.155

Table 67.155 Criteria for medical standard 2

Item	Criterion
<i>Abnormalities, disabilities and functional capacity</i>	
2.1	Has no safety-relevant condition of any of the following kinds that produces any degree of functional incapacity or a risk of incapacitation: (a) an abnormality; (b) a disability or disease (active or latent); (c) an injury; (d) a sequela of an accident or a surgical operation
2.2	Has no physical conditions or limitations that are safety-relevant
2.3	Is not using any over-the-counter or prescribed medication or drug (including medication or a drug used to treat a disease or medical disorder) that causes the person to experience any side effects likely to affect the person to an extent that is safety-relevant
<i>Mental fitness</i>	
2.4	Has no established medical history or clinical diagnosis of any of the following conditions, to an extent that is safety-relevant: (a) psychosis; (b) significant personality disorder; (c) significant mental abnormality or neurosis
2.5	Does not engage in any problematic use of substances (within the meaning given by section 1.1 of Annex 1, <i>Personnel Licensing</i> , to the Chicago Convention)
2.6	If there is any personal history of problematic use of a substance (within the meaning given by section 1.1 of Annex 1, <i>Personnel Licensing</i> , to the Chicago Convention): (a) the person's abstinence from problematic use of the substance is certified by an appropriate specialist medical practitioner; and (b) the person is not suffering from any safety-relevant sequelae resulting from the person's use of the substance; and (c) the person provides evidence that the person is undertaking, or has successfully completed, an appropriate course of therapy
Note:	In Annex 1, <i>Personnel Licensing</i> , to the Chicago Convention, 'Problematic use of substances' is defined as follows: 'The use of one or more psychoactive substances by aviation personnel in a way that: a) constitutes a direct hazard to the user or endangers the lives, health or welfare of others; and/or b) causes or worsens an occupational, social, mental or physical problem or disorder.' 'Psychoactive substances' is there defined as 'Alcohol, opioids, cannabinoids, sedatives and hypnotics, cocaine, other psychostimulants, hallucinogens, and volatile solvents, whereas coffee and tobacco are excluded.'

Regulation 67.155

Item	Criterion
<i>Nervous system</i>	
2.7	Has no established medical history or clinical diagnosis of: (a) a safety-relevant disease of the nervous system; or (b) epilepsy; or (c) a disturbance of consciousness for which there is no satisfactory medical explanation and which may recur
2.8	Is not suffering from safety-relevant effects of a head injury or neurosurgical procedure
<i>Cardiovascular system</i>	
2.9	Has no safety-relevant heart abnormality
2.10	Systolic and diastolic blood pressures are within limits specified by CASA from time to time in the Designated Aviation Medical Examiner's Handbook (even if approved drugs are used to maintain the blood pressure within those limits)
2.11	Has no significant functional or structural abnormality of the circulatory tree
<i>Respiratory system</i>	
2.12	Is not suffering from a safety-relevant condition of the respiratory system
<i>Alimentary system and metabolic disorders</i>	
2.13	Is not suffering from a safety-relevant defect of the digestive system or its adnexae, nor from any safety-relevant effect of disease or trauma of, or an operation on, the digestive system or its adnexae
2.14	Is not suffering from safety-relevant metabolic, nutritional or endocrine disorders
2.15	If suffering from diabetes mellitus: (a) the condition is satisfactorily controlled without the use of any anti-diabetic drug; or (b) if an oral anti-diabetic drug is used to control the condition: (i) the condition is under on-going medical supervision and control; and (ii) the oral drug is approved by CASA
<i>Reticulo-endothelial system</i>	
2.16	Is not suffering from an enlargement of the spleen that causes a significant displacement below the costal margin
2.17	Is not suffering from a safety-relevant condition of any of the following kinds: (a) localised or generalised enlargement of the lymphatic nodes; (b) a disease of the blood; (c) an immune deficiency disorder
<i>Genito-urinary system</i>	
2.18	Is not suffering from any safety relevant disease of the genitor-urinary system
2.19	Has no safety-relevant sequelae of disease or surgical procedures on the kidneys or urinary tract
2.20	Kidneys and urinary tract are free of significant obstructions
2.21	If there is any personal history of syphilis—provides evidence that adequate treatment has been completed and that there are no safety-relevant sequelae of the infection

Regulation 67.155

Item	Criterion
<i>Gynaecological and obstetrical</i>	
2.22	Does not suffer from safety-relevant menstrual disturbances
2.23	If pregnant—the pregnancy is not likely to interfere with the safe exercise of privileges, or performance of duties, under the licence held or applied for Note: See regulation 67.235 regarding the periods during which a pregnant woman must not exercise the privileges of a licence.
<i>Skeletal system</i>	
2.24	Is not suffering from safety-relevant active disease of the bones, joints, muscles or tendons
2.25	Is not suffering from safety-relevant functional sequelae of medically significant conditions of the bones, joints, muscles or tendons
<i>Ear, nose and throat</i>	
2.26	Is not suffering from: (a) active pathological processes of the internal ear or of the middle ear; or (b) permanent obstructions of the Eustachian tubes; or (c) permanent disturbances of the vestibular apparatus
2.27	Has no safety-relevant condition of the buccal cavity or the upper respiratory tract
<i>Hearing</i>	
2.28	Is not suffering from any safety-relevant hearing defect
2.29	With or without a hearing aid, is able to hear with both ears an average conversational voice in a quiet room while at a distance of 2 metres from the examiner, and looking away from the examiner
2.30	For somebody who fails to meet the standard in item 2.29, passes an operational check by an approved person in an aircraft having a similar ambient noise level to that in which the person is or will be operationally involved
<i>Visual requirements</i>	
2.31	Eyes and their adnexae function normally
2.32	Is not suffering from any safety-relevant pathological condition (either acute or chronic), nor any sequelae of surgery or trauma
2.33	Has normal fields of vision
2.34	Has normal binocular vision
2.35	Has a distant visual acuity of 6/12 or better in each eye separately and 6/9 or better binocular (with or without correcting lenses)
2.36	Can read (with or without correcting lenses) an N5 chart (or its equivalent) binocularly at a distance that he or she selects (in the range of 30 to 50 centimetres), and can read an N14 chart binocularly (with or without correcting lenses) at a distance of 1 metre Note: A person who needs correcting lenses to meet this criterion must have the appropriate lenses available while carrying out duties under a relevant licence—see regulation 67.200.
2.37	Has a near point of accommodation no further away than 30 centimetres (with or without correcting lenses)

Regulation 67.160

Item	Criterion
2.38	If using contact lenses to meet the visual standards set out in items 2.31 to 2.37: (a) is able to wear those lenses for twice the projected length of flight time or duty time for the person without deterioration in visual acuity or discomfort; and (b) if the lenses are of the hard or gas-permeable variety, demonstrates the ability, immediately after removing the lenses, to read at least 6/9 with spectacles binocularly
<i>Colour perception</i>	
2.39	Can readily distinguish the colours that need to be distinguished for the safe exercise of privileges, or performance of duties, under the relevant licence Note: For how to demonstrate this, see subregulation 67.155(6).

67.160 Who meets medical standard 3

- (1) Subject to subregulations (2) to (7), a person who satisfies the criteria in table 67.160 meets medical standard 3.
- (2) A person may use contact lenses to meet the criterion in item 3.33 of table 67.160 if the lenses are monofocal and not tinted, and are well tolerated.
- (3) A person whose visual acuity in either eye is worse than 6/60 must provide a full ophthalmic report to CASA.
- (4) A person who has undergone surgery affecting the refractive status of either eye is taken not to meet the criterion in item 3.33 of table 67.160 until he or she is free of safety-relevant sequelae of the surgery.
- (5) A person who requires both near correction and distant correction to meet the criteria in items 3.33 and 3.34 of table 67.160 must demonstrate that 1 pair of spectacles is sufficient to meet both requirements for correction.
- (6) If a person applies for a class 3 medical certificate, the person must demonstrate that he or she meets the criterion in item 3.37 of table 67.160 by, in daylight, or artificial light of similar luminosity, readily identifying a series of pseudo-isochromatic plates of the Ishihara 24-plate type, making no more than 2 errors.
- (7) If a change is made to a criterion in an item of table 67.160, a person who held a class 3 medical certificate and satisfied the criterion immediately before the change, but fails to satisfy the criterion as changed, is taken to satisfy the criterion for 2 years after the day when the change is made.

Regulation 67.160

Table 67.160 Criteria for medical standard 3

Item	Criterion
<i>Abnormalities, disabilities and functional capacity</i>	
3.1	Has no safety-relevant condition of any of the following kinds that produces any degree of functional incapacity, or risk of incapacitation: (a) an abnormality; (b) a disability or disease (active or latent); (c) an injury; (d) a sequela of an accident or a surgical operation
3.2	Has no physical conditions or limitations that are safety-relevant
3.3	Is not using any over-the-counter or prescribed medication or drug (including medication or a drug used to treat a disease or medical disorder) that causes the person to experience any side effects likely to affect the person to an extent that is safety-relevant
<i>Mental fitness</i>	
3.4	Has no established medical history or clinical diagnosis of any of the following conditions, to an extent that is safety-relevant: (a) psychosis; (b) significant personality disorder; (c) significant mental abnormality or neurosis
3.5	Does not engage in any problematic use of substances (within the meaning given by section 1.1 of Annex 1, <i>Personnel Licensing</i> , to the Chicago Convention)
3.6	If there is any personal history of problematic use of a substance (within the meaning given by section 1.1 of Annex 1, <i>Personnel Licensing</i> , to the Chicago Convention): (a) the person's abstinence from problematic use of the substance is certified by an appropriate specialist medical practitioner; and (b) the person is not suffering from any safety-relevant sequelae resulting from the person's use of the substance; and (c) the person provides evidence that the person is undertaking, or has successfully completed, an appropriate course of therapy
Note:	In Annex 1, <i>Personnel Licensing</i> , to the Chicago Convention, 'Problematic use of substances' is defined as follows: 'The use of one or more psychoactive substances by aviation personnel in a way that: a) constitutes a direct hazard to the user or endangers the lives, health or welfare of others; and/or b) causes or worsens an occupational, social, mental or physical problem or disorder.' 'Psychoactive substances' is there defined as 'Alcohol, opioids, cannabinoids, sedatives and hypnotics, cocaine, other psychostimulants, hallucinogens, and volatile solvents, whereas coffee and tobacco are excluded.'

Regulation 67.160

Item	Criterion
<i>Nervous system</i>	
3.7	Has no established medical history or clinical diagnosis of: (a) a safety-relevant disease of the nervous system; or (b) epilepsy; or (c) a disturbance of consciousness for which there is no satisfactory medical explanation and which may recur
3.8	Is not suffering from safety-relevant effects of a head injury or neurosurgical procedure
<i>Cardiovascular system</i>	
3.9	Has no safety-relevant heart abnormality
3.10	Systolic and diastolic blood pressures are within limits specified by CASA from time to time in the Designated Aviation Medical Examiner's Handbook (even if approved drugs are used to maintain the blood pressure within those limits)
3.11	Has no significant functional or structural abnormality of the circulatory tree
<i>Respiratory system</i>	
3.12	Is not suffering from a safety-relevant condition of the respiratory system
<i>Alimentary system and metabolic disorders</i>	
3.13	Is not suffering from a safety-relevant defect of the digestive system or its adnexae, nor from any safety-relevant effect of disease or trauma of, or an operation on, the digestive system or its adnexae
3.14	Is not suffering from safety-relevant metabolic, nutritional or endocrine disorders
3.15	If suffering from diabetes mellitus: (a) the condition is satisfactorily controlled without the use of any anti-diabetic drug; or (b) if an oral anti-diabetic drug is used to control the condition: (i) the condition is under on-going medical supervision and control; and (ii) the oral drug is approved by CASA
<i>Reticulo-endothelial system</i>	
3.16	Is not suffering from a safety-relevant condition of any of the following kinds: (a) localised or generalised enlargement of the lymphatic nodes; (b) a disease of the blood; (c) an immune deficiency disorder
<i>Genito-urinary system</i>	
3.17	Is not suffering from any safety relevant disease of the genito-urinary system
3.18	Has no sequelae of disease or surgical procedures on the kidneys or urinary tract
3.19	Kidneys and urinary tract are free of significant obstructions
3.20	If there is any personal history of syphilis—provides evidence that adequate treatment has been completed and that there are no safety-relevant sequelae of the infection
<i>Gynaecological and obstetrical</i>	
3.21	Does not suffer from safety-relevant menstrual disturbances

Regulation 67.160

Item	Criterion
3.22	If pregnant—the pregnancy is not likely to interfere with the safe exercise of privileges, or performance of duties, under the licence held or applied for Note: See regulation 67.235 regarding the periods during which a pregnant woman must not exercise the privileges of a licence.
<i>Skeletal system</i>	
3.23	Is not suffering from safety-relevant active disease of the bones, joints, muscles or tendons
3.24	Is not suffering from safety-relevant functional sequelae of medically significant conditions of the bones, joints, muscles or tendons
<i>Ear, nose and throat</i>	
3.25	Is not suffering from: (a) active pathological processes of the internal ear or of the middle ear; or (b) permanent disturbances of the vestibular apparatus
3.26	Has no safety-relevant condition of the buccal cavity or the upper respiratory tract
<i>Hearing requirements</i>	
3.27	Is not suffering from any safety-relevant hearing defect
3.28	If suffering from a hearing loss (measured in a quiet room using a properly calibrated, compensated audiometer) in either ear of more than: (a) 35 dB at any of the frequencies of 500 Hz, 1 000 Hz or 2 000 Hz; or (b) 50 dB at 3 000 Hz— passes a speech discrimination test, or an operational check, carried out by an approved person
<i>Visual requirements</i>	
3.29	Eyes and their adnexae function normally
3.30	Is not suffering from any safety-relevant pathological condition (either acute or chronic), nor any sequelae of surgery or trauma
3.31	Has normal binocular vision
3.32	Has normal fields of vision
3.33	Has a distant visual acuity of 6/9 or better in each eye separately and 6/6 or better binocular (with or without correcting lenses)
3.34	Can read (with or without correcting lenses) an N5 chart (or its equivalent) binocularly at a distance that he or she selects (in the range of 30 to 50 centimetres), and can read an N14 chart binocularly (with or without correcting lenses) at a distance of 1 metre Note: A person who needs correcting lenses to meet this criterion must have the appropriate lenses available while carrying out duties under a relevant licence—see regulation 67.200.
3.35	Has a near point of accommodation no further away than 30 centimetres (with or without correcting lenses)
3.36	If using contact lenses to meet the visual standards set out in items 3.29 to 3.35: (a) is able to wear those lenses for twice the projected length of duty time for the person without deterioration in visual acuity or discomfort; and (b) if the lenses are of the hard or gas-permeable variety, demonstrates the ability, immediately after removing the lenses, to read at least 6/9 with spectacles binocularly

Regulation 67.165

Item	Criterion
<i>Colour perception</i>	
3.37	Can readily distinguish the colours that need to be distinguished for the safe exercise of privileges, or performance of duties, under the relevant licence
Note: For how to demonstrate this, see subregulation 67.160(6).	

67.165 Directions about examinations for issue of medical certificates

- (1) If CASA has reason to believe that an applicant for the issue of a medical certificate has a condition (including a condition other than a medical condition) that may, if he or she is issued the medical certificate, endanger the safety of air navigation, CASA may direct the applicant to do either or both of the following:
 - (a) submit to an examination carried out by a medical practitioner, specialist psychiatrist, clinical psychologist, audiologist, optometrist, orthoptist, orthotist, occupational therapist, specialist prosthetist or a practitioner of another kind specified in the direction;
 - (b) submit to an examination or test by a person (not necessarily a medical practitioner) expert in the safe performance of the particular activity in respect of which the medical certificate is sought.
- (2) For paragraph (1)(a), CASA may nominate a particular practitioner, of a kind mentioned or referred to in that paragraph, who is to carry out the examination.
- (3) For paragraph (1)(b), CASA may nominate a particular person who is expert in the safe performance of the activity concerned to carry out the examination.

67.170 Evidence of identity

- (1) If a person submits to a relevant examination by a DAME or DAO, the DAME or DAO must ask the person to produce evidence of his or her identity before finishing the examination.
- (2) The evidence must include a photograph of the person.

Example: The identification might take the form of a passport or any of the following that includes a photograph: a driver's licence, a workplace identification document, a student's identity card.
- (3) However, subregulation (1) does not require the DAME or DAO to ask the person to produce the evidence if the DAME or DAO knows or reasonably believes the person is who the person claims to be.
- (4) If the DAME or DAO has asked the person to produce evidence of his or her identity under subregulation (1), the DAME or DAO may refuse to carry out, or finish, the examination until the person produces the evidence.

67.175 Medical certificates—application

A person may apply to CASA for the issue of a medical certificate.

Regulation 67.180

Note 1: An application must be in the approved form, include all the information required by these Regulations and be accompanied by every document required by these Regulations—see regulation 11.030.

Note 2: Part 11 deals with applications and decision making.

67.180 Medical certificates—issue and refusal

- (1) Subject to subregulation (7) and regulation 11.055, on receiving an application under regulation 67.175, CASA must issue a medical certificate to the applicant if the applicant meets the requirements of subregulation (2).
- (2) For subregulation (1), the requirements are:
 - (a) the applicant has undergone any relevant examinations that, in the opinion of CASA, are necessary in the particular case; and
 - (b) each relevant examination has been carried out by an examiner to whom subregulation (4) applies; and
 - (c) for each relevant examination, the applicant answers every question asked by the examiner that the examiner considers necessary to help CASA to decide whether the applicant meets the relevant medical standard; and
 - (d) subject to subregulation (5), the applicant authorises the disclosure to CASA and the examiner of any information or documents about the applicant:
 - (i) that are held by a person, organisation, body or authority mentioned in subregulation (6); and
 - (ii) that may help CASA to decide whether the applicant meets the relevant medical standard; and
 - (e) either:
 - (i) the applicant meets the relevant medical standard; or
 - (ii) if the applicant does not meet that medical standard—the extent to which he or she does not meet the standard is not likely to endanger the safety of air navigation; and
 - (f) if, in addition to any relevant examinations that the applicant has undergone under paragraph (a), CASA has directed the applicant to undergo an examination under subregulation 67.165(1):
 - (i) the applicant has undergone that examination; and
 - (ii) having taken into account the result of the examination, CASA is satisfied that issuing a medical certificate to the applicant would not endanger the safety of air navigation.

Note 1: The routine examinations that an applicant for the issue of a medical certificate must undergo to establish whether he or she meets the relevant medical standard for the certificate are those set out in the Designated Aviation Medical Examiner's Handbook.

Note 2: Part VIIC of the *Crimes Act 1914* operates to prevent any requirement to disclose a spent conviction. For details, see that Part.

Note 3: A false statement in relation to the issue of a certificate is an offence punishable by imprisonment for 12 months—see the *Criminal Code*, section 137.1.

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Note 4: A person may not meet any of the medical standards if the person has a history of ‘problematic use of substances’—see items 1.5 and 1.6 of table 67.150, items 2.5 and 2.6 of table 67.155 and items 3.5 and 3.6 of table 67.160.

Note 5: For the period for which a medical certificate remains in force, see regulation 67.205.

(3) This subregulation applies to an applicant:

- (a) whose medical certificate (the *old certificate*) has expired; and
- (b) who:
 - (i) applies to CASA for the issue of a new medical certificate within 3 months after the old certificate expired; and
 - (ii) in the opinion of CASA, is not required to undergo any relevant examinations for the issue of the new certificate.

Note: If a medical certificate is issued to an applicant referred to in subregulation (3), the medical certificate remains in force for the period (which must not be longer than 2 months) set out in the certificate—see subregulation 67.205(4).

(4) This subregulation applies to the following persons:

- (a) a DAME;
- (b) a DAO;
- (c) a specialist medical practitioner, or any other medical practitioner, who CASA has directed may carry out medical examinations for the purposes of subregulation (2);
- (d) if CASA has directed that the applicant be assessed by a specialist psychiatrist or clinical psychologist—the psychiatrist or psychologist who carried out the assessment;
- (e) if CASA has directed that the applicant be assessed by an audiologist, optometrist, orthoptist, orthotist, occupational therapist, specialist prosthetist, or similar practitioner—the practitioner who carried out the assessment;
- (f) if CASA has directed that the applicant be assessed by a person (not necessarily a medical practitioner) expert in the safe performance of the particular activity in respect of which the medical certificate is sought—the person who carried out the assessment.

(5) An authorisation under paragraph (2)(d) does not require a person, organisation, body or authority to disclose:

- (a) information or a document that was collected for use as evidence in a legal proceeding, and has not been tendered or admitted as evidence in a court; or
- (b) information or a document that could not, because of Part 3.10 of the *Evidence Act 1995*, be given in evidence in a proceeding to which that Part applies.

Note: Part 3.10 of the *Evidence Act 1995* is about: client legal privilege; religious confessions; self-incrimination in other proceedings; and evidence excluded in the public interest. For details, see that Act.

(6) For paragraph (2)(d), the persons, organisations, bodies or authorities are as follows:

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- (a) a medical practitioner;
 - (b) any other person or organisation (including a hospital) that has made a physical, psychological or psychiatric examination of the applicant;
 - (c) any other person or organisation (including a hospital) that has treated the applicant for a medically significant condition;
 - (d) an employer (including a former employer) of the applicant;
 - (e) any other person, organisation, body or authority (including a police force or police service and, subject to Part VIIC of the *Crimes Act 1914*, a court) that holds information or a document of the kind referred to in paragraph (2)(d).
- (7) CASA must not issue a medical certificate to an applicant if it is satisfied that the applicant:
- (a) has knowingly or recklessly made a false or misleading statement in relation to the application for the medical certificate; or
 - (b) does not satisfy the requirements of this regulation; or
 - (c) has not, in the course of undergoing a relevant examination for the medical certificate, complied with a request made under subregulation 67.170(1).
- (8) A medical certificate issued to an applicant who does not meet the relevant medical standard for the issue of the certificate, or to whom subparagraph (2)(f)(ii) applies, must bear a note of that fact.
- (9) The fact that an applicant who does not meet the relevant medical standard in all respects has previously been issued with a medical certificate under subparagraph (2)(e)(ii) or (f)(ii) does not automatically entitle him or her to the issue of a further such medical certificate.

67.185 Notice of decision to refuse medical certificate

- (1) If:
- (a) CASA refuses to issue a medical certificate to a person; and
 - (b) the reasons for the refusal included that the person failed to meet the relevant medical standard;
- the notice given to the person under regulation 11.060 must state the respects in which the person did not meet the standard.
- (2) Failure to comply with subregulation (1) in relation to a decision does not affect the validity of the decision.

67.190 Reconsideration of decision to refuse medical certificate

- (1) A person to whom CASA has refused to issue a medical certificate, or to whom CASA has issued a medical certificate subject to a condition not sought by the person, may apply to CASA in writing for reconsideration of the decision.
- (2) The application must be made within 21 days after the day when the person is told by CASA, in writing, that it:
- (a) has refused to issue a medical certificate to the person; or

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- (b) has issued a medical certificate subject to a condition not sought by the person.
 - (3) The reconsideration of an application submitted to CASA must not be carried out solely by the CASA officer who made the decision being reconsidered.
- Note: A refusal to issue a medical certificate is reviewable by the Administrative Review Tribunal—see the Act, section 31 and regulation 201.004.

67.195 Medical certificate—conditions

- (2) Without limiting regulations 11.056 and 11.067, CASA may issue a medical certificate subject to a condition that the period during which the certificate remains in force may be extended only by CASA.

67.200 Conditions applicable to certain medical certificates—correcting lenses

- (1) In addition to any other condition imposed by or under this Part or Part 11, a medical certificate issued to a person who needs correcting lenses to satisfy the requirements of item 1.36 of table 67.150, item 2.36 of table 67.155 or item 3.34 of table 67.160 is subject to the conditions set out in subregulations (2) and (4).
- (2) The person must have those correcting lenses available for use while exercising the privileges of a licence for which the certificate is required.
- (3) If the person is the holder of, or an applicant for, a licence for which he or she is required to meet medical standard 1 or 2, the correcting lenses may be a pair of spectacles or a combination of contact lenses and a pair of spectacles.
- (4) A person to whom subregulation (3) applies must have within reach, while he or she is performing duties essential to the operation of an Australian aircraft during flight time, a spare pair of spectacles for each pair of correcting lenses that he or she requires to meet the relevant medical standard.
- (5) The holder of a medical certificate that is subject to a condition set out in subregulation (2) or (4) must not contravene the condition.

Penalty: 50 penalty units.

- (6) An offence against subregulation (5) is an offence of strict liability.

67.205 Medical certificates—period in force

- (1) In this regulation:

appropriate day means:

- (a) for a medical certificate issued to a person who:
 - (i) has never held a medical certificate, or a person who has previously held a medical certificate that has expired; and
 - (ii) has undergone any relevant examinations required for the purpose of the issue of the certificate;

the day when the last relevant examination is completed; and

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- (b) for a new medical certificate issued to a person:
 - (i) who holds a medical certificate that is in force (the *current certificate*); and
 - (ii) who has undergone any relevant examinations required for the purpose of the issue of the new certificate; and
 - (iii) whose last relevant examination is completed more than 28 days before his or her current certificate is due to expire;
the day when the examination is completed; and
- (c) for a new medical certificate issued to a person:
 - (i) who holds a medical certificate that is in force (the *current certificate*); and
 - (ii) who has undergone any relevant examinations required for the purpose of the issue of the new certificate; and
 - (iii) whose last relevant examination is completed 28 or fewer days before his or her current certificate is due to expire;
the day when the current certificate is due to expire.

Example 1: A person who has never held a medical certificate has an examination for the issue of a medical certificate on 1 January 2003. The appropriate day for the certificate is 1 January 2003.

Example 2: A person who holds a medical certificate that is due to expire on 1 January 2004 has an examination for a new certificate on 1 November 2003. The appropriate day for the new certificate is 1 November 2003.

Example 3: A person who holds a medical certificate that is due to expire on 1 January 2004 has an examination for a new certificate on 20 December 2003. The appropriate day for the new certificate is 1 January 2004.

Example 4: A person who held a medical certificate that expired on 1 January 2003 has an examination for a new certificate on 1 March 2003. The appropriate day for the new certificate is 1 March 2003.

- (2) A medical certificate comes into force:
 - (a) if the holder has undergone any relevant examinations required for the purpose of the issue of the certificate and complies with the relevant medical standard in all respects—on the certificate's appropriate day; or
 - (b) in any other case—on the day when the certificate is issued.
- (3) Subject to subregulation (6) and regulations 67.215 and 67.220, a medical certificate issued by CASA to a person who has undergone any relevant examinations required for the purpose of the issue of the certificate remains in force for the period set out in the certificate, being a period of not more than:
 - (a) in the case of a class 1 medical certificate—1 year after the day when the certificate comes into force; and
 - (b) in the case of a class 2 medical certificate:
 - (i) if the person is less than 40 years old when the certificate is issued to him or her—4 years after the day when the certificate comes into force; or

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- (ii) if the person is 40 years old or older when the certificate is issued to him or her—2 years after the day when the certificate comes into force; and
 - (c) in the case of a class 3 medical certificate—2 years after the day when the certificate comes into force.
- (4) Subject to subregulation (6) and regulations 67.215 and 67.220, a medical certificate issued by CASA to a person who has not been required to undergo any relevant examinations for the purpose of the issue of the certificate remains in force for the period (which must not be longer than 2 months) set out in the certificate.
- (5) Subject to subregulation (6), a medical certificate issued by a DAME remains in force for the period (which must not be longer than 2 months) set out in the certificate.
- (6) If a new medical certificate is issued to a person who holds a current medical certificate, and the new certificate comes into force before the current certificate is due to expire, the current certificate ceases to be in force at the last moment of the day before the day when the new certificate comes into force.

67.210 Medical certificates—application for extension of period in force

- (1) The holder of a current medical certificate issued by CASA may apply for an extension of the period during which the medical certificate remains in force.
- (2) The application may be made to:
 - (a) CASA; or
 - (b) if the certificate is not subject to a condition to the effect that the period during which the certificate remains in force may be extended only by CASA—a DAME.

67.215 Medical certificates—extension of period in force by CASA

- (1) If, on receiving an application under regulation 67.210 for an extension of the period during which a current medical certificate remains in force, CASA is satisfied that extending the period will not adversely affect the safety of air navigation, CASA may extend the period by:
 - (a) entering the period of the extension on the certificate; or
 - (b) giving to the holder of the certificate a written notice setting out the period of the extension.
- (2) An extension by CASA of the period during which the certificate remains in force must not be for longer than 1 year after the day when the certificate would expire if the period had not been extended.

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67.220 Medical certificates—extension of period in force by DAMEs

- (1) A DAME must, on receiving an application under regulation 67.210 for an extension of the period during which a current medical certificate remains in force:
 - (a) deal with the application in accordance with the Designated Aviation Medical Examiner's Handbook; and
 - (b) extend the period only if the DAME is satisfied that this will not adversely affect the safety of air navigation.
- (2) If the DAME extends the period during which a medical certificate remains in force, the DAME must:
 - (a) enter the period of the extension on the certificate; or
 - (b) give to the holder of the certificate a written notice setting out the period of the extension.
- (3) A medical certificate may be extended by a DAME only once.
- (4) An extension by a DAME of the period during which the certificate remains in force must not be for longer than 2 months after the day when the certificate would expire if the period had not been extended.

67.225 Medical certificates—new medical certificates issued by DAMEs

- (1) A person whose medical certificate has expired may apply to a DAME for the issue of a medical certificate under this regulation if the medical certificate:
 - (a) was issued by CASA; and
 - (b) was not subject to a condition that the period during which the certificate remains in force may be extended only by CASA.
- (2) An application must be made within 3 months after the medical certificate has expired.
- (3) On receiving an application under subregulation (1), a DAME must:
 - (a) deal with it in accordance with the Designated Aviation Medical Examiner's Handbook; and
 - (b) subject to this regulation, issue a new medical certificate to the applicant only if satisfied that:
 - (i) the applicant has, subject to subregulation (5), authorised the disclosure of his or her medical information and documents to the DAME, being information and documents held by any of the persons, organisations, bodies or authorities mentioned in subregulation (6); and
 - (ii) issuing the medical certificate to the applicant will not adversely affect the safety of air navigation.

Note: If a medical certificate is issued to a person by a DAME, the medical certificate remains in force for the period (which must not be longer than 2 months) set out in the certificate—see subregulation 67.205(5).

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- (4) The DAME must not issue a medical certificate to the applicant if the DAME is satisfied that the applicant:
- (a) has knowingly or recklessly made a false or misleading statement in relation to the application for the medical certificate; or
 - (b) does not satisfy the requirements of this regulation; or
 - (c) has not, in the course of undergoing a relevant examination for the medical certificate, complied with a request made under subregulation 67.170(1).

- (5) An authorisation under subparagraph (3)(b)(i) does not require a person, organisation, body or authority to disclose:
- (a) information or a document that was collected for use as evidence in a legal proceeding, and has not been tendered or admitted as evidence in a court; or
 - (b) information or a document that could not, because of Part 3.10 of the *Evidence Act 1995*, be given in evidence in a proceeding to which that Part applies.

Note: Part 3.10 of the *Evidence Act 1995* is about: client legal privilege; religious confessions; self-incrimination in other proceedings; and evidence excluded in the public interest. For details, see that Act.

- (6) For subparagraph (3)(b)(i), the persons, organisations, bodies or authorities are as follows:
- (a) a medical practitioner;
 - (b) any other person or organisation (including a hospital) that has made a physical, psychological or psychiatric examination of the applicant;
 - (c) any other person or organisation (including a hospital) that has treated the applicant for a medically significant condition;
 - (d) an employer (including a former employer) of the applicant;
 - (e) any other person, organisation, body or authority (including a police force or police service and, subject to Part VIIC of the *Crimes Act 1914*, a court) that holds information or a document of the kind referred to in subparagraph (3)(b)(i).

67.230 CASA may require medical examination of certificate holders

- (1) If it is necessary, in the interests of the safety of air navigation, for the holder of a medical certificate to demonstrate:
- (a) that he or she continues to meet the relevant medical standard; or
 - (b) that holding the certificate does not adversely affect the safety of air navigation;

CASA may direct the holder to do any 1 or more of the following:

- (c) submit to an examination carried out by a medical practitioner, specialist psychiatrist, clinical psychologist, audiologist, optometrist, orthoptist, orthotist, occupational therapist, specialist prosthetist or a practitioner of another kind specified in the direction;

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- (d) submit to an examination or test by a person (not necessarily a medical practitioner) expert in the safe performance of the particular activity to which the medical certificate relates;
 - (e) authorise the disclosure to CASA of any information or document about the holder, held by a person, organisation, body or authority referred to in subregulation (4), that may help CASA to decide whether:
 - (i) the holder continues to meet that medical standard; or
 - (ii) the holder's holding the certificate may adversely affect the safety of air navigation.
- (2) For paragraph (1)(c), CASA may nominate a particular practitioner, of a kind mentioned or referred to in that paragraph, who is to carry out the examination.
- (3) For paragraph (1)(d), CASA may nominate a particular person who is expert in the performance of the activity concerned to carry out the examination.
- (4) For paragraph (1)(e), the persons, organisations, bodies and authorities are as follows:
- (a) a medical practitioner, specialist psychiatrist, clinical psychologist, audiologist, optometrist, orthoptist, orthotist, occupational therapist, specialist prosthetist or similar practitioner who has examined or treated the holder;
 - (b) any other person or organisation (including a hospital) that has made a physical, psychological or psychiatric examination of the holder;
 - (c) any other person or organisation (including a hospital) that has treated the holder for a medically significant condition;
 - (d) an employer (including a former employer) of the holder;
 - (e) any other person, organisation, body or authority (including a police force or police service and, subject to Part VIIC of the *Crimes Act 1914*, a court) that holds information or a document relevant to deciding whether the person's holding the certificate may adversely affect the safety of air navigation.

67.235 Suspension of medical certificates—pregnancy

- (1) A medical certificate held by a pregnant woman who holds, or is an applicant for, a licence is taken to be suspended:
- (a) during the period beginning immediately after the end of the 30th week of gestation and ending when a DAME certifies that she is fully recovered following delivery or the termination of the pregnancy; or
 - (b) if in a particular case CASA directs in writing that a different period should apply—during the period so directed by CASA; or
 - (c) if, before the start of the period mentioned in paragraph (a), the pregnancy ends in miscarriage or premature labour, or is terminated by medical intervention—from the time of the miscarriage, premature labour or intervention until a DAME certifies that the woman is fully recovered.

Note: This regulation does not preclude a pilot who is pregnant from undertaking or receiving instruction in a flight simulator at any stage of the pilot's pregnancy.

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- (2) Despite subregulation (1), a pregnant woman who holds an ATC licence may continue to exercise the privileges of the licence until the end of the 38th week of gestation if:
- (a) the medical practitioner who is attending the woman certifies her continued medical fitness to do so each week beginning at the 31st week of gestation; and
 - (b) a DAME certifies the woman's continuing fitness to do so each week beginning at the 31st week of gestation; and
 - (c) another person who holds an ATC licence, and is medically fit and able to take over responsibility for the function, is on duty and available at the times when she does so.

67.240 Medical certificates—suspension pending examination

- (1) If CASA directs the holder of a medical certificate to submit to an examination under regulation 67.230, or to authorise the disclosure of information to CASA under that regulation, CASA may, in writing, suspend the medical certificate.
- (2) If CASA suspends a medical certificate, CASA must give the holder of the certificate written notice of the suspension and of the reasons for the suspension.
- (3) A suspension of a medical certificate takes effect when the holder of the certificate is told of the suspension, either orally or in writing.
- (4) If:
- (a) CASA suspends a medical certificate; and
 - (b) the holder of the certificate submits to an examination or test directed by CASA, or authorises the disclosure of information to CASA; and
 - (c) the examination, test or information shows that:
 - (i) the holder meets the relevant medical standard; and
 - (ii) the continued holding of the certificate by the holder will not adversely affect the safety of air navigation;

CASA must:

- (d) end the suspension; and
 - (e) tell the holder in writing that the suspension has ended.
- (5) If:
- (a) CASA suspends a medical certificate; and
 - (b) the holder of the certificate submits to an examination or test directed by CASA, or authorises the disclosure of information to CASA; and
 - (c) the examination, test or information shows either or both of the following:
 - (i) the holder fails to meet the relevant medical standard;
 - (ii) the continued holding of the certificate by the holder will adversely affect the safety of air navigation;

CASA must tell the holder in writing the respect in which the holder does not meet the medical standard.

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67.245 Suspension of medical certificates—special arrangements for service in urgent cases

- (1) If there is reason to believe in a particular case that:
 - (a) the holding of a medical certificate by a person may seriously and adversely affect the safety of air navigation; and
 - (b) it is necessary, in the interests of the safety of air navigation, to suspend the certificate immediately; and
 - (c) the person is likely to attempt to evade service on him or her of the notice of suspension;CASA may give the notice to the person in any way by which it is likely to be quickly brought to the person's attention.
- (2) In particular, if no other method of giving the notice is practicable in the circumstances, the notice may be given by fixing it in a prominent position to an aircraft that the person is likely to fly.
- (3) A notice that is fixed to an aircraft is taken to have been given to the person at the time it is fixed to the aircraft.

67.250 Medical certificates—effect of suspension

If CASA suspends a medical certificate, its holder is taken not to be the holder of a medical certificate during the period of the suspension.

67.255 Medical certificates—cancellation if medical standard not met

- (1) If, after undergoing an examination for the purposes of regulation 67.180 or under regulation 67.230, the holder of a medical certificate fails to meet the relevant medical standard for the certificate (or, in the case of a person who did not, at the time the certificate was issued, meet the standard in all respects, fails to meet the standard in an additional respect), CASA must:
 - (a) by written notice given to the holder, cancel the certificate; and
 - (b) if CASA is satisfied that the holding of a medical certificate by the holder will not adversely affect the safety of air navigation—issue to the holder a medical certificate that is subject to any conditions that are necessary in the interests of the safety of air navigation.
- (2) CASA must include in the notice the reasons for the holder's failure to meet the relevant medical standard.

67.260 Medical certificates—cancellation and suspension in other cases

- (1) CASA may, by written notice given to the holder of a medical certificate, cancel the certificate, or suspend it for a specified period, if there are reasonable grounds for believing that the holder:
 - (a) has contravened a condition to which the certificate is subject; or
 - (b) has contravened subregulation 67.265(3) or (4); or
 - (c) has failed to comply with a direction under regulation 67.230.

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- (2) A notice must set out the grounds for the cancellation or suspension.
- (3) Before cancelling or suspending a medical certificate, CASA must:
 - (a) give a show cause notice to the holder of the certificate of the facts and circumstances that, in the opinion of CASA, justify consideration being given to the cancellation or suspension of the certificate; and
 - (b) allow the holder to show cause (within the time CASA sets out in that notice, being a period of not less than 14 days after the notice was given), why the certificate should not be cancelled or suspended.

Subpart 67.D—Modified Austroads medical standards

67.262 Definition of *meets the modified Austroads medical standards*

Unconditional licence under the private vehicle driver standards

- (1) A person ***meets the modified Austroads medical standards*** if the person is fit to hold an unconditional licence under the modified Austroads medical standards.

Conditional licence under the private vehicle driver standards

- (2) Also, a person ***meets the modified Austroads medical standards*** if all of the following apply to the person:
 - (a) the person is fit to hold a conditional licence under the modified Austroads medical standards;
 - (b) under the standards, the only reason that the person is not fit to hold an unconditional licence is because the person's uncorrected visual acuity does not meet the standard for the issue of an unconditional licence;
 - (c) the person's visual acuity is corrected by lenses to at least 6/12 in one eye and at least 6/18 in the other eye.

67.263 Definition of *modified Austroads medical standards* for Subpart 67.D

- (1) In this Subpart:

modified Austroads medical standards means the private vehicle driver standards in the Austroads medical standards modified to provide that a person with a medical history or condition mentioned in subregulation (2) does not meet the standards.

- (2) For subregulation (1), the medical histories and conditions are the following:
 - (a) subject to subregulation (3)—a history of cancer within the 5-year period before the day the privileges of the licence are exercised;
 - (b) a history of ECG changes, with or without symptoms;
 - (c) subject to subregulation (4)—a history of heart failure;
 - (d) inability to hear a conversational speaking voice at a distance of 2 metres, whether unaided or with the assistance of a medically prescribed hearing aid;
 - (e) any musculoskeletal disability, disorder or disease of the bones, joints, muscles or tendons that would limit or restrict the normal manipulation of aircraft controls, or would require physical modifications to the aircraft to enable appropriate manipulation of the controls;
 - (f) a history of transient ischaemic attack or stroke;
 - (g) a history of multiple sclerosis, cerebral palsy or Parkinson's disease;
 - (h) a history of one or more of the following in relation to a head injury:
 - (i) loss of consciousness;

- (ii) post-traumatic amnesia;
 - (iii) abnormal findings on head CT or MRI investigation;
 - (iv) a history of renal colic or calculi;
 - (v) active vertigo or a history of benign paroxysmal positional vertigo.
- (3) For paragraph (2)(a), a history of cancer for a person does not include a history of basal cell skin cancers if:
- (a) each basal cell skin cancer has been treated by excision with no metastasised sequelae; and
 - (b) since at least the last occurrence of a basal cell skin cancer, the person has been under active and continuous case management by a medical practitioner who is a specialist oncology physician or surgeon (the ***treating practitioner***); and
 - (c) the person is assessed for the issue of a recreational aviation medical practitioner's certificate by the treating practitioner or, if the treating practitioner is not available, by another medical practitioner with knowledge of the person's basal cell skin cancer history.
- (4) For paragraph (2)(c), a history of heart failure for a person does not include a history in which the person meets all of the following requirements:
- (a) the person has not had an episode of heart failure for at least the previous 3 years;
 - (b) since at least the last episode of heart failure, the person has been under active and continuous case management by a medical practitioner who is a specialist cardiovascular physician or surgeon (the ***treating practitioner***);
 - (c) the person is assessed for the issue of a recreational aviation medical practitioner's certificate by the treating practitioner or, if the treating practitioner is not available, by another medical practitioner with knowledge of the person's history of heart failure.
- (5) In this regulation:

Austroads medical standards means the medical standards set out in the publication *Assessing fitness to drive for commercial and private vehicle drivers*, published by Austroads in March 2012, or any later version, as in force from time to time.

Note: The text of the standards could in 2013 be viewed on Austroads' website (www.austroads.com.au/assessing-fitness-to-drive/).

Subpart 67.E—Responsibilities of holders of medical certificates and recreational aviation medical practitioner's certificates

67.265 Obligation to tell CASA of changes in medical condition—medical certificate holders

- (1) This regulation applies in relation to the following licences:
 - (a) a flight crew licence;
 - (b) a balloon flight crew licence within the meaning of subregulation 5.01(1) of CAR;
 - (c) an ATC licence.
- (2) In this regulation, a reference to a **DAME** includes, in relation to a medically significant condition that affects a person's vision, a DAO.
- (3) If:
 - (a) the holder of a class 1 medical certificate and a licence:
 - (i) knows that he or she has a medically significant condition; and
 - (ii) is reckless as to whether the condition has been disclosed to CASA;and
 - (b) the condition continues for longer than 7 days; and
 - (c) the condition has the result that his or her ability to do an act authorised by the licence is impaired;he or she must tell CASA or a DAME about the condition as soon as practicable after the end of the 7 days.

Penalty: 50 penalty units.
- (4) If:
 - (a) the holder of a class 2 or class 3 medical certificate and a licence:
 - (i) knows that he or she has a medically significant condition; and
 - (ii) is reckless as to whether the condition has been disclosed to CASA;and
 - (b) the condition continues for longer than 30 days; and
 - (c) the condition has the result that his or her ability to do an act authorised by the licence is impaired;he or she must tell CASA or a DAME about the condition as soon as practicable after the end of the 30 days.

Penalty: 50 penalty units.
- (5) If the holder of a medical certificate and a licence:
 - (a) knows that he or she has a medically significant condition; and
 - (b) is reckless as to whether the condition has been disclosed to CASA; and

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- (c) the condition has the result that his or her ability to do an act authorised by the licence is impaired;

he or she must not do the act until a DAME certifies that the holder can safely do such acts.

Penalty: 50 penalty units.

Note: If the holder of a medical certificate tells a DAME about a medically significant condition, and the condition is safety-relevant, the DAME must tell CASA in writing of that fact within 5 working days—see regulation 67.125.

- (6) It is a defence to a prosecution under subregulation (5) that, in the circumstances, the relevant act was a reasonable measure to save life (including the holder's own life) or avoid damage to property.

67.270 Offence—doing act while efficiency impaired—licence holders

- (1) This regulation applies in relation to the following licences:
- (a) a flight crew licence;
 - (b) a balloon flight crew licence within the meaning of subregulation 5.01(1) of CAR;
 - (c) an ATC licence.
- (2) The holder commits an offence if:
- (a) the holder does an act authorised by the licence; and
 - (b) at the time of doing the act:
 - (i) the holder knows that he or she has a medically significant condition; and
 - (ii) the condition has the result that the holder's ability to do the act is impaired.

Penalty: 50 penalty units.

Class 1 medical certificates

- (3) The holder commits an offence if:
- (a) the holder does an act authorised by the licence; and
 - (b) the holder knows that he or she has had a condition mentioned in paragraph (2)(b); and
 - (c) the holder's normal ability to do the act is not fully restored within 7 days after the holder first becomes aware that he or she had the condition; and
 - (d) the holder is authorised to do the act only if the holder also holds a class 1 medical certificate; and
 - (e) the holder has not been given a certificate by a DAME to the effect that the holder's normal ability to do the act is no longer impaired.

Penalty: 50 penalty units.

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Class 2 and 3 medical certificates

- (4) The holder commits an offence if:
- (a) the holder does an act authorised by the licence; and
 - (b) the holder knows that he or she has had a condition mentioned in paragraph (2)(b); and
 - (c) the holder's normal ability to do the act is not fully restored within 30 days after the holder first becomes aware that he or she had the condition; and
 - (d) the holder is authorised to do the act only if the holder also holds a class 1, 2 or 3 medical certificate; and
 - (e) the holder has not been given a certificate by a DAME to the effect that the holder's normal ability to do the act is no longer impaired.

Penalty: 50 penalty units.

Recreational aviation medical practitioner's certificates

- (5) The holder commits an offence if:
- (a) the holder does an act authorised by the licence; and
 - (b) the holder knows that he or she has had a condition mentioned in paragraph (2)(b); and
 - (c) the holder's normal ability to do the act is not fully restored within 30 days after the holder first becomes aware that he or she had the condition; and
 - (d) the holder is authorised to do the act only if the holder also holds a class 1, 2 or 3 medical certificate or a recreational aviation medical practitioner's certificate; and
 - (e) the holder does not meet the requirement in subregulation (6).

Penalty: 50 penalty units.

- (6) For paragraph (5)(e), the requirement is that:
- (a) the holder has been given a certificate by a DAME to the effect that the holder's normal ability to do the act is no longer impaired; or
 - (b) if the holder held a recreational aviation medical practitioner's certificate at the time the holder had the condition—the holder is:
 - (i) assessed by a medical practitioner as meeting the modified Austroads medical standards after having the condition; and
 - (ii) given a certificate by the medical practitioner to that effect.

Note: For when a person meets the modified Austroads medical standards, see regulation 67.262.

67.271 Offence—doing act while efficiency impaired—student pilots

- (1) A student pilot commits an offence if:
- (a) the student pilot conducts a solo flight or takes a flight test; and
 - (b) at the time of the solo flight or flight test:
 - (i) the student pilot knows that he or she has a medically significant condition; and

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- (ii) the condition has the result that the student pilot's ability to conduct the solo flight or take the flight test is impaired.

Penalty: 50 penalty units.

- (2) A student pilot commits an offence if:
- (a) the student pilot conducts a solo flight or undertakes a flight test; and
 - (b) the student pilot knows that he or she has had a condition mentioned in paragraph (1)(b); and
 - (c) the student pilot's normal ability to conduct the solo flight or undertake the flight test is not fully restored within 30 days after the student pilot first becomes aware that he or she had the condition; and
 - (d) the student pilot does not meet the requirement in subregulation (3).

Penalty: 50 penalty units.

- (3) For paragraph (2)(d), the requirement is that:
- (a) the student pilot has been given a certificate by a DAME to the effect that the student pilot's ability to conduct a solo flight or undertake a flight test is no longer impaired; or
 - (b) if the student pilot held a recreational aviation medical practitioner's certificate at the time the student had the condition—the student pilot is:
 - (i) assessed by a medical practitioner as meeting the modified Austroads medical standards after having the condition; and
 - (ii) given a certificate by the medical practitioner to that effect.

Note: For when a person meets the modified Austroads medical standards, see regulation 67.262.

67.275 Surrender of medical certificates

- (1) CASA may require, by written notice, the holder of a medical certificate to surrender the certificate to CASA within a reasonable time specified in the notice.
- (2) The person must comply with the requirement.

Penalty: 5 penalty units.

- (3) A person who contravenes subregulation (2) is guilty of an offence in respect of each day during which the person refuses or fails to comply with the requirement, including the day of any conviction for such an offence.
- (4) The person must not destroy, mutilate or deface the certificate with intent to evade the obligation to comply with the requirement.

Penalty: 10 penalty units.

Part 71—Airspace

Note: This Part heading is reserved for future use.

Part 90—Additional airworthiness requirements

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Subpart 90.A—General

90.005 Purpose of Part

This Part sets out airworthiness requirements for an aircraft that are in addition to:

- (a) the type certification basis for the aircraft; and
- (b) any requirements for the issue of a certificate of airworthiness for the aircraft under Part 21.

Note: For the definition of *type certification basis*, see the Dictionary.

90.007 Application of Part

- (1) If a provision of this Part imposes a more stringent requirement (however described) in relation to an aircraft than a comparable requirement under any other provision of these Regulations, the more stringent requirement prevails.
- (2) Despite subregulation (1), this Part is not intended to limit any other provision of these Regulations that permits an aircraft to be operated with a defect or an inoperative instrument, indicator, item of equipment or system.

90.008 Definitions for Part 90

- (1) In this Part:

Class C cargo or baggage compartment has the same meaning as in FARs section 25.857, as in force from time to time.

Class D cargo or baggage compartment has the same meaning as in FARs section 25.857, as in force on 16 June 1986.

Class E cargo compartment has the same meaning as in FARs section 25.857, as in force from time to time.

emergency exit means an external door, hatch or window on an aircraft intended for use by passengers or crew in an emergency.

large aeroplane means an aeroplane with a maximum take-off weight of more than 5 700 kg.

non-transport category aeroplane means an aeroplane of a type that was originally certificated in a category other than the transport category.

operating has the meaning given by subregulation (2).

originally certificated has the meaning given by subregulation (3).

Part 90 Manual of Standards means the Manual of Standards issued by CASA under regulation 90.020.

Regulation 90.010

side-facing seat, for an aircraft, means a seat that faces more than 18° from the aircraft's longitudinal axis.

small aeroplane means an aeroplane with a maximum take-off weight of 5 700 kg or less.

transport category aeroplane means an aeroplane of a type that was originally certificated in the transport category.

- (2) For this Part, an aircraft is **operating** from the moment at which the aircraft first moves (whether or not under its own power) for the purpose of taking off for a flight until the moment at which it comes to rest for the purpose of disembarking any persons or cargo on board after:
 - (a) it lands; or
 - (b) the flight is aborted.
- (3) For this Part, an aircraft of a particular type is **originally certificated** as follows:
 - (a) if the aircraft's State of Design is Australia—when CASA first issues a type certificate in respect of an aircraft of that type;
 - (b) if the aircraft's State of Design is a foreign country—when the national aviation authority of the State of Design first issues a foreign type certificate in respect of an aircraft of that type.

90.010 Exclusions in relation to particular provisions

- (1) The registered operator of an aircraft may apply in writing to CASA for exclusion of the aircraft, or an aeronautical product that is part of, or used in, the aircraft, from the operation of a provision of this Part.
- (2) On receiving an application, CASA may, in writing, exclude the aircraft or aeronautical product from the operation of the provision.
- (3) In making a decision under subregulation (2), CASA must:
 - (a) regard as paramount the preservation of a level of aviation safety that is at least acceptable; and
 - (b) have regard to any reasons given in the application.
- (4) However, CASA may exclude an aircraft or aeronautical product under subregulation (2) only if CASA is satisfied that it is not practicable for the aircraft or aeronautical product to meet the requirements of the provision.
- (5) CASA may, in an instrument of exclusion under subregulation (2), provide that the exclusion is subject to 1 or more conditions.
- (6) An instrument of exclusion under subregulation (2) applies to a particular aircraft or aeronautical product only while the registered operator of the aircraft, or the aircraft that the aeronautical product is part of, or used in, complies with each condition of the exclusion.

Note: See regulation 201.004 for review of an exclusion decision.

Regulation 90.015

90.015 Operation of exclusions under regulation 39.004

- (1) This regulation applies if, before 1 December 2010, CASA has, under regulation 39.004, excluded (the *exclusion*):
 - (a) a particular aircraft or aeronautical product; or
 - (b) a particular kind of aircraft or aeronautical product;from the operation of an airworthiness directive, or a requirement of an airworthiness directive, mentioned in column 2 of an item in table 90.015 (the *item*).
- (2) Subject to subregulation (3), the provision mentioned in column 3 of the item does not apply to an aircraft or aeronautical product that, immediately before 1 December 2010, was subject to the exclusion.
- (3) Subregulation (2) applies to a particular aircraft or aeronautical product only while the registered operator of the aircraft, or the aircraft that the aeronautical product is part of, or used in, continues to comply with each condition of the exclusion.

Note: On 1 December 2010, the airworthiness directives mentioned in table 90.015 were cancelled.

Table 90.015 Provisions covered by exclusions relating to each airworthiness directive

Item	Airworthiness Directive	Provision
1	AD/General/4 Amdt 4, requirement 1(a)	Regulation 90.130
2	AD/General/4 Amdt 4, requirement 2(a)	Regulation 90.205
3	AD/General/4 Amdt 4, requirements 2(b)(1) and (2)	Regulation 90.220
4	AD/General/4 Amdt 4, requirement 2(b)(3)	Regulation 90.225
5	AD/General/4 Amdt 4, requirement 2(c)	Regulation 90.220
6	AD/General/4 Amdt 4, requirement 2(d)	Regulation 90.225
7	AD/General/4 Amdt 4, requirement 2(e)	Regulation 90.215
8	AD/General/4 Amdt 4, requirement 2(f)	Regulation 90.235
9	AD/General/4 Amdt 4, requirement 2(g)	Regulation 90.240
10	AD/General/4 Amdt 4, requirement 2(h)	Regulation 90.245
11	AD/General/4 Amdt 4, requirement 2(k)	Regulation 90.210
12	AD/General/4 Amdt 4, requirement 3	Regulation 90.410
13	AD/General/4 Amdt 4, requirement 3(e)	Regulation 90.220
14	AD/General/4 Amdt 4, requirement 3(f)	Regulation 90.215
15	AD/General/4 Amdt 4, requirement 4	Regulation 90.605
16	AD/General/4 Amdt 4, requirement 5(b)	Regulation 90.135
17	AD/General/4 Amdt 4, requirement 5(c)	Regulation 90.135
18	AD/General/33 Amdt 1	Regulation 90.140
19	AD/General/48 Amdt 3	Regulation 90.270

Regulation 90.020

Item	Airworthiness Directive	Provision
20	AD/General/57 Amdt 1	Regulation 90.285
21	AD/General/60 Amdt 1	Regulation 90.105
22	AD/General/61 Amdt 2	Regulation 90.125
23	AD/General/63 Amdt 1	Regulation 90.255
24	AD/General/64 Amdt 2	Regulation 90.120
25	AD/General/66 Amdt 1	Regulation 90.230
26	AD/General/67 Amdt 3	Regulation 90.110
27	AD/General/68 Amdt 4	Regulation 90.250
28	AD/General/70 Amdt 1	Regulation 90.260
29	AD/General/71 Amdt 1	Regulation 90.115
30	AD/General/73	Regulation 90.215
31	AD/General/74 Amdt 1	Regulation 90.105
32	AD/General/76 Amdt 2	Regulation 90.265
33	AD/General/84 Amdt 2	Regulation 90.145
34	AD/General/84 Amdt 2	Regulation 90.275
35	AD/General/85	Regulation 90.280

90.020 Issue of Manual of Standards

- (1) For the purposes of subsection 98(5A) of the Act, CASA may issue a Manual of Standards for this Part prescribing matters:
 - (a) required or permitted by these Regulations to be prescribed by the Part 90 Manual of Standards; or
 - (b) necessary or convenient to be prescribed for carrying out or giving effect to this Part.
- (2) In particular, the Part 90 Manual of Standards may set out matters relating to the airworthiness of, or design standards for, aircraft, including standards for the following:
 - (a) cabin crew seats and related equipment;
 - (b) escape devices;
 - (c) access to emergency exits;
 - (d) interior and exterior emergency exit marking;
 - (e) interior and exterior emergency lighting;
 - (f) floor proximity emergency escape paths;
 - (g) over-wing escape routes;
 - (h) materials used in the interior of cabins;
 - (i) symbols identifying emergency exits;
 - (j) landing gear aural warning systems and associated devices.

Note: Subpart 11.J sets out procedures for the issue, amendment and revocation of a Manual of Standards.

Subpart 90.B—General provisions

90.100 Applicability

This Subpart applies to aircraft other than the following:

- (a) balloons;
- (b) airships;
- (c) sailplanes;
- (d) powered sailplanes;
- (e) an aircraft for which any of the following is in force:
 - (i) a special certificate of airworthiness mentioned in regulation 21.186, 21.189 or 21.190;
 - (ii) an experimental certificate;
 - (iii) a special flight permit;
 - (iv) a provisional certificate of airworthiness.

90.105 Flight crew restraints

- (1) The registered operator of an aircraft to which this Subpart applies commits an offence if:
 - (a) the registered operator:
 - (i) operates the aircraft; or
 - (ii) permits a person to operate the aircraft; and
 - (b) a requirement in this regulation is not met while the aircraft is operating.

Penalty: 50 penalty units.

- (2) For a large aeroplane that was originally certificated on or after 1 January 1958, each seat in the flight crew compartment must be fitted with an approved safety harness that meets the requirements in subregulations (4) and (6).
- (3) For any other aircraft, each seat that is:
 - (a) a flight crew seat; or
 - (b) a seat in the front row of seats in the aircraft's cockpit;must be fitted with an approved safety harness that meets the requirements in subregulations (5) and (6).
- (4) For subregulation (2), the safety harness must consist of:
 - (a) an approved symmetrical type harness; or
 - (b) a single shoulder strap harness that was approved and installed before 6 March 1980; or
 - (c) for an aircraft of a type prescribed by the Part 90 Manual of Standards—a single shoulder strap harness.

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- (5) For subregulation (3), the safety harness must consist of a lap belt and at least 1 shoulder strap.
- (6) For subregulations (2) and (3), the safety harness must:
 - (a) allow any flight crew member who is occupying the seat and has the harness correctly fastened to perform his or her functions; and
 - (b) when not in use, be able to be secured so it does not:
 - (i) prevent the proper operation of the aircraft; or
 - (ii) hinder a person in the aircraft if he or she must leave the aircraft in an emergency.

Source FARs sections 91.205, 91.521 and 121.311 modified.

- (7) An offence against subregulation (1) is an offence of strict liability.

90.110 Occupant restraints—small aeroplanes

- (1) This regulation applies to a small aeroplane that:
 - (a) is an aircraft to which this Subpart applies; and
 - (b) was manufactured on or after 13 December 1986;other than a multi-engine aeroplane that has 10 or more passenger seats.
- (2) The registered operator of the aeroplane commits an offence if:
 - (a) the registered operator:
 - (i) operates the aeroplane; or
 - (ii) permits a person to operate the aeroplane; and
 - (b) a requirement in subregulation (3) is not met while the aeroplane is operating.

Penalty: 50 penalty units.

- (3) A seat (other than a side-facing seat) in the aeroplane that does not have an approved seat belt and shoulder harness:
 - (a) must not be used during take-off or landing; and
 - (b) must carry a placard to that effect.

Source FARs section 91.205 modified.

- (4) An offence against subregulation (2) is an offence of strict liability.

90.115 Occupant restraints—helicopters

- (1) This regulation applies to a helicopter that:
 - (a) is an aircraft to which this Subpart applies; and
 - (b) was manufactured on or after 17 September 1992.
- (2) The registered operator of the helicopter commits an offence if:
 - (a) the registered operator:
 - (i) operates the helicopter; or
 - (ii) permits a person to operate the helicopter; and

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- (b) a requirement in this regulation is not met while the helicopter is operating.

Penalty: 50 penalty units.

- (3) A seat in the helicopter that does not have an approved seat belt and shoulder harness:
 - (a) must not be used during take-off or landing; and
 - (b) must carry a placard to that effect.
- (4) There must be a means to secure each seat belt and harness when it is not in use so that it does not:
 - (a) prevent the proper operation of the helicopter; or
 - (b) hinder a person in the helicopter if he or she must leave the helicopter in an emergency.

Source FARs section 91.205 modified.

- (5) An offence against subregulation (2) is an offence of strict liability.

90.120 Side-facing seats

- (1) The registered operator of an aircraft to which this Subpart applies commits an offence if:
 - (a) the registered operator:
 - (i) operates the aircraft; or
 - (ii) permits a person to operate the aircraft; and
 - (b) a requirement in this regulation is not met while the aircraft is operating.

Penalty: 50 penalty units.

- (2) In the aircraft, a side-facing seat that is to be used during take-off or landing must be fitted with:
 - (a) an approved lap belt and an energy-absorbing rest that would support the arms, shoulders, head and spine of the occupant during an emergency landing; or
 - (b) an approved safety harness that would prevent the occupant's head being injured by striking an object during an emergency landing.

Source FARs section 121.311 modified.

- (2A) A side-facing seat in the aircraft that is not fitted with an approved lap belt or an approved safety harness as mentioned in subregulation (2):
 - (a) must not be used during take-off or landing; and
 - (b) must carry a placard to that effect.
- (3) An offence against subregulation (1) is an offence of strict liability.

90.125 Cabin crew seats

- (1) The registered operator of an aircraft to which this Subpart applies commits an offence if:

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- (a) the registered operator:
 - (i) operates the aircraft; or
 - (ii) permits a person to operate the aircraft; and
- (b) while the aircraft is operating, a cabin crew seat or any related equipment does not meet the standard set out in the Part 90 Manual of Standards.

Penalty: 50 penalty units.

Source FARs sections 91.521 and 121.311 modified.

- (2) An offence against subregulation (1) is an offence of strict liability.

90.130 External doors

- (1A) This regulation does not apply in relation to an external door that is only used for cargo.

- (1) The registered operator of an aircraft to which this Subpart applies commits an offence if:
 - (a) the registered operator:
 - (i) operates the aircraft; or
 - (ii) permits a person to operate the aircraft; and
 - (b) a requirement in this regulation is not met while the aircraft is operating.

Penalty: 50 penalty units.

- (2) An external door in the aircraft must be of a kind that can be opened from both inside and outside the aircraft, unless:
 - (a) the aircraft is an unpressurised small aeroplane; and
 - (b) in the aircraft's type design the door can be opened from the inside only.
- (3) The information mentioned in subregulation (4) must be clearly marked:
 - (a) on the inside of each external door; and
 - (b) if an external door can be opened from the outside—on the outside of the external door.
- (4) For subregulation (3), the information is:
 - (a) the location of the handle; and
 - (b) the operating instructions for the handle; and
 - (c) the position of the handle when the door is properly locked, or another way of showing when the door is properly locked.
- (5) In a large aeroplane or a pressurised small aeroplane, the design of an external door that, in use, initially opens outwards must allow for the locking mechanism to be visible from inside the aircraft to check whether the locking pins or latches are fully engaged.
- (6) An external door must also meet the requirements in this Part for an emergency exit.

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- (7) An offence against subregulation (1) is an offence of strict liability.

90.135 Emergency exits

- (1) The registered operator of an aircraft to which this Subpart applies commits an offence if:
- (a) the registered operator:
 - (i) operates the aircraft; or
 - (ii) permits a person to operate the aircraft; and
 - (b) a requirement in this regulation is not met while the aircraft is operating.

Penalty: 50 penalty units.

- (2) Subject to paragraph (6)(b), each passenger and crew member in the aircraft must have access to at least 1 emergency exit that meets the requirements prescribed by the Part 90 Manual of Standards.
- (3) The location of each emergency exit must be marked so that each seated passenger can see the location of the exit nearest to the passenger.
- (4) Each passenger compartment in the aircraft must have a sign showing the way to any emergency exit that is not located in the passenger compartment.
- (5) Instructions showing how to open the emergency exit must be clearly marked on:
- (a) the inside of each emergency exit; and
 - (b) if an emergency exit can be opened from the outside—on the outside of the emergency exit.
- (6) If an aircraft has 7 or more seats, including crew seats:
- (a) each emergency exit sign and the instructions for operating each emergency exit must be self-illuminated or provided with lighting so that, if the cabin is in darkness and the cabin lighting is not operating, the sign and instructions can be read by a person attempting to open the emergency exit; and
 - (b) subject to regulation 90.215, access to an emergency exit must not be blocked by a seat back, stretcher or other item of equipment fitted to the aircraft unless:
 - (i) the seat back, stretcher or other item of equipment can easily be moved out of the way; and
 - (ii) instructions for moving the seat back, stretcher or other item of equipment are clearly marked on or near the seat, stretcher or item of equipment.

- (7) An offence against subregulation (1) is an offence of strict liability.

90.140 Cargo and baggage compartment lighting

- (1) The registered operator of an aircraft to which this Subpart applies commits an offence if:

Regulation 90.145

- (a) the registered operator:
 - (i) operates the aircraft; or
 - (ii) permits a person to operate the aircraft; and
- (b) a requirement in subregulation (2) is not met while the aircraft is operating.

Penalty: 50 penalty units.

- (2) If the aircraft has lighting within a cargo or baggage compartment, the lamps:
 - (a) must be protected against the possibility of accidental damage; and
 - (b) must be designed so that any baggage placed adjacent to the lamp is not subjected to excessive heat.
- (3) An offence against subregulation (1) is an offence of strict liability.

90.145 Thermal/acoustic insulation materials

- (1) This regulation applies to a large transport category aeroplane.
- (2) However, this regulation does not apply to an aeroplane of a particular type if a certificate of airworthiness was issued in respect of at least 1 aeroplane of that type before 1 January 1958.
- (3) The registered operator of an aeroplane to which this regulation applies commits an offence if:
 - (a) the registered operator:
 - (i) operates the aeroplane; or
 - (ii) permits a person to operate the aeroplane; and
 - (b) a requirement in this regulation is not met while the aeroplane is operating.

Penalty: 50 penalty units.

- (4) If:
 - (a) the aeroplane was manufactured before 2 September 2005; and
 - (b) thermal/acoustic insulation materials have been installed in the fuselage as replacements on or after 2 September 2005; and
 - (c) the materials are:
 - (i) of a blanket construction; or
 - (ii) installed around air ducting;

the materials must meet the flame propagation standards of FARs paragraph 25.856(a), as in force on 2 September 2003.

- (5) If the aeroplane was manufactured on or after 2 September 2005, any thermal/acoustic insulation materials installed in the fuselage must meet the flame propagation standards of FARs paragraph 25.856(a), as in force on 2 September 2003.

Source FARs section 121.312 modified.

- (6) An offence against subregulation (3) is an offence of strict liability.

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90.150 Fire extinguishing agents

- (1) The registered operator of an aircraft to which this Subpart applies commits an offence if:
- (a) the registered operator:
 - (i) operates the aircraft; or
 - (ii) permits a person to operate the aircraft; and
 - (b) a fire extinguisher fitted to or carried on the aircraft contains a fire extinguishing agent of a kind prescribed by the Part 90 Manual of Standards.

Penalty: 50 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.

Part 90 Additional airworthiness requirements

Subpart 90.C Large aeroplanes engaged in air transport operations

Division 90.C.1 General

Regulation 90.200

Subpart 90.C—Large aeroplanes engaged in air transport operations

Division 90.C.1—General

90.200 Applicability

This Subpart applies to large aeroplanes engaged in air transport operations.

Division 90.C.2—Emergency exits

90.205 Escape devices

- (1) The registered operator of a passenger-carrying aeroplane to which this Subpart applies commits an offence if:
 - (a) the registered operator:
 - (i) operates the aeroplane; or
 - (ii) permits a person to operate the aeroplane; and
 - (b) a requirement in this regulation is not met while the aeroplane is operating.

Penalty: 50 penalty units.

- (2) If:
 - (a) the aeroplane has an emergency exit; and
 - (b) the exit:
 - (i) is higher than 1.83 m above the ground when the aeroplane's landing gear is extended; and
 - (ii) is not positioned over the wing;

the aeroplane must be fitted with an escape device to help passengers and members of the crew reach the ground from the aeroplane's cabin in an emergency.
- (3) The escape device must meet the standard for escape devices set out in the Part 90 Manual of Standards.
- (4) However, subregulation (2) does not apply to the rear window emergency exit of a DC-3 aeroplane that is being operated with 35 occupants or fewer.

Source FARs section 121.310 modified.

- (5) An offence against subregulation (1) is an offence of strict liability.

90.210 Location of emergency exits

- (1) This regulation applies to a passenger-carrying aeroplane that:
 - (a) is an aeroplane to which this Subpart applies; and
 - (b) is required under its type certification basis to have 2 or more emergency exits on each side of the fuselage.

Note: For the definition of **type certification basis**, see the Dictionary.

- (2) However, this regulation does not apply to an aeroplane that:
 - (a) was in operation before 16 October 1987; and
 - (b) had an emergency exit configuration installed and approved before 16 October 1987.
- (3) The registered operator of an aeroplane to which this regulation applies commits an offence if:

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- (a) the registered operator:
 - (i) operates the aeroplane; or
 - (ii) permits a person to operate the aeroplane; and
- (b) the requirement in subregulation (4) is not met while the aeroplane is operating.

Penalty: 50 penalty units.

- (4) The distance between any 2 adjacent emergency exits that lead from the same deck in the aeroplane must be no more than 18.3 m.
- (5) For subregulation (4), the distance between 2 adjacent emergency exits is measured between the closest edges of the 2 doors, parallel to the aeroplane's longitudinal axis.

Source FARs section 121.310 modified.

- (6) An offence against subregulation (3) is an offence of strict liability.

90.215 Access to emergency exits

- (1) The registered operator of a passenger-carrying aeroplane to which this Subpart applies commits an offence if:
 - (a) the registered operator:
 - (i) operates the aeroplane; or
 - (ii) permits a person to operate the aeroplane; and
 - (b) while the aeroplane is operating, a passageway leading to, or an area providing access to, an emergency exit does not meet the standard for access to emergency exits set out in the Part 90 Manual of Standards.

Penalty: 50 penalty units.

Source FARs section 121.310 modified.

- (2) An offence against subregulation (1) is an offence of strict liability.

90.220 Interior emergency exit marking

- (1) The registered operator of a passenger-carrying aeroplane to which this Subpart applies commits an offence if:
 - (a) the registered operator:
 - (i) operates the aeroplane; or
 - (ii) permits a person to operate the aeroplane; and
 - (b) while the aeroplane is operating, the identification marking for an emergency exit on the aeroplane, or a location sign or instruction for opening such an emergency exit, does not meet the standard for interior emergency exit marking set out in the Part 90 Manual of Standards.

Penalty: 50 penalty units.

Source FARs section 121.310 modified.

- (2) An offence against subregulation (1) is an offence of strict liability.

90.225 Interior emergency lighting

- (1) The registered operator of a passenger-carrying transport category aeroplane to which this Subpart applies commits an offence if:
- (a) the registered operator:
 - (i) operates the aeroplane; or
 - (ii) permits a person to operate the aeroplane; and
 - (b) while the aeroplane is operating, the interior emergency lighting system of the aeroplane does not meet the standard for interior emergency lighting set out in the Part 90 Manual of Standards.

Penalty: 50 penalty units.

Source FARs section 121.310 modified.

- (2) An offence against subregulation (1) is an offence of strict liability.

90.230 Floor proximity emergency escape path

- (1) This regulation applies to a passenger-carrying transport category aeroplane that:
- (a) is an aeroplane to which this Subpart applies; and
 - (b) was originally certificated on or after 1 January 1958; and
 - (c) has 20 or more passenger seats.
- (2) The registered operator of an aeroplane to which this regulation applies commits an offence if:
- (a) the registered operator:
 - (i) operates the aeroplane; or
 - (ii) permits a person to operate the aeroplane; and
 - (b) while the aeroplane is operating, the aeroplane does not have a floor proximity emergency escape path that meets the standard for floor proximity emergency escape paths set out in the Part 90 Manual of Standards.

Penalty: 50 penalty units.

Source FARs section 121.310 modified.

- (3) An offence against subregulation (2) is an offence of strict liability.

90.235 Exterior emergency exit marking

- (1) The registered operator of a passenger-carrying aeroplane to which this Subpart applies commits an offence if:
- (a) the registered operator:
 - (i) operates the aeroplane; or
 - (ii) permits a person to operate the aeroplane; and

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- (b) while the aeroplane is operating, the outside of an emergency exit on the aeroplane is not marked so that it meets the standard for exterior emergency exit marking set out in the Part 90 Manual of Standards.

Penalty: 50 penalty units.

Source FARs section 121.310 modified.

- (2) An offence against subregulation (1) is an offence of strict liability.

90.240 Exterior emergency lighting

- (1) The registered operator of a passenger-carrying transport category aeroplane to which this Subpart applies commits an offence if:
 - (a) the registered operator:
 - (i) operates the aeroplane; or
 - (ii) permits a person to operate the aeroplane; and
 - (b) while the aeroplane is operating, an over-wing exit on the aeroplane, or an escape device fitted to the aeroplane for regulation 90.205, is not fitted with an exterior emergency lighting system that meets the standard for exterior emergency lighting set out in the Part 90 Manual of Standards.

Penalty: 50 penalty units.

Source FARs section 121.310 modified.

- (2) An offence against subregulation (1) is an offence of strict liability.

90.245 Over-wing escape routes

- (1) The registered operator of a passenger-carrying aeroplane to which this Subpart applies commits an offence if:
 - (a) the registered operator:
 - (i) operates the aeroplane; or
 - (ii) permits a person to operate the aeroplane; and
 - (b) while the aeroplane is operating, an over-wing emergency exit on the aeroplane does not have an over-wing escape route that meets the standard for over-wing escape routes set out in the Part 90 Manual of Standards.

Penalty: 50 penalty units.

Source FARs section 121.310 modified.

- (2) An offence against subregulation (1) is an offence of strict liability.

Division 90.C.3—Fire protection

90.250 Cabin interiors—materials

- (1) This regulation applies to a transport category aeroplane that:
 - (a) is an aeroplane to which this Subpart applies; and
 - (b) has 20 or more passenger seats.
- (2) The registered operator of the aeroplane commits an offence if:
 - (a) the registered operator:
 - (i) operates the aeroplane; or
 - (ii) permits a person to operate the aeroplane; and
 - (b) while the aeroplane is operating, the materials used in the interior of the cabin of the aeroplane do not meet the standard for cabin interiors set out in the Part 90 Manual of Standards.

Penalty: 50 penalty units.

Source FARs section 121.312 modified.

- (3) Subregulation (2) does not apply to a material used for a passenger seat cushion in an aeroplane to which regulation 90.255 applies.
- (4) An offence against subregulation (2) is an offence of strict liability.

90.255 Seat cushions—materials

- (1) This regulation applies to a transport category aeroplane that:
 - (a) is an aeroplane to which this Subpart applies; and
 - (b) has 31 or more passenger seats; and
 - (c) was originally certificated on or after 1 January 1958.
- (2) The registered operator of the aeroplane commits an offence if:
 - (a) the registered operator:
 - (i) operates the aeroplane; or
 - (ii) permits a person to operate the aeroplane; and
 - (b) while the aeroplane is operating, a seat cushion, other than a flight crew seat cushion, in the aeroplane does not comply with FARs paragraph 25.853(c), as in force on 26 November 1984.

Penalty: 50 penalty units.

Source FARs section 121.312 modified.

- (3) An offence against subregulation (2) is an offence of strict liability.

90.260 Cargo compartment liners—materials

- (1) This regulation applies to a transport category aeroplane that:

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- (a) is an aeroplane to which this Subpart applies; and
 - (b) was originally certificated on or after 1 January 1958.
- (2) The registered operator of the aeroplane commits an offence if:
 - (a) the registered operator:
 - (i) operates the aeroplane; or
 - (ii) permits a person to operate the aeroplane; and
 - (b) a requirement in subregulation (3) is not met while the aeroplane is operating.

Penalty: 50 penalty units.

- (3) If the aeroplane has a Class C cargo or baggage compartment, or a Class D cargo or baggage compartment, larger than 5.66 m³, the ceiling and wall liner panels of the compartment must be:
 - (a) constructed of glass fibre reinforced resin; or
 - (b) constructed of 1 or more materials that meet:
 - (i) the flame penetration test requirements of FARs Part 25, Appendix F, Part III, as in force on 16 June 1986; or
 - (ii) another approved test; or
 - (c) an aluminium liner installation approved before 20 March 1989.

Source FARs section 121.314 modified.

- (4) An offence against subregulation (2) is an offence of strict liability.

90.265 Cargo compartments for aeroplanes engaged in scheduled air transport operations

- (1) This regulation applies to a transport category aeroplane that:
 - (a) is an aeroplane to which this Subpart applies; and
 - (b) was originally certificated on or after 1 January 1958; and
 - (c) is engaged in scheduled air transport operations.
- (2) The registered operator of the aeroplane commits an offence if:
 - (a) the registered operator:
 - (i) operates the aeroplane; or
 - (ii) permits a person to operate the aeroplane; and
 - (b) a requirement in subregulation (3) is not met while the aeroplane is operating.

Penalty: 50 penalty units.

- (3) If the aeroplane has a Class D cargo or baggage compartment, the compartment must meet:
 - (a) for a passenger-carrying aeroplane—the standards for a Class C cargo or baggage compartment set out in FARs paragraph 25.857(c) and section 25.858; or

- (b) for any other aeroplane—the standards for a Class E cargo compartment set out in FARs paragraph 25.857(e).

Source FARs section 121.314 modified.

- (4) An offence against subregulation (2) is an offence of strict liability.

90.270 Toilets

- (1) The registered operator of a passenger-carrying aeroplane to which this Subpart applies commits an offence if:
 - (a) the registered operator:
 - (i) operates the aeroplane; or
 - (ii) permits a person to operate the aeroplane; and
 - (b) a requirement in this regulation is not met while the aeroplane is operating.

Penalty: 50 penalty units.

- (2) Both sides of the door of each toilet in the aeroplane must have, installed above the door knob or near the door, a placard showing:
 - (a) the words ‘NO SMOKING IN TOILET’ or ‘NO SMOKING’; or
 - (b) a symbol with the same meaning.
- (2A) Each waste receptacle in each toilet in an aeroplane must have installed, on or near the waste receptacle, a placard showing:
 - (a) the words ‘NO CIGARETTE DISPOSAL’; or
 - (b) a symbol with the same meaning.
- (3) Each toilet in an aeroplane that has 20 or more passenger seats must be fitted with:
 - (a) a smoke detector that gives a warning signal that can be seen or heard by a flight crew member or cabin crew member; and
 - (b) 1 or more fire extinguishers that will, in the event of a fire in a waste receptacle in the toilet, discharge into the receptacle.

Source FARs section 121.308 modified.

- (4) An offence against subregulation (1) is an offence of strict liability.

90.275 Thermal/acoustic insulation materials

- (1) This regulation applies to a transport category aeroplane that:
 - (a) is an aeroplane to which this Subpart applies; and
 - (b) was manufactured on or after 2 September 2009; and
 - (c) has 20 or more passenger seats; and
 - (d) is engaged in scheduled air transport operations.
- (2) However, this regulation does not apply to an aeroplane of a particular type if a certificate of airworthiness was issued in respect of at least 1 aeroplane of that type before 1 January 1958.

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Division 90.C.3 Fire protection

Regulation 90.275

- (3) The registered operator of an aeroplane to which this regulation applies commits an offence if:
- (a) the registered operator:
 - (i) operates the aeroplane; or
 - (ii) permits a person to operate the aeroplane; and
 - (b) while the aeroplane is operating, any thermal/acoustic insulation materials installed in the lower half of the aeroplane's fuselage do not meet the flame penetration resistance standards of FARs paragraph 25.856(b), as in force on 2 September 2003.

Penalty: 50 penalty units.

Source FARs section 121.312 modified.

- (4) An offence against subregulation (3) is an offence of strict liability.

Division 90.C.4—Systems and equipment

90.280 Seats

- (1) This regulation applies to a transport category aeroplane that:
 - (a) is an aeroplane to which this Subpart applies; and
 - (b) was originally certificated on or after 1 January 1958; and
 - (c) is manufactured on or after 27 October 2009; and
 - (d) is engaged in scheduled air transport operations.
- (2) The registered operator of the aeroplane commits an offence if:
 - (a) the registered operator:
 - (i) operates the aeroplane; or
 - (ii) permits a person to operate the aeroplane; and
 - (b) while the aeroplane is operating, a seat for a passenger or cabin crew member does not meet the standards of FARs section 25.562, as in force on 16 June 1988.

Penalty: 50 penalty units.

Source FARs section 121.311 modified.

- (3) An offence against subregulation (2) is an offence of strict liability.

90.285 Pitot heat indication systems

- (1) This regulation applies to a turbine-powered transport category aeroplane that:
 - (a) is an aeroplane to which this Subpart applies; and
 - (b) has a flight instrument pitot heating system; and
 - (c) is engaged in scheduled air transport operations.
- (2) The registered operator of the aeroplane commits an offence if:
 - (a) the registered operator:
 - (i) operates the aeroplane; or
 - (ii) permits a person to operate the aeroplane; and
 - (b) a requirement in this regulation is not met while the aeroplane is operating.

Penalty: 50 penalty units.

- (3) The aeroplane must have an indication system to indicate to the flight crew if the flight instrument pitot heating system is not operating.
- (4) The indication system must comply with the following requirements:
 - (a) the indication system must incorporate an amber light that is in clear view of a flight crew member;
 - (b) the indication system must be designed to alert the flight crew if either of the following conditions exists:
 - (i) the flight instrument pitot heating system is switched off;

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Regulation 90.290

- (ii) the flight instrument pitot heating system is switched on and any pitot tube heating element is inoperative.

Source FARs section 121.342 modified.

- (5) An offence against subregulation (2) is an offence of strict liability.

90.290 Landing gear aural warning systems

- (1) The registered operator of an aeroplane to which this Subpart applies, other than an aeroplane that complies with FARs section 25.729 as in force on 6 January 1992, commits an offence if:
 - (a) the registered operator:
 - (i) operates the aeroplane; or
 - (ii) permits a person to operate the aeroplane; and
 - (b) while the aeroplane is operating, the aeroplane does not have a landing gear aural warning system and associated devices that meet the standard for landing gear aural warning systems and associated devices set out in the Part 90 Manual of Standards.

Penalty: 50 penalty units.

Source FARs section 121.289 modified.

- (2) An offence against subregulation (1) is an offence of strict liability.

Subpart 90.D—Small aeroplanes engaged in air transport operations

90.400 Applicability

This Subpart applies to small aeroplanes engaged in air transport operations.

90.405 Cargo and baggage compartments

- (1) The registered operator of an aeroplane that has 10 or more passenger seats and to which this Subpart applies commits an offence if:
 - (a) the registered operator:
 - (i) operates the aeroplane; or
 - (ii) permits a person to operate the aeroplane; and
 - (b) a requirement in this regulation is not met while the aeroplane is operating.

Penalty: 50 penalty units.

- (2) Each compartment for cargo, baggage or both (**goods**) in the aeroplane must:
 - (a) display a placard showing the maximum load for which the compartment has been designed; and
 - (b) have a means to prevent goods creating a hazard by shifting, or by damaging the aeroplane; and
 - (c) have a means to restrain goods to protect the aeroplane's occupants from injury in the event of the aeroplane being subjected to a forward inertial load of up to 9 g when the compartment is carrying the maximum weight of goods.
- (3) If goods are in the passenger compartment of the aeroplane, the compartment must have a means to prevent the passengers being injured by the goods during the emergency landing conditions mentioned in the aeroplane's type certification basis.

Source FARs Part 135 Appendix A modified.

- (4) An offence against subregulation (1) is an offence of strict liability.

90.410 Emergency exits

- (1) This regulation applies to an aeroplane that:
 - (a) is an aeroplane to which this Subpart applies; and
 - (b) has 10 or more passenger seats; and
 - (c) is engaged in scheduled air transport operations.
- (2) The registered operator of the aeroplane commits an offence if:
 - (a) the registered operator:
 - (i) operates the aeroplane; or

Regulation 90.415

- (ii) permits a person to operate the aeroplane; and
- (b) while the aeroplane is operating, the aeroplane's emergency exits do not meet the standard for emergency exits set out in the Part 90 Manual of Standards.

Penalty: 50 penalty units.

Source FARs Part 135 Appendix A modified.

- (3) An offence against subregulation (2) is an offence of strict liability.

90.415 Landing gear aural warning systems

- (1) This regulation applies to an aeroplane that:
 - (a) is an aeroplane to which this Subpart applies; and
 - (b) has 10 or more passenger seats; and
 - (c) has wing flaps and retractable landing gear; and
 - (d) is not an amphibian.
- (2) The registered operator of the aeroplane commits an offence if:
 - (a) the registered operator:
 - (i) operates the aeroplane; or
 - (ii) permits a person to operate the aeroplane; and
 - (b) while the aeroplane is operating, the aeroplane does not have a landing gear aural warning system and associated devices that meet the standard for landing gear aural warning systems and associated devices set out in the Part 90 Manual of Standards.

Penalty: 50 penalty units.

Source FARs Part 135 Appendix A modified.

- (3) An offence against subregulation (2) is an offence of strict liability.

Subpart 90.E—Helicopters engaged in scheduled air transport operations

90.600 Applicability

This Subpart applies to helicopters engaged in scheduled air transport operations.

90.605 Emergency exits

- (1) The registered operator of a helicopter to which this Subpart applies commits an offence if:
 - (a) the registered operator:
 - (i) operates the helicopter; or
 - (ii) permits a person to operate the helicopter; and
 - (b) a requirement in this regulation is not met while the helicopter is operating.

Penalty: 50 penalty units.

- (2) Each emergency exit must be marked so that its location can be seen from a distance equal to the width of the cabin.
- (3) There must be a sign on or near each exit that:
 - (a) shows the location of the exit handle; and
 - (b) gives the operating instructions for the handle; and
 - (c) can be read by a person attempting to open the exit.
- (4) The light for each emergency exit sign must:
 - (a) operate independently of the helicopter's main lighting system; and
 - (b) be able to be switched on manually; and
 - (c) remain illuminated when the helicopter makes an emergency landing, regardless of whether the light switches on automatically or must be switched on manually.
- (5) The outside of the fuselage must be marked to show:
 - (a) each emergency exit; and
 - (b) if an exit can be opened from outside—the means by which it can be opened.
- (6) An offence against subregulation (1) is an offence of strict liability.

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 91.915 Aircraft with special certificates of airworthiness—maintenance release etc.
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- 91.925 Definitions
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91.935 Approval of minimum equipment lists

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91.940 Approval of variations

Division 91.Y.4—Extensions of rectification intervals

91.945 Approval of extensions of rectification intervals

91.950 Effect of approval

91.955 CASA to be notified of extensions approved by a continuing airworthiness management organisation

Division 91.Y.5—Other

91.960 Operation of aircraft with multiple inoperative items not permitted in certain circumstances

Subpart 91.Z—Foreign aircraft

91.965 Foreign registered aircraft—Chicago Convention

91.970 Foreign registered aircraft—special flight authorisations

91.975 Foreign state aircraft—approval to fly in Australian territory

91.980 Foreign registered aircraft—major defect—CASA direction

91.985 Foreign registered aircraft—CASA to notify Contracting State of direction

91.990 Foreign registered aircraft—CASA may revoke direction

91.995 Foreign registered aircraft—when direction or revocation takes effect

Subpart 91.A—Preliminary

91.005 Application of Part 91—Australian aircraft in Australian territory

This Part applies in relation to the operation of an Australian aircraft in Australian territory.

91.010 Application of Part 91—Australian aircraft in foreign countries

- (1) This Part applies in relation to the operation of an Australian aircraft in a foreign country.
- (2) However, if a law of the foreign country applies to the operation of the aircraft in that country, the law of the foreign country prevails to the extent of any inconsistency.
- (3) For the purposes of subregulation (2), a provision of a law of a foreign country is taken not to be inconsistent with a provision of this Part to the extent that the provisions are capable of operating concurrently.

91.015 Application of Part 91—Australian aircraft over the high seas

- (1) This Part applies in relation to the operation of an Australian aircraft over the high seas.
- (2) Annex 2 of the Chicago Convention also applies in relation to the operation of Australian aircraft over the high seas.
- (3) However, a provision of Annex 2 of the Chicago Convention prevails to the extent of any inconsistency with a provision mentioned in subregulation (1).
- (4) For the purposes of subregulation (3), a provision of Annex 2 of the Chicago Convention is taken not to be inconsistent with a provision mentioned in subregulation (1) to the extent that the provisions are capable of operating concurrently.

91.020 Application of Part 91—foreign registered aircraft

- (1) This Part (other than Division 91.C.3 and Subparts 91.P and 91.T) applies in relation to the operation of a foreign registered aircraft in Australian territory.
- (2) However, this Part does not apply in relation to:
 - (a) a foreign registered aircraft that is operated in Australian territory under a foreign air transport AOC; or
 - (b) a foreign registered aircraft that is operated in Australian territory under a New Zealand AOC with ANZA privileges that is in force for Australia.

Regulation 91.025

91.025 Application of Part 91—foreign state aircraft

A provision of this Part applies in relation to the operation of a state aircraft of a foreign country in Australian territory if the provision is expressed to so apply.

91.030 Application of Part 91—aircraft to which Part 101, 103 or 131 applies

Part 101

- (1) This Part does not apply in relation to the operation of an aircraft if any provision of Part 101 applies to the operation.

Part 103

- (2) The following provisions of this Part do not apply to the operation of a Part 103 aircraft:
- (a) regulation 91.105;
 - (b) regulations 91.110 and 91.115;
 - (c) regulation 91.145;
 - (d) regulation 91.190;
 - (e) regulation 91.267;
 - (h) regulations 91.425 and 91.430;
 - (i) regulations 91.545 and 91.550;
 - (j) regulation 91.560;
 - (k) regulations 91.570 and 91.575;
 - (l) regulation 91.585;
 - (m) regulations 91.590 to 91.615;
 - (o) regulations 91.720 and 91.725;
 - (p) regulations 91.780 and 91.785;
 - (q) Subpart 91.K;
 - (r) regulation 91.915.

- (2A) If Part 103 does not apply to the operation of a touring motor glider because of the operation of subregulation 103.005(2A), then, despite subregulation (2) of this regulation, the provisions mentioned in subregulation (2) of this regulation apply to the operation of the touring motor glider.

Part 131

- (3) The following provisions of this Part do not apply to the operation of a Part 131 aircraft:
- (a) Division 91.C.3;
 - (b) regulation 91.190;
 - (c) Divisions 91.D.2 and 91.D.3;
 - (d) regulation 91.255;
 - (da) regulation 91.265;
 - (db) regulation 91.267;

Regulation 91.035

- (dc) Subdivisions 91.D.4.2 and 91.D.4.3;
- (e) regulation 91.335;
- (f) regulation 91.355;
- (g) Subdivision 91.D.4.6 (other than regulation 91.360);
- (i) regulation 91.455;
- (j) regulation 91.480;
- (k) regulation 91.510;
- (l) regulation 91.515;
- (m) Division 91.D.7 (other than regulations 91.520, 91.525, 91.600 and 91.620);
- (ma) regulation 91.630;
- (mb) regulation 91.725;
- (n) Subpart 91.F;
- (o) Subpart 91.J;
- (p) Subpart 91.K;
- (q) Subpart 91.P.

91.035 Application of Part 91—certain provisions of this Part do not apply if provisions of Part 105, 121, 133, 135 or 138 apply

- (1) A provision of Part 91 listed in column 1 of an item in the following table does not apply to an operation of an aircraft if a provision of Part 105, 121, 133, 135 or 138 listed in column 2 of that item applies to the operation.

Provisions of this Part that do not apply if provisions of Part 105, 121, 133, 135 or 138 apply		
Item	Column 1	Column 2
	Provisions of this Part	Provisions of Part 105, 121, 133, 135 or 138
1	Regulation 91.085	Regulation 133.265 Regulation 138.350
2	Division 91.C.2	Regulation 133.030 Regulation 138.210
2A	Division 91.C.3	Division 121.C.3 Division 133.C.3 Division 135.C.3
3	Regulation 91.190	Regulation 105.090 Regulation 105.095 Regulation 138.425
4	Regulations 91.195 and 91.200	Regulation 138.410
5	Regulation 91.235	Regulation 121.170
6	Regulation 91.410	Regulation 121.205
7	Regulation 91.455	Division 121.D.6 Division 133.D.6

Regulation 91.040

Provisions of this Part that do not apply if provisions of Part 105, 121, 133, 135 or 138 apply		
Item	Column 1	Column 2
	Provisions of this Part	Provisions of Part 105, 121, 133, 135 or 138
		Division 135.D.6
8	Regulations 91.495, 91.500 and 91.505	Regulation 138.300
9	Regulation 91.510	Regulation 121.240 Regulation 133.195 Regulation 135.220 Regulation 138.302
10	Regulation 91.555	Regulation 138.375
11	Regulation 91.565	Regulation 121.285 Regulation 133.240 Regulation 135.280
12	Regulation 91.570	Regulation 105.105
12A	Regulation 91.575	Regulation 105.110
13	Regulations 91.590 and 91.595	Regulation 121.265
14	Subpart 91.F	Subpart 121.F Subpart 133.F Subpart 135.F Subpart 138.F
15	Subpart 91.J	Subpart 121.J Subpart 133.J Subpart 135.J Subpart 138.J
16	Subpart 91.K	Subpart 121.K Subpart 133.K Subpart 135.K
17	Subpart 91.P	Subpart 121.P Subpart 133.P Subpart 135.P

(2) Subregulation (1) has effect despite any other provision of this Part.

91.040 Issue of Manual of Standards for Part 91

For the purposes of subsection 98(5A) of the Act, CASA may issue a Manual of Standards for this Part prescribing matters:

- (a) required or permitted by these Regulations to be prescribed by the Part 91 Manual of Standards; or
- (b) necessary or convenient to be prescribed for carrying out or giving effect to this Part.

Regulation 91.045

Note: A Manual of Standards is a legislative instrument: see subsection 98(5AA) of the Act.

91.045 Approvals by CASA for Part 91

- (1) If a provision of this Part, or of the Part 91 Manual of Standards, refers to a person holding an approval under this regulation, a person may apply to CASA, in writing, for the approval.
- (2) Subject to regulation 11.055, the approval must be granted.
- (3) Subregulation 11.055(1B) applies to the granting of an approval under this regulation.
- (4) For the purposes of regulations 91.200, 91.320, 91.510, 91.600, 91.655 and 91.745, the operator of an aircraft is taken to hold an approval under this regulation for an activity if the activity is authorised under:
 - (a) the operator's AOC or another civil aviation authorisation held by the operator; or
 - (b) if the operator is required under these Regulations to have an exposition or operations manual—the exposition or operations manual.
- (5) For the purposes of regulations 91.860, 91.865, 91.870, 91.875, 91.885 and 91.920, the operator of an aircraft is taken to hold an approval under this regulation for an activity if the activity is authorised under another civil aviation authorisation held by the operator.

91.050 Approvals by authorised persons for Subpart 91.T

- (1) If a provision of Subpart 91.T refers to a person holding an approval under this regulation, a person may apply to an authorised person, in writing, for the approval.
- (2) Subject to regulation 11.055, the approval must be granted.
- (3) Subregulation 11.055(1B) applies to the granting of an approval under this regulation.

Subpart 91.C—General

Division 91.C.1—General flight limitations

91.055 Aircraft not to be operated in manner that creates a hazard

- (1) The pilot in command of an aircraft for a flight contravenes this subregulation if the aircraft is operated in a manner that creates a hazard to another aircraft, a person or property.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

91.060 Unauthorised travel or placing of cargo on aircraft

- (1) A person contravenes this subregulation if the person:
 - (a) travels on an aircraft for a flight; and
 - (b) at the time of the travel, does not have the consent of the operator of the aircraft, or the pilot in command of the aircraft for the flight, to travel on the aircraft.
- (2) A person contravenes this subregulation if the person:
 - (a) places cargo on an aircraft for a flight; and
 - (b) at the time of placing the cargo on the aircraft, does not have the consent of the operator of the aircraft, or the pilot in command of the aircraft for the flight, to place cargo on the aircraft.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1) or (2).

Penalty: 50 penalty units.

91.085 NVIS flights

- (1) The Part 91 Manual of Standards may prescribe requirements relating to the conduct of an NVIS flight.
- (2) The pilot in command of an aircraft for an NVIS flight contravenes this subregulation if a requirement mentioned in subregulation (1) is not met for the flight.

Note: This regulation does not apply to the operation of an aircraft if regulation 133.265 or 138.350 applies to the operation: see regulation 91.035.

- (3) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 50 penalty units.

91.090 All flights—airspeed limits

- (1) The pilot in command of an aircraft for a flight contravenes this subregulation if, during the flight, the aircraft is not flown in accordance with the airspeed limits for the flight prescribed by the Part 91 Manual of Standards.
- (2) A person commits an offence if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Regulation 91.095

Division 91.C.2—Operational documents

Note: This Division does not apply to the operation of an aircraft if regulation 133.030 or 138.210 applies to the operation: see regulation 91.035.

91.095 Compliance with flight manual etc.

- (1) This regulation applies in relation to the operation of an aircraft during the following period:
 - (a) from the earlier of:
 - (i) the time the aircraft's doors are closed before take-off; and
 - (ii) the time the flight begins;
 - (b) to the later of:
 - (i) the time the aircraft's doors are opened after landing; and
 - (ii) the time the flight ends.
- (2) The pilot in command of the aircraft contravenes this subregulation if the pilot in command does not comply with either or both of the following:
 - (a) the aircraft flight manual instructions for the aircraft;
 - (b) any conditions specified in the aircraft's certificate of airworthiness or special flight permit.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 50 penalty units.

Division 91.C.3—Flight related documents

Note: This Division does not apply to the operation of an aircraft if Division 121.C.3, 133.C.3 or 135.C.3 applies to the operation: see regulation 91.035.

91.100 Electronic documents

To avoid doubt, if a document is required to be carried on a flight of an aircraft under this Division, that requirement is taken to be satisfied if an electronic copy of the document is carried on the flight.

Note: Electronic copies may not satisfy the requirements of the law of a foreign country for flights that begin or end at an aerodrome outside Australian territory.

91.105 Carriage of documents

- (1) The pilot in command of an aircraft for a flight contravenes this subregulation if, when the aircraft begins the flight, a document mentioned in subregulation (2) is not carried on the aircraft.
- (2) The documents are as follows:
 - (a) for each flight crew member:
 - (i) the member's medical certificate; and
 - (ii) the member's flight crew licence or certificate of validation;
 - (b) for each flight crew member, either:
 - (i) a photographic identification document issued by a Commonwealth, State or Territory authority or agency; or
 - (ii) the member's passport;
 - (c) the aircraft flight manual instructions for the aircraft;
 - (d) if the aircraft is fitted with computerised navigation equipment—the operating instructions for the equipment;
 - (e) any minimum equipment list for the aircraft.
- (3) Subregulation (1) does not apply if:
 - (a) aerobatic manoeuvres will be conducted during the flight; and
 - (b) carriage of the documents on the aircraft would present a risk to the safety of the aircraft or persons on board the aircraft.
- (4) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 25 penalty units.

Note: A defendant bears an evidential burden in relation to the matters in subregulation (3): see subsection 13.3(3) of the *Criminal Code*.

91.110 Carriage of documents for certain flights

- (1) This regulation applies in relation to a flight of an aircraft other than:
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Regulation 91.115

- (a) a VFR flight conducted by day and within 50 nautical miles of the aircraft's point of departure; or
- (b) a flight conducted:
 - (i) within the flying training area for an aerodrome; and
 - (ii) if the flying training area for the aerodrome is not adjacent to the aerodrome—along the flight path between the flying training area and the aerodrome.
- (2) The pilot in command of an aircraft for a flight contravenes this subregulation if, when the flight begins, a document mentioned in subregulation (3) is not carried on the aircraft.
- (3) The documents are as follows:
 - (a) the authorised aeronautical information for the flight;
 - (b) the flight technical log or maintenance release for the aircraft.
- (4) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 25 penalty units.

91.115 Carriage of documents—flights that begin or end outside Australian territory

- (1) This regulation applies in relation to a flight of an aircraft that begins or ends at an aerodrome outside Australian territory.
- (2) The pilot in command of an aircraft for a flight contravenes this subregulation if, when the flight begins, a document mentioned in subregulation (3) is not carried on the aircraft.
- (3) The documents are as follows:
 - (a) the aircraft's certificate of airworthiness;
 - (b) the aircraft's certificate of registration;
 - (c) the journey log for the flight mentioned in regulation 91.120;
 - (d) a list including the name, place of embarkation and place of destination of each passenger on the aircraft;
 - (e) if the aircraft is carrying cargo (other than passenger baggage)—a manifest and detailed declaration of the cargo;
 - (f) if the aircraft has a radio station licence that is an apparatus licence or a class licence—a copy of the licence;
 - (g) if the operator or pilot in command of the aircraft holds an approval under regulation 91.045 or holds another civil aviation authorisation that is relevant to the flight—a copy of the approval or authorisation.
- (4) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 25 penalty units.

91.120 Journey logs—flights that begin or end outside Australian territory

- (1) This regulation applies to a flight of an aircraft that begins or ends at an aerodrome outside Australian territory.
- (2) The operator and the pilot in command of an aircraft for a flight each contravene this subregulation if:
 - (a) the Part 91 Manual of Standards prescribes requirements relating to maintaining a journey log for the flight; and
 - (b) the requirements are not met for the flight.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 25 penalty units.

Part 91 General operating and flight rules

Subpart 91.C General

Division 91.C.4 Reporting and recording defects and incidents etc.

Division 91.C.4—Reporting and recording defects and incidents etc.

Note: This Division is reserved for future use.

Division 91.C.5—Search and rescue services and emergency and survival equipment

Note: This Division is reserved for future use.

Division 91.C.6—Miscellaneous requirements for aircraft

91.140 Operating an Australian aircraft outside Australia

- (1) The operator and the pilot in command of an Australian aircraft for a flight in a foreign country each contravene this subregulation if:
 - (a) a requirement of a law of the foreign country applies in relation to the flight; and
 - (b) the aircraft is operated in a way that does not comply with the requirement.
- (2) The operator and the pilot in command of an Australian aircraft for a flight over the high seas each contravene this subregulation if:
 - (a) a requirement of Annex 2 of the Chicago Convention applies in relation to the flight; and
 - (b) the aircraft is operated in a way that does not comply with the requirement.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1) or (2).

Penalty: 50 penalty units.

91.145 Requirements to be met before Australian aircraft may fly

- (1) The pilot in command of an Australian aircraft for a flight contravenes this subregulation if:
 - (a) a requirement in subregulation (2) is not met; and
 - (b) the flight begins.
- (2) The requirements are the following:
 - (a) if the aircraft is required to be registered—the aircraft must be registered;
 - (b) the aircraft must have a certificate of airworthiness or special flight permit;
 - (c) the aircraft must meet the requirements prescribed by the Part 45 Manual of Standards (display of nationality marks, registration marks and aircraft registration identification plates);
 - (d) if Part 42 does not apply to the aircraft:
 - (i) a maintenance release, or other document approved for use under these Regulations as an alternative to a maintenance release, must be in force for the aircraft; and
 - (ii) the flight must comply with any condition that is set out or referred to in the maintenance release or other document approved for use as an alternative to the maintenance release;
 - (e) each flight crew member required under these Regulations for the flight must be on board the aircraft.

Note: CASA or an authorised person may direct that these requirements do not apply to an aircraft with a special flight permit: see regulation 21.197.

- (3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

91.150 Operating aircraft with inoperative equipment—placarding

- (1) The operator and the pilot in command of an aircraft for a flight each contravene this subregulation if:
- (a) the aircraft begins the flight with inoperative equipment; and
 - (b) the equipment:
 - (i) is required to be fitted to, or carried on, the aircraft by the certification basis for the aircraft or by or under these Regulations; and
 - (ii) is accessible, and likely to be used, by a person during the flight; and
 - (iii) is not placarded as inoperative.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

91.155 Manipulating flight controls

- (1) A person contravenes this subregulation if, during a flight of an aircraft:
- (a) the person manipulates the flight controls of the aircraft; and
 - (b) any of the following apply:
 - (i) for an Australian aircraft other than a Part 103 aircraft or a Part 131 aircraft—the person is not authorised to pilot the aircraft under Part 61;
 - (ii) for a foreign registered aircraft—the person is not qualified to pilot the aircraft under the law of the aircraft's State of registry or the State of the operator;
 - (iii) for a Part 103 aircraft—the person is not authorised to pilot the aircraft by a Part 103 ASAO;
 - (iv) for a Part 131 aircraft—the person is not authorised to pilot the aircraft by a Part 131 pilot authorisation.
- (2) The pilot in command of an aircraft for a flight contravenes this subregulation if, during the flight:
- (a) the pilot in command permits a person to manipulate the flight controls of the aircraft; and
 - (b) any of the following apply:
 - (i) for an Australian aircraft other than a Part 103 aircraft or a Part 131 aircraft—the person is not authorised to pilot the aircraft under Part 61;
 - (ii) for a foreign registered aircraft—the person is not qualified to pilot the aircraft under the law of the aircraft's State of registry or the State of the operator;

Part 91 General operating and flight rules

Subpart 91.C General

Division 91.C.6 Miscellaneous requirements for aircraft

Regulation 91.155

- (iii) for a Part 103 aircraft—the person is not authorised to pilot the aircraft by a Part 103 ASAO;
 - (iv) for a Part 131 aircraft—the person is not authorised to pilot the aircraft by a Part 131 pilot authorisation.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1) or (2).

Penalty: 50 penalty units.

Division 91.C.7—Firearms on aircraft**91.160 Possessing firearm on aircraft**

- (1) A person contravenes this subregulation if the person:
- (a) carries or otherwise possesses a firearm on an aircraft; and
 - (b) the aircraft is not a prescribed aircraft within the meaning of the *Aviation Transport Security Act 2004*; and
 - (c) neither the operator nor the pilot in command of the aircraft has consented to the person carrying or otherwise possessing the firearm on the aircraft.
- (2) Subregulation (1) does not apply if the person is authorised (however described) under another provision of these Regulations or another law of the Commonwealth to carry or otherwise possess the firearm on the aircraft.

Note 1: For other provisions of these Regulations that deal with firearms and aircraft, see Part 138.

Note 2: For other laws of the Commonwealth that deal with firearms and aircraft, see:

- (a) Division 3 of Part 4 of the *Aviation Transport Security Act 2004*; and
- (b) section 23 of the *Crimes (Aviation) Act 1991*.

- (3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Note: A defendant bears an evidential burden in relation to the matters in subregulation (2): see subsection 13.3(3) of the *Criminal Code*.

91.165 Discharging firearm on aircraft

- (1) A person contravenes this subregulation if the person discharges a firearm while on an aircraft.
- (2) Subregulation (1) does not apply if the person is authorised (however described) under another provision of these Regulations or another law of the Commonwealth to discharge the firearm on the aircraft.

Note 1: For other provisions of these Regulations that deal with firearms and aircraft, see Part 138.

Note 2: For other laws of the Commonwealth that deal with firearms and aircraft, see:

- (a) Division 3 of Part 4 of the *Aviation Transport Security Act 2004*; and
- (b) section 23 of the *Crimes (Aviation) Act 1991*.

- (3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Note: A defendant bears an evidential burden in relation to the matters in subregulation (2): see subsection 13.3(3) of the *Criminal Code*.

Division 91.C.8—Portable electronic devices

91.170 Operation of portable electronic devices

- (1) The pilot in command of an aircraft for a flight contravenes this subregulation if:
 - (a) the pilot in command permits a person to operate a portable electronic device during the flight; and
 - (b) the pilot in command does not determine that the operation of the device during the flight will not affect the safety of the aircraft.
- (2) A person on an aircraft for a flight contravenes this subregulation if:
 - (a) during the flight, the person operates a portable electronic device; and
 - (b) the person has been directed by the pilot in command, or instructed by a cabin crew member, not to operate the portable electronic device during the flight.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1) or (2).

Penalty: 50 penalty units.

91.175 Operation of portable electronic devices by crew members

- (1) A crew member for a flight of an aircraft contravenes this subregulation if:
 - (a) the crew member operates a portable electronic device at a time during the flight; and
 - (b) operating the device at that time is likely to distract the crew member from performing the crew member's duties for the flight.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Division 91.C.9—Special flight operations

91.180 Air displays in Australian territory

- (1) A person contravenes this subregulation if:
 - (a) the person conducts an air display in Australian territory; and
 - (b) the person does not hold an approval under regulation 91.045 to conduct the air display.
- (2) The operator and pilot in command of an aircraft for a flight each contravene this subregulation if:
 - (a) the flight is in an air display in Australian territory; and
 - (b) the person conducting the air display does not hold an approval under regulation 91.045 to conduct the air display.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1) or (2).

Penalty: 50 penalty units.

91.185 Conducting aerobatic manoeuvres

- (1) The pilot in command of an aircraft for a flight contravenes this subregulation if, during the flight, the pilot in command conducts aerobatic manoeuvres in IMC.

Note: For the requirement for a pilot to hold flight activity endorsements to conduct aerobatic manoeuvres, see regulation 61.380 and table 61.1145.
- (2) The pilot in command of an aircraft for a flight contravenes this subregulation if, during the flight:
 - (a) the pilot in command conducts aerobatic manoeuvres:
 - (i) over a populous area; or
 - (ii) at an air display; or
 - (iii) at night; and
 - (b) the pilot in command does not hold an approval under regulation 91.045 to conduct the aerobatic manoeuvres:
 - (i) for a flight over a populous area—over the populous area; or
 - (ii) for a flight at an air display—at the air display; or
 - (iii) for a flight at night—at night.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1) or (2).

Penalty: 50 penalty units.

91.190 Dropping things from aircraft

- (1) The pilot in command of an aircraft for a flight contravenes this subregulation if, during the flight, a thing is dropped from the aircraft.

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Note: This regulation does not apply to the operation of an aircraft if regulation 138.425 applies to the operation: see regulation 91.035.

- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

91.195 Picking up or setting down people or things during flight

- (1) The pilot in command of an aircraft for a flight contravenes this subregulation if:
- (a) a person or thing is picked up or set down by the aircraft during the flight; and
 - (b) the requirement mentioned in subregulation (2) is not met.

Note: This regulation does not apply to the operation of an aircraft if regulation 138.410 applies to the operation: see regulation 91.035.

- (2) The requirement is that:
- (a) the pilot in command must hold an approval under regulation 91.045 for the person or thing to be picked up or set down during the flight; or
 - (b) another provision of these Regulations must permit the person or thing to be picked up or set down during the flight.

- (3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

91.200 Persons not to be carried in certain parts of aircraft

- (1) The operator and the pilot in command of an aircraft for a flight each contravene this subregulation if:
- (a) during the flight, a person is carried on or in:
 - (i) a part of the aircraft that is not designed to carry crew members or passengers; or
 - (ii) a thing attached to the aircraft; and
 - (b) neither the operator nor the pilot in command of the aircraft holds an approval under regulation 91.045 to carry the person on or in that part of the aircraft or that thing during the flight.

Note: This regulation does not apply to the operation of an aircraft if regulation 138.410 applies to the operation: see regulation 91.035.

- (2) Subregulation (1) does not apply to the temporary carriage of a crew member in a part of the aircraft that is not designed to accommodate crew members or passengers if:
- (a) the carriage of the crew member in that part of the aircraft is for the purpose of doing anything for the safety of the aircraft or any person or cargo carried in it; or
 - (b) both:

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- (i) goods or stores are carried in that part of the aircraft; and
- (ii) there is a proper means of access for crew members to the goods or stores.

(2A) Subregulation (1) does not apply if:

- (a) the aircraft is being operated to facilitate a parachute descent; and
- (b) the requirements prescribed by the Part 105 Manual of Standards are met.

(3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Note: A defendant bears an evidential burden in relation to the matters in subregulation (2) or (2A): see subsection 13.3(3) of the *Criminal Code*.

91.205 Flying in formation

(1) The pilot in command of an aircraft for a flight contravenes this subregulation if, during the flight:

- (a) the aircraft is flying in formation; and
- (b) the pilot in command has not pre-arranged with each pilot in command of the other aircraft making up the formation to fly as part of the formation.

Note: For the requirement for a pilot to hold flight activity endorsements to fly in formation, see regulation 61.380 and table 61.1145.

(1A) Subregulation (1) does not apply if the requirements prescribed by the Part 91 Manual of Standards for the purposes of this subregulation are met in relation to the flight.

(2) The pilot in command of an aircraft for a flight contravenes this subregulation if, during the flight:

- (a) the aircraft is flown in formation at night; and
- (b) the pilot in command does not hold an approval under regulation 91.045 to fly in formation at night.

(3) The pilot in command of an aircraft for a flight contravenes this subregulation if, during the flight:

- (a) the aircraft is flown in formation in IMC; and
- (b) the pilot in command does not hold an approval under regulation 91.045 to fly in formation in IMC.

(4) A person commits an offence of strict liability if the person contravenes subregulation (1), (2) or (3).

Penalty: 50 penalty units.

Note: A defendant bears an evidential burden in relation to the matters in subregulation (1A): see subsection 13.3(3) of the *Criminal Code*.

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91.210 Towing of things by aircraft

- (1) The pilot in command of an aircraft for a flight contravenes this subregulation if, during the flight:
 - (a) a thing is towed by the aircraft; and
 - (b) the requirement mentioned in subregulation (2) is not met.
- (2) The requirement is that:
 - (a) the pilot in command must hold an approval under regulation 91.045 to tow the thing during the flight; or
 - (b) another provision of these Regulations must permit the thing to be towed by the aircraft during the flight.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Subpart 91.D—Operational procedures

Division 91.D.1—Operational control

91.215 Authority and responsibilities of pilot in command

- (1) This regulation applies in relation to the operation of an aircraft during the following period:
 - (a) from the earlier of:
 - (i) the time the aircraft's doors are closed before take-off; and
 - (ii) the time the flight begins;
 - (b) to the later of:
 - (i) the time the aircraft's doors are opened after landing; and
 - (ii) the time the flight ends.
- (2) The pilot in command of the aircraft:
 - (a) has final authority over:
 - (i) the aircraft; and
 - (ii) the maintenance of discipline by all persons on the aircraft; and
 - (b) must ensure:
 - (i) the safety of persons on the aircraft; and
 - (ii) the safety of cargo on the aircraft; and
 - (iii) the safe operation of the aircraft during the flight.

91.220 Actions and directions by operator or pilot in command

- (1) The operator or pilot in command of an aircraft for a flight may do a thing mentioned in subregulation (2) if the operator or pilot in command believes it is necessary for the safety of:
 - (a) the aircraft; or
 - (b) a person on the aircraft; or
 - (c) a person or property on the ground or water.
- (2) The things are as follows:
 - (a) direct a person to do something while the person is on the aircraft;
 - (b) direct a person not to do something, or to limit the doing of something, while the person is on the aircraft;
 - (c) direct a person to leave the aircraft before the flight begins;
 - (d) with such assistance and by the use of such force as is reasonable and necessary:
 - (i) remove a person or a thing from the aircraft before the flight begins;
or
 - (ii) restrain a person for the duration of the flight or part of the flight; or

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- (iii) seize a thing on the aircraft for the duration of the flight or part of the flight; or
- (iv) place a person on the aircraft in custody; or
- (v) detain a person or a thing, until the person or thing can be released into the control of an appropriate authority.

Note: Under regulation 91.225, crew members of an aircraft have a limited power of arrest.

- (3) A person on an aircraft contravenes this subregulation if:
 - (a) the operator or pilot in command of the aircraft gives the person a direction mentioned in paragraph (2)(a), (b) or (c); and
 - (b) the person does not comply with the direction.
- (4) A person commits an offence of strict liability if the person contravenes subregulation (3).

Penalty: 50 penalty units.

91.225 Crew members—power of arrest

- (1) A crew member of an aircraft for a flight may, without warrant, arrest a person on the aircraft if:
 - (a) the crew member believes, on reasonable grounds, that the person is committing, is attempting to commit, is about to commit, has committed or has attempted to commit, an offence against the Act or these Regulations in relation to the aircraft; and
 - (b) the purpose of the arrest is to ensure the safety of the aircraft or of its passengers, crew or cargo or otherwise for the purposes of the Act or these Regulations; and
 - (c) if the crew member is not the pilot in command of the aircraft—the pilot in command has authorised the crew member to arrest the person without warrant.
- (2) The pilot in command of the aircraft must ensure that, as soon as practicable after the end of the flight, a person arrested under subregulation (1) is delivered into the custody of:
 - (a) if the flight ends in Australia—a constable; or
 - (b) if the flight ends in a foreign country—a person in that country who is equivalent to a constable.

Note: See also sections 3ZC (use of force in making arrest) and 3ZD (persons to be informed of grounds of arrest) of the *Crimes Act 1914*.

Division 91.D.2—Flight preparation

91.230 Flight preparation (weather assessments) requirements

- (1) The Part 91 Manual of Standards may prescribe requirements relating to flight preparation and weather assessments (the *flight preparation (weather assessments) requirements*).
- (2) The pilot in command of an aircraft for a flight contravenes this subregulation if a flight preparation (weather assessments) requirement is not met for the flight.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 50 penalty units.

91.235 Flight preparation (alternate aerodromes) requirements

- (1) The Part 91 Manual of Standards may prescribe requirements relating to flight preparation and alternate aerodromes (the *flight preparation (alternate aerodromes) requirements*).
- (2) The pilot in command of an aircraft for a flight contravenes this subregulation if a flight preparation (alternate aerodromes) requirement is not met for the flight.

Note: This regulation does not apply to the operation of an aircraft if regulation 121.170 applies to the operation: see regulation 91.035.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 50 penalty units.

Division 91.D.3—Flight notifications and pre-flight checks

91.240 Flight notifications

- (1) The Part 91 Manual of Standards may prescribe requirements (the *flight notification requirements*) relating to flight notifications.
- (2) The pilot in command of an aircraft for a flight contravenes this subregulation if a flight notification requirement is not met for the flight.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 50 penalty units.

91.245 Matters to be checked before take-off

- (1) The pilot in command of an aircraft for a flight contravenes this subregulation if, when the aircraft takes off for the flight, a check prescribed by the Part 91 Manual of Standards has not been carried out.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Division 91.D.4—Flight rules**Subdivision 91.D.4.1—General****91.255 Air traffic services—prescribed requirements**

- (1) The Part 91 Manual of Standards may prescribe requirements in relation to the use by an aircraft of:
 - (a) a class of airspace or a portion of a class of airspace; or
 - (b) a controlled aerodrome; or
 - (c) a control area; or
 - (d) a control zone; or
 - (e) a prohibited area; or
 - (f) a restricted area; or
 - (g) a danger area.
- (2) The pilot in command of an aircraft for a flight contravenes this subregulation if a requirement mentioned in subregulation (1) is not met for the flight.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 50 penalty units.

91.257 Air traffic control clearances and instructions

- (1) The pilot in command of an aircraft for a flight contravenes this subregulation if, during the flight:
 - (a) air traffic control gives the pilot in command an air traffic control clearance or air traffic control instructions; and
 - (b) the pilot in command does not comply with the clearance or instructions.
- (2) Subregulation (1) does not apply if:
 - (a) it is not practicable to seek authorisation for the non-compliance before it occurs; and
 - (b) the non-compliance is necessary for the safety of the aircraft or the persons on the aircraft; and
 - (c) the pilot in command informs air traffic control about the non-compliance as soon as practicable after the pilot in command is unable to comply with the clearance or instructions.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Note: A defendant bears an evidential burden in relation to the matters in subregulation (2): see subsection 13.3(3) of the *Criminal Code*.

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91.260 Unauthorised entry into prohibited or restricted areas

- (1) The pilot in command of an aircraft for a flight contravenes this subregulation if, during the flight:
 - (a) the aircraft:
 - (i) is in a prohibited area; or
 - (ii) is in a restricted area in contravention of a condition relating to the declaration of the area as a restricted area under regulation 7 of the *Airspace Regulations 2007*; and
 - (b) the pilot in command does not comply with subregulation (2) as soon as the pilot becomes aware that the aircraft is in the prohibited area or restricted area.
- (2) The pilot must:
 - (a) if the aircraft is fitted with, or carries, a means for the pilot in command to communicate with Air Traffic Services during the flight—inform Air Traffic Services, or the controlling authority (specified in the authorised aeronautical information for the flight) for the prohibited or restricted area, that the aircraft is in the area; and
 - (b) for an aircraft (other than a Part 131 aircraft)—fly the aircraft out of the area; and
 - (c) for a Part 131 aircraft:
 - (i) fly the aircraft out of the area; or
 - (ii) if it is not possible to fly the aircraft out of the area—land the aircraft and inform the authority controlling the area as soon as is practicable.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

91.263 Air defence identification zone flights

- (1) The pilot in command of an aircraft for a flight contravenes this subregulation if:
 - (a) during the flight the aircraft enters an air defence identification zone published in the authorised aeronautical information for the flight; and
 - (b) a procedure published in the authorised aeronautical information for the flight for that zone is not complied with for the flight.
- (2) Subregulation (1) does not apply in relation to a Part 131 aircraft if the pilot in command of the aircraft lands the aircraft and informs the authority controlling the area as soon as is practicable after entering the air defence identification zone.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

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Note: A defendant bears an evidential burden in relation to the matters in subregulation (2): see subsection 13.3(3) of the *Criminal Code*.

91.265 Minimum height rules—populous areas and public gatherings

- (1) This regulation applies if an aircraft is flown over a populous area or a public gathering.

Note: This regulation does not apply to certain medical transport operations in a rotorcraft and certain aerial work operations: see regulations 133.167 and 138.275.
- (2) The pilot in command of an aeroplane for a flight contravenes this subregulation if, during the flight:
 - (a) the aeroplane is flown below 1,000 ft above the highest feature or obstacle within a horizontal radius of 600 m of the point on the ground or water immediately below the aeroplane; and
 - (b) none of the circumstances mentioned in subregulation (4) applies.
- (3) The pilot in command of a rotorcraft for a flight contravenes this subregulation if, during the flight:
 - (a) the rotorcraft is flown below 1,000 ft above the highest feature or obstacle within a horizontal radius of 300 m of the point on the ground or water immediately below the rotorcraft; and
 - (b) none of the circumstances mentioned in subregulation (4) applies.
- (4) The circumstances are the following:
 - (a) the aircraft is taking off or landing in circumstances prescribed by the Part 91 Manual of Standards;
 - (b) the aircraft is engaged in a missed approach;
 - (c) the aircraft:
 - (i) is not carrying passengers; and
 - (ii) is engaged in a practice emergency procedure at an aerodrome;
 - (d) the aircraft is performing training circuits at an aerodrome;
 - (e) the pilot in command holds an approval for the purposes of regulation 91.180 (air displays in Australian territory);
 - (f) for a rotorcraft—the rotorcraft is hovering, air transiting, air taxiing or ground taxiing at an aerodrome;
 - (g) for a rotorcraft, seaplane or amphibian—the aircraft is flying within an access lane:
 - (i) that is for use by aircraft taking off from, or landing at, a particular place; and
 - (ii) details of which are published in the authorised aeronautical information for the flight;
 - (h) for a single-engine seaplane or a single-engine amphibian:
 - (i) the aeroplane is operating over water and within safe gliding distance of open water suitable for a forced landing; and

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- (ii) the aeroplane is not flown below 1,000 ft above the highest feature or obstacle within a horizontal radius of 300 m of the point on the water immediately below the aeroplane;
 - (i) the aircraft is engaged in a procedure to determine the suitability of an aerodrome for a landing.
- (5) A person commits an offence of strict liability if the person contravenes subregulation (2) or (3).

Penalty: 50 penalty units.

91.267 Minimum height rules—other areas

- (1) This regulation applies if an aircraft is flown other than over a populous area or a public gathering.

Note: This regulation does not apply to certain medical transport operations in a rotorcraft and certain aerial work operations: see regulations 133.167 and 138.275.
- (2) The pilot in command of an aircraft for a flight contravenes this subregulation if, during the flight:
 - (a) the aircraft is flown below 500 ft above the highest feature or obstacle within a horizontal radius of 300 m of the point on the ground or water immediately below the aircraft; and
 - (b) none of the circumstances mentioned in subregulation (3) applies.
- (3) The circumstances are the following:
 - (a) the aircraft is taking off or landing in circumstances prescribed by the Part 91 Manual of Standards;
 - (b) the aircraft is engaged in a missed approach;
 - (c) the aircraft:
 - (i) is not carrying passengers; and
 - (ii) is engaged in a practice emergency procedure at an aerodrome;
 - (d) the aircraft:
 - (i) is not carrying passengers; and
 - (ii) is engaged in a practice forced landing procedure with the consent of the person or authority having control over the land or water above which the procedure is carried out;
 - (e) the aircraft:
 - (i) is being operated by a Part 141 operator to conduct low-flying flight training or by a Part 142 operator to conduct a low-flying activity; and
 - (ii) is being flown over an area that, with the consent of the person or authority with control of the area, has been determined by the operator to be a suitable flight training area for the training and has been surveyed by the pilot in command for obstacles before the flight; and
 - (iii) is not carrying passengers;
 - (f) the aircraft is performing training circuits at an aerodrome;

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- (g) the pilot holds an approval for the purposes of regulation 91.180 (air displays in Australian territory);
 - (h) all of the following apply:
 - (i) the pilot in command of the aircraft is authorised under Part 61, or holds an approval under regulation 91.045, to fly the aircraft below the height mentioned in paragraph (2)(a);
 - (ii) the pilot in command of the aircraft conducts a risk assessment of the area to be flown over;
 - (iii) the point on the ground or water vertically below the aircraft is not within 150 m of a person, vessel, vehicle or structure or of livestock;
 - (i) for a rotorcraft—the rotorcraft is hovering, air transiting, air taxiing or ground taxiing at an aerodrome;
 - (j) for a rotorcraft, seaplane or amphibian—the aircraft is flying within an access lane:
 - (i) that is for use by aircraft taking off from, or landing at, a particular place; and
 - (ii) details of which are published in the authorised aeronautical information for the flight;
 - (k) the aircraft is engaged in a procedure to determine the suitability of an aerodrome for a landing.
- (4) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 50 penalty units.

91.270 Aircraft to be flown under VFR or IFR

- (1) The pilot in command of an aircraft for a flight, other than a Part 103 aircraft or a Part 131 aircraft, contravenes this subregulation if, at any time during the flight, the aircraft is not flown under the VFR or IFR.
- (2) The pilot in command of a Part 103 aircraft for a flight contravenes this subregulation if any part of the flight takes place other than by day and under the VFR.
- (3) The pilot in command of a Part 131 aircraft for a flight contravenes this subregulation if any part of the flight takes place other than under the VFR.
- (4) A person commits an offence of strict liability if the person contravenes subregulation (1), (2) or (3).

Penalty: 50 penalty units.

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Subdivision 91.D.4.2—Visual flight rules

91.273 VFR flights

- (1) The Part 91 Manual of Standards may prescribe requirements relating to the operation of an aircraft for a VFR flight.
- (2) The pilot in command of an aircraft for a VFR flight contravenes this subregulation if a requirement mentioned in subregulation (1) is not met for the flight.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 50 penalty units.

91.275 Specified VFR cruising levels

- (1) The pilot in command of an aircraft for a VFR flight contravenes this subregulation if, during the flight on a track, the aircraft is flown at a cruising level that is not a specified VFR cruising level for the track.
- (2) Subregulation (1) does not apply if the aircraft is in uncontrolled airspace and any of the following apply:
 - (a) the aircraft is below 3,000 ft above mean sea level;
 - (b) the aircraft is at or above 3,000 ft above mean sea level but below 1,500 ft AGL;
 - (c) it is not practicable for the pilot in command to fly the aircraft at a specified VFR cruising level for the track;
 - (d) the aircraft is a glider in soaring flight.
- (3) Subregulation (1) does not apply if:
 - (a) the aircraft is in controlled airspace; and
 - (b) air traffic control has given the pilot in command an air traffic control instruction, or an air traffic control clearance, to fly the aircraft other than at a specified VFR cruising level for the track.
- (4) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Note: A defendant bears an evidential burden in relation to the matters in subregulation (2) or (3): see subsection 13.3(3) of the *Criminal Code*.

91.277 Minimum heights—VFR flights at night

- (1) The pilot in command of an aircraft for a VFR flight at night contravenes this subregulation if, during the flight:
 - (a) the aircraft is flown along a route or route segment at a height lower than the minimum height mentioned in subregulation (2); and

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- (b) none of the circumstances mentioned in subregulation (3) applies.

Note: This regulation does not apply to certain medical transport operations in a rotorcraft and certain aerial work operations: see regulations 133.167 and 138.275.

- (2) The minimum height is the lowest height of the following for the route or route segment:
- (a) the published lowest safe altitude for the route or route segment (if any);
 - (b) the minimum sector altitude published in the authorised aeronautical information for the flight (if any);
 - (c) the lowest safe altitude for the route or route segment;
 - (d) 1,000 ft above the highest obstacle on the ground or water within 10 nautical miles ahead of, and to either side of, the aircraft at that point on the route or route segment;
 - (e) the lowest altitude for the route or route segment calculated in accordance with a method prescribed by the Part 91 Manual of Standards for the purposes of this paragraph.
- (3) The circumstances are the following:
- (a) the aircraft is taking off or landing;
 - (b) the aircraft is within 3 nautical miles of the aerodrome from which the aircraft has taken off, or at which the aircraft will land;
 - (c) the aircraft is being flown in accordance with an air traffic control clearance.
- (4) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

91.280 VFR flights—compliance with VMC criteria

- (1) The pilot in command of an aircraft for a VFR flight contravenes this subregulation if, during the flight, the aircraft is not flown in accordance with a requirement of the VMC criteria for the aircraft and the airspace in which the flight is conducted.
- (2) Subregulation (1) does not apply to a flight of an aircraft if:
- (a) air traffic control has authorised the pilot in command of the aircraft to conduct the flight under the special VFR; and
 - (b) the pilot in command complies with the special VFR.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Note: A defendant bears an evidential burden in relation to the matters in subregulation (2): see subsection 13.3(3) of the *Criminal Code*.

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91.283 VFR flights—aircraft not to exceed certain speeds

- (1) The pilot in command of an aircraft for a VFR flight contravenes this subregulation if, during the flight, the aircraft is flown at a transonic or supersonic speed.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

91.285 VFR flights—flights in class A airspace

- (1) The pilot in command of an aircraft for a VFR flight contravenes this subregulation if, during the flight:
 - (a) the aircraft is flown in class A airspace; and
 - (b) the pilot in command does not hold an approval under regulation 91.045 to conduct a VFR flight in class A airspace.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Subdivision 91.D.4.3—Instrument flight rules

91.287 IFR flights

- (1) The Part 91 Manual of Standards may prescribe requirements relating to the operation of an aircraft for an IFR flight.
- (2) The pilot in command of an aircraft for an IFR flight contravenes this subregulation if a requirement mentioned in subregulation (1) is not met for the flight.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 50 penalty units.

91.290 Specified IFR cruising levels

- (1) The pilot in command of an aircraft for an IFR flight contravenes this subregulation if, during the flight on a track, the aircraft is flown at a cruising level that is not a specified IFR cruising level for the track.
- (2) Subregulation (1) does not apply if:
 - (a) the aircraft is in uncontrolled airspace; and
 - (b) it is not practicable for the pilot in command to fly the aircraft at a specified IFR cruising level for the track.

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- (3) Subregulation (1) does not apply if air traffic control has:
- (a) given the pilot in command an air traffic control instruction to fly the aircraft at the cruising level; or
 - (b) given the pilot in command an air traffic control clearance to fly the aircraft at the cruising level.

- (4) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Note: A defendant bears an evidential burden in relation to the matters in subregulation (2) or (3): see subsection 13.3(3) of the *Criminal Code*.

91.295 IFR flights at non-specified cruising levels—notifying Air Traffic Services

- (1) The pilot in command of an aircraft for an IFR flight contravenes this subregulation if, during the flight on a track:
- (a) the aircraft is flown at a cruising level that is not a specified IFR cruising level for the track; and
 - (b) before the aircraft is flown at that cruising level, the pilot in command does not notify Air Traffic Services of the cruising level.

- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

91.300 IFR flights at non-specified cruising levels—avoiding collisions with aircraft conducting VFR flights

- (1) The pilot in command of an aircraft for an IFR flight contravenes this subregulation if, during the flight on a track:
- (a) the aircraft is flown at a cruising level that is not a specified IFR cruising level for the track; and
 - (b) there is a risk of collision between the aircraft and another aircraft that:
 - (i) is conducting a VFR flight on a track; and
 - (ii) is flying at a specified VFR cruising level for the track; and
 - (c) the pilot in command does not give way to the other aircraft.

- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

91.305 Minimum heights—IFR flights

- (1) The pilot in command of an aircraft for an IFR flight contravenes this subregulation if, during the flight:

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- (a) the aircraft is flown along a route or route segment at a height lower than the minimum height mentioned in subregulation (2); and
- (b) none of the circumstances mentioned in subregulation (3) applies.

Note: This regulation does not apply to certain medical transport operations in a rotorcraft and certain aerial work operations: see regulations 133.167 and 138.275.

- (2) The minimum height is the lowest of the following for the route or route segment:
 - (a) the published lowest safe altitude for the route or route segment (if any);
 - (b) the minimum sector altitude published in the authorised aeronautical information for the flight (if any);
 - (c) the lowest safe altitude for the route or route segment.
- (3) The circumstances are the following:
 - (a) the aircraft is taking off or landing;
 - (b) the aircraft is being flown in accordance with:
 - (i) requirements relating to visual approach or departure procedures published in the authorised aeronautical information for the flight; or
 - (ii) an authorised instrument departure procedure or an authorised instrument approach procedure; or
 - (iii) an air traffic control clearance;
 - (c) the aircraft is being flown in VMC by day.
- (4) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

91.307 IFR take-off and landing minima

- (1) The Part 91 Manual of Standards may prescribe the following:
 - (a) requirements (the ***take-off minima requirements***) relating to take-off minima for an aerodrome;
 - (b) requirements (the ***landing minima requirements***) relating to landing minima for an aerodrome.
- (2) The operator and the pilot in command of an aircraft for an IFR flight each contravene this subregulation if:
 - (a) the aircraft conducts a take-off at an aerodrome; and
 - (b) a take-off minima requirement for the aerodrome is not met for the flight.
- (3) The operator and the pilot in command of an aircraft for an IFR flight each contravene this subregulation if:
 - (a) the aircraft conducts a landing at an aerodrome; and
 - (b) a landing minima requirement for the aerodrome is not met for the flight.
- (4) A person commits an offence of strict liability if the person contravenes subregulation (2) or (3).

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Penalty: 50 penalty units.

91.310 Approach ban for IFR flights

- (1) The Part 91 Manual of Standards may prescribe circumstances in which an aircraft flown under the IFR must not make an approach to land at an aerodrome.
- (2) The operator and the pilot in command of an aircraft for an IFR flight each contravene this subregulation if:
 - (a) the aircraft makes an approach to land at an aerodrome; and
 - (b) the approach to land is made in circumstances mentioned in subregulation (1).
- (3) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 50 penalty units.

91.315 Taking off and landing in low visibility

- (1) The operator and the pilot in command of an aircraft for a flight each contravene this subregulation if:
 - (a) the aircraft conducts a low-visibility operation at an aerodrome; and
 - (b) when the operation begins:
 - (i) if the operator is required under these Regulations to have an exposition or an operations manual—the operator does not hold an approval under regulation 91.045 to conduct the low-visibility operation; or
 - (ii) if subparagraph (i) does not apply—the pilot in command does not hold an approval under regulation 91.045 to conduct the low-visibility operation.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

91.320 Specified aircraft performance categories

- (1) The operator of an aircraft contravenes this subregulation if, while the aircraft is operating at an aerodrome:
 - (a) the aircraft does not operate in the specified aircraft performance category for the aircraft at the aerodrome; and
 - (b) the operator:
 - (i) does not hold an approval under regulation 91.045 for the aircraft to operate in a lower aircraft performance category for the aircraft at the aerodrome; or

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- (ii) holds an approval under regulation 91.045 for the aircraft to operate in a lower aircraft performance category for the aircraft at the aerodrome but does not comply with subregulation (3) of this regulation.
- (2) The operator of an aircraft contravenes this subregulation if:
 - (a) the operator holds an approval under regulation 91.045 for the aircraft to operate in a lower aircraft performance category for the aircraft at the aerodrome; and
 - (b) the aircraft does not operate in that lower aircraft performance category.
- (3) The operator must give details to the flight crew of:
 - (a) the approval; and
 - (b) the conditions (if any) imposed by CASA on the approval.
- (4) A person commits an offence of strict liability if the person contravenes subregulation (1) or (2).

Penalty: 50 penalty units.

Subdivision 91.D.4.4—Avoiding collisions in the air

91.325 Basic rule

A flight crew member must, during a flight, maintain vigilance, so far as weather conditions permit, to see and avoid other aircraft.

91.330 Right of way rules

- (1) The pilot in command of an aircraft contravenes this subregulation if, during a flight:
 - (a) there is a risk of collision between the aircraft and another aircraft; and
 - (b) a circumstance mentioned in column 1 of an item in the following table exists; and
 - (c) the pilot in command contravenes the right of way rule mentioned in column 2 of that item.

Right of way rules		
Item	Column 1	Column 2
	Circumstance	Right of way rule
1	An aircraft is in an emergency and compelled to land	Any other aircraft must give way to the aircraft that is compelled to land
2	An aircraft is landing	Any other aircraft (whether in flight or operating on the ground or water) must give way to the aircraft that is landing
3	Two heavier-than-air aircraft are conducting an approach to land at an aerodrome	The following rules apply: <ul style="list-style-type: none">(a) the higher aircraft must give way to the lower aircraft;(b) however, if the higher aircraft is in the final stages of an

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Right of way rules

Item	Column 1	Column 2
	Circumstance	Right of way rule
		approach to land, the lower aircraft must not take advantage of the higher aircraft's need to comply with paragraph (a) to cut in front of the higher aircraft;
		(c) despite paragraphs (a) and (b), a power-driven heavier-than-air aircraft must give way to an unpowered glider
4	An aircraft is overtaking another aircraft	The aircraft that is overtaking must give way to the aircraft being overtaken
5	Aircraft mentioned in column 2 are in the same vicinity	An aircraft mentioned in the following list must give way to an aircraft listed above it in the list: (a) a balloon; (b) a person descending by parachute; (c) an unpowered glider; (d) an airship; (e) an aircraft that is towing something (including another aircraft); (f) a power-driven aircraft
6	Two aircraft are on converging headings at approximately the same altitude	The aircraft that has the other aircraft on its right must give way to the other aircraft

(2) Subregulation (1) does not apply if it is necessary, in order to avoid a collision with an aircraft, not to comply with the right of way rule.

(3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Note: A defendant bears an evidential burden in relation to the matters in subregulation (2): see subsection 13.3(3) of the *Criminal Code*.

91.335 Additional right of way rules*Aircraft with right of way to maintain heading and speed*

- (1) The pilot in command of an aircraft for a flight contravenes this subregulation if, during the flight:
- (a) there is a risk of collision with another aircraft; and
 - (b) the aircraft has right of way over the other aircraft (in accordance with regulation 91.330); and
 - (c) the aircraft's heading and speed is not maintained until there is no longer a risk of collision.

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Overtaking aircraft to keep clear and to right

- (2) The pilot in command of an aircraft contravenes this subregulation if, when the aircraft is overtaking another aircraft (whether in the course of climbing, descending or in level flight), the pilot does not:
- (a) keep the aircraft out of the way of the other aircraft, even if the other aircraft alters course while being overtaken; and
 - (b) fly the aircraft so that it passes to the right of the other aircraft and remains on the right until clear of the other aircraft.

Aircraft approaching head on to alter heading to right

- (3) The pilot in command of an aircraft for a flight contravenes this subregulation if, during the flight:
- (a) the aircraft and another aircraft are approaching in the air head on or approximately so; and
 - (b) there is a risk of collision; and
 - (c) the aircraft's heading is not altered to the right.

Aircraft giving way not to create collision risk

- (4) The pilot in command of an aircraft for a flight contravenes this subregulation if, during the flight:
- (a) the aircraft is required to give way to another aircraft:
 - (i) by a right of way rule in regulation 91.330; or
 - (ii) by an additional right of way rule in subregulation (1), (2) or (3) of this regulation; or
 - (iii) by an additional right of way rule in regulation 91.340; and
 - (b) the aircraft is flown so that it passes ahead of the other aircraft, or directly over or under it, so closely that there is a risk of collision.

Exceptions

- (5) Subregulation (1), (2), (3) or (4) does not apply if it is necessary, in order to avoid a collision with an aircraft, to not comply with the subregulation.
- (5A) Paragraph (2)(b) does not apply if:
- (a) the aircraft is a glider engaged in ridge or hill soaring; and
 - (b) the pilot flies the aircraft so that it passes between the ridge or hill and the other aircraft.
- (6) Subregulation (4) does not apply if, as a result of a command of the aircraft's airborne collision avoidance system, the pilot was manoeuvring the aircraft to the extent necessary to ensure the safety of the aircraft.

Offence

- (7) A person commits an offence of strict liability if the person contravenes subregulation (1), (2), (3) or (4).

Regulation 91.340

Penalty: 50 penalty units.

Note: A defendant bears an evidential burden in relation to the matters in subregulation (5), (5A) or (6): see subsection 13.3(3) of the *Criminal Code*.

91.340 Right of way rules for take-off and landing

- (1) The pilot in command of an aircraft for a flight contravenes this subregulation if, during take-off or landing, the aircraft is flown in a manner that creates a risk of collision with:
 - (a) another aircraft; or
 - (b) a person, vessel, vehicle or structure.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Subdivision 91.D.4.5—Avoiding collisions on water**91.345 Compliance with International Regulations**

- (1) This regulation applies in relation to a requirement of the International Regulations to the extent that the requirement is not inconsistent with a requirement of regulation 91.355.
- (2) The pilot in command of an aircraft for a flight contravenes this subregulation if, during the flight:
 - (a) the aircraft is operating on water; and
 - (b) the aircraft is not operated in accordance with the International Regulations.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 50 penalty units.

91.350 Giving way to vessels

- (1) The pilot in command of an aircraft for a flight contravenes this subregulation if:
 - (a) the aircraft is in level flight, or is manoeuvring near the surface of water; and
 - (b) the aircraft does not, as far as possible:
 - (i) keep clear of a vessel; or
 - (ii) avoid impeding the navigation of a vessel.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Regulation 91.355

91.355 Giving way on water

- (1) The pilot in command of an aircraft for a flight contravenes this subregulation if, during the flight:
 - (a) the aircraft is on water; and
 - (b) a requirement mentioned in subregulation (2) is not met.
- (2) The requirements are the following:
 - (a) the aircraft must give way to, and keep well clear of, an aircraft or vessel converging on its right;
 - (b) the aircraft must alter its heading to the right, and keep well clear, of an aircraft or vessel that is approaching head-on or approximately head-on;
 - (c) the aircraft, if overtaking a vessel or another aircraft, must:
 - (i) give way to the vessel or aircraft being overtaken; and
 - (ii) alter its heading to keep well clear of the vessel or aircraft being overtaken.
- (3) Subregulation (1) does not apply if it is necessary, to avoid a collision with an aircraft or vessel, to not comply with the requirement.
- (4) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Note: A defendant bears an evidential burden in relation to the matters in subregulation (3): see subsection 13.3(3) of the *Criminal Code*.

Subdivision 91.D.4.6—Avoiding collisions at or in the vicinity of aerodromes

91.360 Meaning of *in the vicinity of a non-controlled aerodrome*

- (1) An aircraft is *in the vicinity of a non-controlled aerodrome* if it is:
 - (a) in uncontrolled airspace; and
 - (b) within 10 nautical miles of the aerodrome; and
 - (c) at a height above the aerodrome that could result in conflict with operations at the aerodrome.
- (2) For the purposes of paragraph (1)(b), if an aerodrome reference point for the aerodrome is published in the authorised aeronautical information for the flight, the distance must be measured from that point.

91.365 Taxiing or towing on movement area of aerodrome

- (1) A person contravenes this subregulation if:
 - (a) the person is taxiing or towing an aircraft on the movement area of an aerodrome; and
 - (b) a requirement mentioned in subregulation (2) is not met.

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- (2) The requirements are the following:
- (a) the aircraft and any tow vehicle must give way, in accordance with subregulation (3), to an aircraft that is landing or on its final approach to land;
 - (b) the aircraft and any tow vehicle must give way, in accordance with subregulation (3), to an aircraft that is taking off or preparing for take-off;
 - (c) the aircraft and any tow vehicle must keep well clear of an aircraft it is overtaking;
 - (d) the aircraft and any tow vehicle must give way to an aircraft on the right if both aircraft are on a converging course;
 - (e) the aircraft and any tow vehicle must stop, or alter course to the right, so as to remain clear of an aircraft approaching head on or approximately so.
- (3) For the purposes of paragraph (2)(a) or (2)(b):
- (a) for a runway that has a marked runway hold position for the aircraft—the aircraft giving way and any tow vehicle must hold at that position; and
 - (b) for a runway that does not have a marked runway hold position—the aircraft giving way and any tow vehicle must not encroach upon a graded runway strip.
- (4) Subregulation (1) does not apply if it is necessary, to avoid a collision with an aircraft and any tow vehicle, to not comply with the requirement.
- (5) Subregulation (1) does not apply if the aircraft and any tow vehicle are being operated in accordance with an air traffic control clearance or air traffic control instructions.
- (6) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Note: A defendant bears an evidential burden in relation to the matters in subregulation (4) or (5); see subsection 13.3(3) of the *Criminal Code*.

91.370 Take-off or landing at non-controlled aerodrome—all aircraft

- (1) This regulation applies to an aircraft (the ***subject aircraft***) at a non-controlled aerodrome at which a take-off or landing of the aircraft can only occur from or to a runway.

Rules for take-off

- (2) The pilot in command of the subject aircraft (other than a glider being towed by a glider tug) for a flight contravenes this subregulation if:
- (a) the subject aircraft commences to take-off from a runway; and
 - (b) before taking off, a requirement mentioned in subregulation (3) is not met.
- (3) The requirements are the following:

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- (a) if another aircraft is taking off before the subject aircraft from the same runway:
 - (i) the other aircraft must have crossed the upwind end of the runway; or
 - (ii) the other aircraft must have commenced a turn; or
 - (iii) the runway must be longer than 1,800 m and the other aircraft must have become airborne and be at least 1,800 m beyond the proposed point of lift-off of the subject aircraft; or
 - (iv) the other aircraft and the subject aircraft must both have a maximum take-off weight below 2,000 kg, and the other aircraft must be airborne and at least 600 m beyond the proposed point of lift-off of the subject aircraft;
- (b) if another aircraft is landing on the same runway before the subject aircraft—the other aircraft must have vacated the runway;
- (c) if another aircraft is landing before the subject aircraft and is using a crossing runway—the other aircraft must have crossed, or must have stopped short of, the runway the subject aircraft is taking off from.

Rules for landing

- (4) The pilot in command of the subject aircraft (other than a glider) for a flight contravenes this subregulation if:
 - (a) the subject aircraft continues an approach to land at an aerodrome beyond the threshold of the runway; and
 - (b) before landing, a requirement mentioned in subregulation (5) is not met.

Note: Regulation 91.055 prohibits an aircraft (including a glider) being operated in a manner that creates a hazard to another aircraft, a person or property.

- (5) The requirements are the following:
 - (a) if another aircraft is taking off using the same runway before the subject aircraft:
 - (i) the other aircraft must be airborne and must have commenced a turn; or
 - (ii) the other aircraft must be beyond the point on the runway at which the subject aircraft could be expected to complete its landing roll, and there must be sufficient distance for the subject aircraft to manoeuvre safely in the event of a missed approach;
 - (b) if another aircraft is landing on the same runway before the subject aircraft—the other aircraft must have vacated the runway or must be taxiing away from the runway;
 - (c) if another aircraft is landing before the subject aircraft and is using a crossing runway—the other aircraft must have crossed, or must have stopped short of, the runway the subject aircraft is landing on.

Application of rules where gliders or glider tugs operate

- (6) At an aerodrome where gliders or glider tugs operate to a common circuit pattern from a parallel strip outside the runway strip:

Regulation 91.375

- (a) subregulations (2) and (4) apply to an aircraft taking off or landing, respectively, on either the runway or the parallel strip as if the runway and the strip were a single runway; but
- (b) aircraft taxiing or stationary on either the runway or the parallel strip are taken not to affect operations on the other.

Exception

- (7) Subregulation (2) or (4) does not apply if:
 - (a) the aircraft is taking off or landing at an aerodrome where gliders or glider tugs operate to a contra-circuit pattern on both a runway and a parallel strip outside the runway strip; and
 - (b) simultaneous operations on the runway and the parallel strip are permitted.

Offence

- (8) A person commits an offence of strict liability if the person contravenes subregulation (2) or (4).

Penalty: 50 penalty units.

Note: A defendant bears an evidential burden in relation to the matters in subregulation (7): see subsection 13.3(3) of the *Criminal Code*.

91.375 Operating on manoeuvring area, or in the vicinity, of non-controlled aerodrome—general requirements

- (1) The pilot in command of an aircraft for a flight contravenes this subregulation if:
 - (a) the aircraft is operated on the manoeuvring area of, or in the vicinity of, a non-controlled aerodrome; and
 - (b) a requirement mentioned in subregulation (2) is not met.
- (2) The requirements are the following:
 - (a) the pilot must keep a lookout for other aircraft that are being operated on the manoeuvring area, or in the vicinity, of the aerodrome to avoid a collision;
 - (b) the pilot must ensure that the aircraft does not cause a danger to other aircraft on the manoeuvring area, or in the vicinity, of the aerodrome;
 - (c) if the pilot is flying the aircraft in the vicinity of the aerodrome—the pilot must join, or avoid, the circuit pattern for the aerodrome;
 - (d) if the aircraft is an aeroplane—the pilot must not:
 - (i) take-off from a part of the aerodrome that is outside the aerodrome landing area; or
 - (ii) land the aircraft on a part of the aerodrome that is outside the aerodrome landing area.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

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91.380 Operating on manoeuvring area, or in the vicinity, of non-controlled aerodrome—landing and taking off into the wind

- (1) The pilot in command of an aircraft for a flight contravenes this subregulation if:
 - (a) the aircraft is operated on the manoeuvring area of, or in the vicinity of, a non-controlled aerodrome; and
 - (b) the pilot does not, to the extent practicable, land and take off into the wind.
- (2) Subregulation (1) does not apply if:
 - (a) the aircraft flight manual instructions for the aircraft allow the aircraft to land or take off downwind or crosswind; and
 - (b) the pilot is satisfied that traffic conditions at the aerodrome enable such a landing or take-off to be carried out safely.
- (3) A person commits an offence if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Note: A defendant bears an evidential burden in relation to the matters in subregulation (2): see subsection 13.3(3) of the *Criminal Code*.

91.385 Operating on manoeuvring area, or in the vicinity, of non-controlled aerodrome—requirements that apply after joining the circuit pattern

- (1) The pilot in command of an aircraft (other than a rotorcraft) for a flight contravenes this subregulation if:
 - (a) the aircraft is operated on the manoeuvring area of, or in the vicinity of, a non-controlled aerodrome; and
 - (b) after joining the circuit pattern for a landing or while flying in the circuit pattern after take-off, the pilot does not:
 - (i) comply with instructions in the authorised aeronautical information for the flight to the effect that all turns be made in a particular direction; or
 - (ii) if there are no relevant instructions in the authorised aeronautical information for the flight—make all turns to the left.
- (2) Subregulation (1) does not apply to the pilot in command of an aircraft if:
 - (a) the aircraft is a seaplane or amphibian and the pilot in command contravenes the subregulation only to the extent necessary:
 - (i) to avoid an obstacle; or
 - (ii) to avoid undue noise over a populous area without compromising the aircraft's safety; or
 - (iii) for a single-engine seaplane or amphibian—to enable the aircraft to land on water if its engine fails; or
 - (b) the aircraft is a glider (other than a glider with an engine operating) and the pilot in command contravenes the subregulation only to the extent necessary to enable the aircraft to land safely.

Regulation 91.390

- (3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Note: A defendant bears an evidential burden in relation to the matters in subregulation (2): see subsection 13.3(3) of the *Criminal Code*.

91.390 Operating on manoeuvring area, or in the vicinity, of non-controlled aerodrome—requirements related to maintaining the same track after take-off

- (1) The pilot in command of an aircraft (other than a rotorcraft, a glider or a powered parachute) for a flight contravenes this subregulation if:
- (a) the aircraft is operated on the manoeuvring area of, or in the vicinity of, a non-controlled aerodrome; and
 - (b) the pilot does not, after take-off, maintain the same track from the take-off until the aircraft is 500 ft AGL.
- (2) Subregulation (1) does not apply to the pilot in command of a seaplane or amphibian if the pilot in command contravenes the subregulation only to the extent necessary:
- (a) to avoid an obstacle; or
 - (b) to avoid undue noise over a populated area without compromising the aircraft's safety; or
 - (c) for a single engine seaplane or amphibian—to enable the aircraft to land on water if its engine fails.
- (3) Subregulation (1) does not apply to the pilot in command of an aircraft if a change to the track is necessary to avoid the terrain.
- (4) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Note: A defendant bears an evidential burden in relation to the matters in subregulation (2) or (3): see subsection 13.3(3) of the *Criminal Code*.

91.395 Straight-in approaches at non-controlled aerodromes

- (1) The pilot in command of an aircraft for a flight contravenes this subregulation if:
- (a) the aircraft approaches a non-controlled aerodrome to land using a straight-in approach; and
 - (b) a requirement mentioned in subregulation (2) is not met.
- (2) The requirements are the following:
- (a) before starting the approach, the pilot in command must determine:
 - (i) the wind direction at the aerodrome; and
 - (ii) the runways in use at the aerodrome;

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- (b) the aircraft must give way to any other aircraft flying in the circuit pattern for the aerodrome;
 - (c) for an approach other than an approach covered by subregulation (2A)—all manoeuvring must be carried out, to establish the aircraft on the final approach, at least 3 nautical miles from the threshold of the runway intended to be used for the landing.
- (2A) An approach is covered by this subregulation if:
- (a) the approach is carried out in IMC using an instrument approach procedure; or
 - (b) the approach is by a Part 103 aircraft prescribed by the Part 103 Manual of Standards for the purposes of this paragraph.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

91.400 Communicating at certified, registered, military or designated non-controlled aerodromes

- (1) The pilot in command of an aircraft for a flight contravenes this subregulation if:
- (a) the aircraft is operated on the manoeuvring area of, or in the vicinity of:
 - (i) a certified aerodrome; or
 - (ii) a registered aerodrome; or
 - (iii) a military aerodrome; or
 - (iv) an aerodrome prescribed as a designated non-controlled aerodrome by the Part 91 Manual of Standards for this subparagraph; and
 - (b) the aerodrome is a non-controlled aerodrome; and
 - (c) if the aircraft is not carrying an operative radio—the requirement in subregulation (2) is not met.
- (2) The requirement is that either subregulation (3) or (4) is satisfied.
- (3) This subregulation is satisfied if:
- (a) the flight is conducted during the day in VMC; and
 - (b) the flight is conducted in company with another aircraft; and
 - (c) the other aircraft is carrying an operative radio; and
 - (d) the pilot in command of the other aircraft is:
 - (i) if the aircraft is an Australian aircraft—authorised to operate the radio under Part 61; or
 - (ii) if the aircraft is a foreign registered aircraft—authorised to operate the radio under the law of the aircraft's State of registry or the State of the operator; or
 - (iii) if the aircraft is a Part 103 aircraft—authorised to operate the radio by a Part 103 ASAO.
- (4) This subregulation is satisfied if:
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- (a) either:
 - (i) the radio becomes inoperative during the flight; or
 - (ii) the purpose of the flight is to take the radio to a place where it can be repaired; and
 - (b) if the aircraft is flying in the vicinity of the aerodrome—each of the following is switched on:
 - (i) the aircraft's landing lights (if any);
 - (ii) the aircraft's anti-collision lights (if any);
 - (iii) the aircraft's secondary surveillance radar transponder (if any); and
 - (c) if the aircraft is arriving at the aerodrome—the aircraft joins the circuit pattern for the aerodrome on the cross-wind or down-wind leg of the circuit pattern.
- (5) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

91.405 Aircraft in aerodrome traffic at controlled aerodromes

- (1) The pilot in command of an aircraft for a flight contravenes this subregulation if:
 - (a) the aircraft is part of aerodrome traffic at a controlled aerodrome; and
 - (b) a requirement mentioned in subregulation (2) is not met.
- (2) The requirements are the following:
 - (a) a continuous watch for instructions given visually by Air Traffic Services for the aerodrome using standard visual signals must be maintained;
 - (b) if a continuous listening watch on the frequency specified in the authorised aeronautical information for the flight for communications with Air Traffic Services for the aerodrome can be maintained—the continuous listening watch must be maintained;
 - (c) authorisation to conduct a manoeuvre preparatory to, or associated with, taxiing, landing or take-off must be obtained from Air Traffic Services for the aerodrome before the manoeuvre is conducted.
- (3) The pilot in command of an aircraft (other than a Part 131 aircraft) for a flight contravenes this subregulation if:
 - (a) the aircraft is part of aerodrome traffic at a controlled aerodrome; and
 - (b) a requirement mentioned in subregulation (4) is not met.
- (4) The requirements are the following:
 - (a) if the aircraft takes off from the aerodrome and a change to the aircraft's track is not necessary to avoid the terrain—the aircraft must maintain the same track from the take-off until the aircraft is 500 ft AGL;
 - (b) if the aircraft joins the circuit pattern for the aerodrome for a landing—the aircraft must, after joining the circuit pattern, make all turns in the direction of the circuit pattern;

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- (c) if the aircraft takes off from the aerodrome—the aircraft must, after taking off, make all turns in the direction of the circuit pattern while the pilot is flying in the circuit pattern for the aerodrome.
- (5) Subregulation (3) does not apply if:
 - (a) Air Traffic Services for the aerodrome instructed or permitted the pilot to engage in the conduct that would otherwise result in the contravention of that subregulation; or
 - (b) the aircraft is being flown in accordance with an authorised instrument departure procedure or an authorised instrument approach procedure.
- (6) A person commits an offence of strict liability if the person contravenes subregulation (1) or (3).

Penalty: 50 penalty units.

Note: A defendant bears an evidential burden in relation to the matters in subregulation (5): see subsection 13.3(3) of the *Criminal Code*.

Division 91.D.5—Taking off, landing and ground operations

91.410 Use of aerodromes

- (1) The operator and the pilot in command of an aircraft for a flight each contravene this subregulation if:
 - (a) the aircraft takes off from, or lands at, a place; and
 - (b) the place does not meet the requirement in subregulation (2).
- Note: This regulation does not apply to the operation of an aircraft if regulation 121.205 applies to the operation: see regulation 91.035.
- (2) The requirement is that:
 - (a) the place is one of the following:
 - (i) a certified aerodrome;
 - (ii) a registered aerodrome;
 - (iii) an aerodrome for which an arrangement under section 20 of the Act is in force;
 - (iv) a place that is suitable for the landing and taking-off of aircraft; and
 - (b) the aircraft can land at, or take off from, the place safely having regard to all the circumstances of the proposed landing or take-off (including the prevailing weather conditions).
- (3) For the purposes of the definition of **aerodrome** in the Act, a place mentioned in subparagraph (2)(a)(iv) is authorised to be used as an aerodrome.
- (4) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

91.415 Taxiing aircraft

- (1) A person contravenes this subregulation if:
 - (a) the person taxis an aircraft; and
 - (b) any of the following apply:
 - (i) for an aeroplane that is an Australian aircraft other than a Part 103 aircraft—the person is not authorised under Part 61 or 64 to taxi the aeroplane;
 - (ii) for a rotorcraft that is an Australian aircraft other than a Part 103 aircraft—the person is not authorised under Part 61 to taxi the rotorcraft;
 - (iii) for an aeroplane that is a foreign registered aircraft—the person is not qualified to taxi the aeroplane under the law of the aeroplane's State of registry or the State of the operator, nor authorised under Part 64;
 - (iv) for a rotorcraft that is a foreign registered aircraft—the person is not qualified to pilot the rotorcraft under the law of the rotorcraft's State of registry or the State of the operator;

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- (v) for a Part 103 aircraft—the person is not authorised by a Part 103 ASAO to taxi the aircraft.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

91.420 Parked aircraft not to create hazard

- (1) A person contravenes this subregulation if the person parks an aircraft in a place where the aircraft is a hazard to the movement of other aircraft.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 25 penalty units.

91.425 Safety when aeroplane operating on ground

- (1) A person contravenes this subregulation if:
 - (a) the person starts the engine of an aeroplane, or causes the engine to be started, while the aeroplane is on the ground; and
 - (b) a requirement mentioned in subregulation (2) is not met.
- (2) The requirements are the following:
 - (a) the person who starts the engine or causes the engine to be started must be:
 - (i) if the aeroplane is an Australian aircraft—a person authorised to pilot the aeroplane under Part 61 or a person authorised to taxi the aeroplane under Part 64; or
 - (ii) if the aeroplane is a foreign registered aircraft—a person qualified to pilot or taxi the aeroplane under the law of the aeroplane's State of registry or the State of the operator; or
 - (iii) a person of a kind prescribed by the Part 91 Manual of Standards; and
 - (b) if subparagraph (a)(iii) applies—the aeroplane must be secured from moving.
- (3) Subregulation (1) does not apply if:
 - (a) the person starting the engine of the aeroplane is hand-starting the propeller of the aeroplane; and
 - (b) assistance is not readily available; and
 - (c) adequate provision is made to prevent the aeroplane moving forward; and
 - (d) no person is on board the aircraft.
- (4) A person contravenes this subregulation if:
 - (a) the person operates an aeroplane on the ground, or causes an aeroplane to be operated on the ground; and

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- (b) the person permits another person to board the aeroplane or to remain on the aeroplane while a pilot seat of the aeroplane is not occupied by a person who is competent to apply the brakes and control the engine.
- (5) For the purposes of paragraph (4)(b), a person is ***competent to apply the brakes and control the engine*** of an aeroplane if:
 - (a) the person has been given instructions on how, and assessed as competent, to apply the brakes and control the engine (including how to shut the engine down) by another person; or
 - (b) the person is authorised under Part 61 or Part 64 to taxi the aeroplane; or
 - (c) if the aeroplane is a foreign registered aircraft—the person is qualified to pilot or taxi the aeroplane under the law of the aeroplane's State of registry or the State of the operator.
- (6) A person commits an offence of strict liability if the person contravenes subregulation (1) or (4).

Penalty: 50 penalty units.

Note: A defendant bears an evidential burden in relation to the matters in subregulation (3): see subsection 13.3(3) of the *Criminal Code*.

91.430 Safety when rotorcraft operating on ground

- (1) A person contravenes this subregulation if:
 - (a) the person operates a rotorcraft on the ground; and
 - (b) the rotorcraft is being operated other than for maintenance or maintenance training; and
 - (c) a requirement mentioned in subregulation (2) is not met.
- (2) The requirements are the following:
 - (a) that the person is:
 - (i) if the rotorcraft is an Australian aircraft—authorised under Part 61 to pilot the rotorcraft; or
 - (ii) if the rotorcraft is a foreign registered aircraft—authorised to pilot the rotorcraft by the rotorcraft's State of registry; or
 - (iii) a person of a kind prescribed by the Part 91 Manual of Standards; and
 - (b) if subparagraph (a)(iii) applies—the rotorcraft must be secured from moving.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Division 91.D.6—Fuel requirements

91.455 Fuel requirements

- (1) The Part 91 Manual of Standards may prescribe requirements relating to fuel for aircraft, including (but not limited to) the following:
 - (a) matters that must be considered when determining whether an aircraft has sufficient fuel to complete a flight safely;
 - (b) the amounts of fuel that must be carried on board an aircraft for a flight;
 - (c) procedures for monitoring amounts of fuel during a flight;
 - (d) procedures to be followed if fuel reaches specified amounts during a flight.

- (2) The pilot in command of an aircraft for a flight contravenes this subregulation if a requirement mentioned in subregulation (1) is not met for the flight.

Note: This regulation does not apply to the operation of an aircraft if Division 121.D.6, 133.D.6 or 135.D.6 applies to the operation: see regulation 91.035.

- (3) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 50 penalty units.

91.460 Oil requirements

- (1) The pilot in command of an aircraft for a flight contravenes this subregulation if, when the flight begins, the aircraft is not carrying sufficient oil to complete the flight safely.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

91.465 Contaminated, degraded or inappropriate fuels

- (1) The operator and pilot in command of an aircraft for a flight each contravene this subregulation if, before the flight begins, the operator or pilot in command does not ensure that the aircraft has been fuelled with fuel that is not contaminated, degraded or inappropriate.
- (2) A person contravenes this subregulation if:
 - (a) the person supplies fuel for fuelling an aircraft (other than a Part 131 aircraft); and
 - (b) the fuel is contaminated, degraded or inappropriate fuel for the aircraft.
- (3) A person contravenes this subregulation if:
 - (a) the person fuels an aircraft; and
 - (b) the fuel is contaminated, degraded or inappropriate fuel for the aircraft.

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- (4) A person commits an offence if the person contravenes subregulation (1), (2) or (3).

Penalty: 50 penalty units.

91.470 Fire hazards

- (1) A person contravenes this subregulation if:
- (a) an aircraft is being fuelled; and
 - (b) the person creates a fire hazard within 15 m of the aircraft or the equipment used to fuel the aircraft.
- (2) A person contravenes this subregulation if:
- (a) a fire hazard exists within 15 m of an aircraft or the aircraft's fuelling equipment; and
 - (b) the person fuels the aircraft.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1) or (2).

Penalty: 50 penalty units.

91.475 Fuelling aircraft—fire fighting equipment

- (1) A person who fuels an aircraft contravenes this subregulation if a requirement mentioned in subregulation (2) is not met.
- (2) The requirements are the following:
- (a) at all times during the fuelling, at least the number of fire extinguishers mentioned in subregulation (2A):
 - (i) must be on the fuelling equipment or positioned at a distance of not less than 6 m and not more than 15 m from the fuelling point; and
 - (ii) must be readily available for use by the person;
 - (b) each fire extinguisher:
 - (i) must be of a type and capacity suitable for extinguishing fuel and electrical fires; and
 - (ii) for a fuelling operation in Australian territory—must comply with Australian/New Zealand Standard AS/NZS 1841, as in force from time to time.
- (2A) For the purposes of paragraph (2)(a) the number of fire extinguishers is:
- (a) for an aircraft other than a Part 131 aircraft—2; and
 - (b) for a Part 131 aircraft—one.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

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91.480 Fuelling aircraft—electrical bonding

- (1) A person contravenes this subregulation if:
 - (a) the person is fuelling an aircraft; and
 - (b) the aircraft and the equipment used to fuel the aircraft are not electrically bonded.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

91.485 Equipment or electronic devices operating near aircraft

Operation of equipment or electronic device near aircraft during fuelling

- (1) A person contravenes this subregulation if:
 - (a) an aircraft is being fuelled; and
 - (b) the person operates equipment or an electronic device within 15 m of a critical fuelling point for the aircraft.

Fuelling aircraft while equipment or electronic device is operated near aircraft

- (2) A person contravenes this subregulation if:
 - (a) equipment or an electronic device is being operated within 15 m of a critical fuelling point for the fuelling of an aircraft; and
 - (b) the person fuels the aircraft.

Exceptions

- (3) Subregulations (1) and (2) do not apply if:
 - (a) the equipment or electronic device being operated:
 - (i) is part of the aircraft or the aircraft's fuelling equipment; or
 - (ii) is designed for use during fuelling operations; or
 - (iii) performs an aircraft servicing function and is safe for use within 15 m of a critical fuelling point for the fuelling of the aircraft; or
 - (iv) complies with an industry standard about the safe use of equipment or electronic devices within 15 m of a critical fuelling point for the fuelling of the aircraft; or
 - (b) the equipment being operated is an auxiliary power unit of the aircraft and the following requirements are met:
 - (i) the operation of the auxiliary power unit starts before the person begins fuelling the aircraft;
 - (ii) the aircraft flight manual instructions for the aircraft permit the auxiliary power unit to be operated during fuelling; or
 - (c) the electronic device being operated:

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- (i) is hazardous to the process of fuelling the aircraft only because it is designed to produce radio emissions (within the meaning of the *Radiocommunications Act 1992*); and
- (ii) is operated at least 6 m from each critical fuelling point for the fuelling of the aircraft; or
- (d) for a turbine-engine aircraft—the electronic device being operated is a low-risk electronic device and is operated in accordance with regulation 91.490.

Offence

- (4) A person commits an offence of strict liability if the person contravenes subregulation (1) or (2).

Penalty: 50 penalty units.

Note: A defendant bears an evidential burden in relation to the matters in subregulation (3): see subsection 13.3(3) of the *Criminal Code*.

91.490 Fuelling turbine-engine aircraft—low-risk electronic devices*Use of device inside cabin of aircraft*

- (1) A person on a turbine-engine aircraft for a flight contravenes this subregulation if:
- (a) the person operates a low-risk electronic device inside the cabin of the aircraft while the aircraft is being fuelled; and
 - (b) the pilot in command of the aircraft has not given the person permission to operate the device while the aircraft is being fuelled.
- (2) The pilot in command of a turbine-engine aircraft for a flight contravenes this subregulation if:
- (a) the pilot in command gives permission to a person to operate a low-risk electronic device inside the cabin of the aircraft while the aircraft is being fuelled; and
 - (b) the requirement mentioned in subregulation (3) is not met.
- (3) The requirement is that, during fuelling, each cabin door within 3 m of a critical fuelling point for the fuelling of the aircraft must be closed.

Use of device outside cabin of aircraft

- (4) A person contravenes this subregulation if:
- (a) the person operates a low-risk electronic device outside the cabin of a turbine-engine aircraft while the aircraft is being fuelled; and
 - (b) a requirement mentioned in subregulation (5) is not met.
- (5) The requirements are the following:
- (a) the device must be operated at a distance of greater than 3 m from each critical fuelling point for the fuelling of the aircraft;

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- (b) the device may also be operated at a distance of 3 m or less from a critical fuelling point for the fuelling of the aircraft if the person operating the device:
 - (i) is employed or engaged by the operator of the aircraft; and
 - (ii) has successfully completed training and has been assessed by the operator as competent to comply with the requirements of this Division in relation to operating the device in those areas and to avoid the risks associated with being distracted when operating the device.
- (6) A person commits an offence if the person contravenes subregulation (1), (2) or (4).

Penalty: 50 penalty units.

91.495 Only turbine-engine aircraft to be hot fuelled

- (1) The pilot in command of an aircraft for a flight contravenes this subregulation if:
 - (a) the aircraft is hot fuelled for the flight; and
 - (b) the aircraft is not a turbine-engine aircraft.

Note: This regulation does not apply to the operation of an aircraft if regulation 138.300 applies to the operation: see regulation 91.035.

- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

91.500 Hot fuelling aircraft—general

- (1) The pilot in command of an aircraft for a flight contravenes this subregulation if:
 - (a) the aircraft is hot fuelled for the flight; and
 - (b) a requirement mentioned in subregulation (2) is not met.

Note: This regulation does not apply to the operation of an aircraft if regulation 138.300 applies to the operation: see regulation 91.035.

- (2) The requirements are that, at the time of the hot fuelling:
 - (a) it must be safe to hot fuel; and
 - (b) if the aircraft is a turbine-engine propeller-driven aeroplane:
 - (i) an aeroplane propeller must not be within 2.5 m of the fuelling point used for the hot fuelling; and
 - (ii) a person using the fuelling point must be separated from the propeller by a part of the aeroplane's structure (such as a wing) and must not be able to move directly into the propeller's arc from the fuelling point; and
 - (c) doors on the fuelling side of the aircraft must be closed; and
 - (d) at least one door on the non-fuelling side of the aircraft must be open; and
 - (e) a system of fuelling must not be used that allows fuel to be exposed to the atmosphere; and

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- (f) there must be a means available to the person fuelling the aircraft to quickly cut off the fuel supply at its point of entry into the aircraft's fuel tank; and
 - (g) the person in charge of the aircraft, or the person at the aircraft's controls, must maintain communication with the person fuelling the aircraft by means of:
 - (i) an electronic communication system; or
 - (ii) visual contact and an agreed system of signals.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

91.505 Hot fuelling aircraft—procedures etc.

- (1) The pilot in command of an aircraft for a flight contravenes this subregulation if:
- (a) the aircraft is hot fuelled for the flight; and
 - (b) the following are not set out in the aircraft flight manual instructions for the aircraft:
 - (i) procedures for the hot fuelling of the aircraft;
 - (ii) the circumstances in which the aircraft can be hot fuelled;
 - (iii) the procedures to be followed if an emergency occurs during hot fuelling.

Note: This regulation does not apply to the operation of an aircraft if regulation 138.300 applies to the operation: see regulation 91.035.

- (2) The pilot in command of an aircraft for a flight contravenes this subregulation if:
- (a) a requirement of a procedure mentioned in subparagraph (1)(b)(i) or (iii) is not met in relation to the fuelling of the aircraft for the flight; or
 - (b) the aircraft is fuelled in a circumstance that is not mentioned in subparagraph (1)(b)(ii).
- (3) The pilot in command of an aircraft for a flight contravenes this subregulation if:
- (a) the aircraft is hot fuelled; and
 - (b) before the hot fuelling begins, a person who is directly involved with the hot fuelling has not been briefed about compliance with the procedures and circumstances mentioned in paragraph (1)(b).
- (4) A person commits an offence of strict liability if the person contravenes subregulation (1), (2), or (3).

Penalty: 50 penalty units.

91.510 Fuelling aircraft—persons on aircraft, boarding or disembarking

- (1) The pilot in command of an aircraft for a flight contravenes this subregulation if:
- (a) the aircraft is being fuelled for the flight with a highly volatile fuel; and

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(b) the fuelling begins or continues when a person who is not a crew member of the aircraft is:

- (i) on the aircraft; or
- (ii) boarding the aircraft; or
- (iii) disembarking from the aircraft.

(2) The pilot in command of an aircraft for a flight contravenes this subregulation if:

- (a) the aircraft is being fuelled with fuel other than a highly volatile fuel; and
- (b) the fuelling begins or continues when a person who is not a crew member of the aircraft is:
 - (i) on the aircraft; or
 - (ii) boarding the aircraft; or
 - (iii) disembarking from the aircraft; and
- (c) neither the operator of the aircraft nor the pilot in command holds an approval under regulation 91.045 to fuel the aircraft in those circumstances.

Note: This regulation does not apply to the operation of an aircraft if regulation 121.240, 133.195, 135.220 or 138.302 applies to the operation: see regulation 91.035.

(2A) Subregulation (1) or (2) does not apply in relation to the replacement of fuel cylinders on a Part 131 aircraft.

(3) A person commits an offence of strict liability if the person contravenes subregulation (1) or (2).

Penalty: 50 penalty units.

Note: A defendant bears an evidential burden in relation to the matters in subregulation (2A): see subsection 13.3(3) of the *Criminal Code*.

91.515 Fuelling aircraft if fuel vapour detected

(1) The operator and the pilot in command of an aircraft for a flight each contravene this subregulation if:

- (a) the aircraft is being fuelled for the flight; and
- (b) a person who is not a crew member of the aircraft is:
 - (i) on the aircraft; or
 - (ii) boarding the aircraft; or
 - (iii) disembarking from the aircraft; and
- (c) fuel vapour is detected in the aircraft; and
- (d) the aircraft continues to be fuelled.

(2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Division 91.D.7—Safety of persons on aircraft and cargo requirements

91.520 Crew members to be fit for duty

- (1) A crew member of an aircraft for a flight contravenes this subregulation if:
 - (a) the crew member is, or is likely to be, unfit to perform a duty:
 - (i) that is a required duty for the crew member to perform during the flight; and
 - (ii) that is related to the safety of the aircraft or of the persons on the aircraft or cargo on the aircraft; and
 - (b) the crew member begins to carry out the crew member's duties for the flight.
- (2) A crew member of an aircraft for a flight contravenes this subregulation if:
 - (a) the crew member carries out a duty for the flight; and
 - (b) either:
 - (i) the crew member consumes alcohol at any time during the period of 8 hours ending when the flight begins; or
 - (ii) if a test of a body sample of the crew member to determine the level of alcohol in the sample was taken at the time of carrying out the duty—the test would reveal that the permitted level for alcohol (within the meaning of Part 99) is exceeded.
- (3) A crew member of an aircraft for a flight contravenes this subregulation if the crew member consumes alcohol while on board the aircraft.
- (4) The operator of an aircraft for a flight contravenes this subregulation if:
 - (a) the operator believes on reasonable grounds that a crew member is unfit to perform a duty on the flight; and
 - (b) the duty relates to the safety of the aircraft or of the persons on the aircraft or cargo on the aircraft; and
 - (c) the operator assigns the crew member to duty for the flight.
- (5) A person commits an offence of strict liability if the person contravenes subregulation (1), (2) or (3).

Penalty: 50 penalty units.
- (6) A person commits an offence if the person contravenes subregulation (4).

Penalty: 50 penalty units.
- (7) Strict liability applies to paragraphs (4)(b) and (c).
- (8) Without limiting subregulation (1) or (4), a crew member is taken to be, or is taken to be likely to be, unfit to perform a duty if:

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- (a) the crew member is fatigued to the extent that the crew member's ability to safely perform the duty is reduced or likely to be reduced; or
- (b) the crew member's ability to safely perform the duty is impaired, or likely to be impaired, because the crew member has consumed, used or absorbed a psychoactive substance.

91.525 Offensive or disorderly behaviour on aircraft

- (1) A person on an aircraft for a flight contravenes this subregulation if:
 - (a) the person behaves in an offensive or disorderly manner; and
 - (b) as a result of that behaviour, the safety of the aircraft or persons on the aircraft is endangered.
- (2) The operator or a crew member of an aircraft for a flight may refuse to allow a person to board the aircraft if there are reasonable grounds to believe that the person is likely to behave in an offensive or disorderly manner that is likely to endanger the safety of the aircraft or persons on the aircraft.
- (3) Without limiting subregulation (1) or (2), a person is taken to behave in an offensive or disorderly manner if the person:
 - (a) assaults, intimidates or threatens another person (whether the assault, intimidation or threat is verbal or physical, and whether or not a weapon or object is used); or
 - (b) intentionally damages or destroys property.
- (4) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

91.530 When smoking not permitted

- (1) A person on an aircraft (other than a Part 103 aircraft) for a flight contravenes this subregulation if the person smokes:
 - (a) during take-off or landing; or
 - (b) during a period when the pilot in command has directed the person not to smoke.
- Note: Section 37 of the *Air Navigation Regulation 2016* prohibits smoking anywhere on an aircraft if the aircraft is engaged in certain operations.
- (2) A person on an aircraft (other than a Part 103 aircraft) for a flight contravenes this subregulation if the person smokes in the aircraft's toilet.
 - (3) For the purposes of paragraph (1)(b), the pilot in command is taken to have directed a person on an aircraft not to smoke if:
 - (a) a permanent "no smoking" sign is displayed in the aircraft's cabin; or
 - (b) the pilot has switched on an illuminated "no smoking" sign in the aircraft's cabin.

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- (3A) A person on a Part 103 aircraft for a flight contravenes this subregulation if the person smokes on the aircraft.
- (4) For the purposes of this regulation, smoking is taken to include the use of electronic cigarettes.
- (5) A person commits an offence of strict liability if the person contravenes subregulation (1), (2) or (3A).

Penalty: 50 penalty units.

91.535 Crew safety during turbulence

- (1) The pilot in command of an aircraft for a flight contravenes this subregulation if:
 - (a) a crew member (other than a flight crew member) is carried on the flight; and
 - (b) before the flight begins, the pilot in command has not implemented procedures for:
 - (i) the protection of such crew members during turbulence or during a period when turbulence is expected; or
 - (ii) the limiting or ceasing of crew member duties during turbulence or during a period when turbulence is expected.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

91.540 Means of passenger communication

- (1) The operator and pilot in command of an aircraft for a flight each contravene this subregulation if:
 - (a) due to the design or configuration of the aircraft, the pilot in command is unable to see all seats (and berths) on the aircraft from the pilot in command's pilot seat; and
 - (b) before the aircraft begins the flight, the aircraft is not fitted with a means to communicate with all passengers during all phases of the flight (including emergencies).
- (2) A person commits an offence if the person contravenes subregulation (1).

Penalty: 50 penalty units.

91.545 Seating for persons on aircraft

- (1) The operator and pilot in command of an aircraft for a flight each contravene this subregulation if:
 - (a) a person is assigned a seat (or a berth) on the aircraft for the flight; and
 - (b) the seat or berth is not fitted with a seatbelt or shoulder harness; and
 - (c) the aircraft begins the flight.

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- (2) Subregulation (1) does not apply if circumstances prescribed by the Part 91 Manual of Standards apply in relation to the carriage of the person for the flight.

- (3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Note: A defendant bears an evidential burden in relation to the matters in subregulation (2): see subsection 13.3(3) of the *Criminal Code*.

91.550 Seating for flight crew members

- (1) The pilot in command of an aircraft for a flight contravenes this subregulation if, during the flight, a requirement mentioned in subregulation (2) is not met.

- (2) The requirements are the following:

- (a) the flight must be conducted by at least one pilot who:

- (i) for an Australian aircraft—holds a pilot licence and is permitted under regulation 61.385 to conduct the flight; or
(ii) for a foreign aircraft—is qualified to pilot the aircraft under the law of the aircraft's State of registry or the State of the operator;

- (b) at all times during the flight, such a pilot must occupy a pilot seat, with the seatbelt securely fastened;

- (c) during take-off, landing or any other period that the pilot in command directs, each flight crew member required for the flight must occupy the flight crew member's crew station with the seatbelt and shoulder harness securely fastened;

- (d) when occupying a crew station on the flight deck other than a flight crew member's crew station, the flight crew member must keep the flight crew member's seatbelt securely fastened.

- (3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

91.555 Seating for crew members other than flight crew members

- (1) A crew member (other than a flight crew member) for a flight of an aircraft contravenes this subregulation if, during take-off, landing or any other period that the pilot in command directs, the crew member is not:

- (a) occupying the crew member's crew station; and
(b) wearing, securely fastened, the seatbelts and shoulder harnesses provided at that station.

Note: This regulation does not apply to the operation of an aircraft if regulation 138.375 applies to the operation: see regulation 91.035.

- (2) Subregulation (1) does not apply if:

- (a) a direction is given by the pilot in command during turbulence; and

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- (b) the crew member occupies a seat other than the crew member's crew station; and
 - (c) the crew member is wearing, securely fastened, the seatbelts and shoulder harnesses provided at that seat.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Note: A defendant bears an evidential burden in relation to the matters in subregulation (2): see subsection 13.3(3) of the *Criminal Code*.

91.560 Restraint of infants and children

- (1) A passenger on an aircraft for a flight contravenes this subregulation if, during the flight:
- (a) a direction is given to passengers under regulation 91.570 to fasten seatbelts or shoulder harnesses (as the case requires); and
 - (b) the passenger is responsible for an infant or child carried on the flight; and
 - (c) the passenger does not ensure that the infant or child is restrained in accordance with the requirements prescribed by the Part 91 Manual of Standards for the purposes of this paragraph.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

91.565 Passengers—safety briefings and instructions

- (1) The pilot in command of an aircraft for a flight contravenes this subregulation if:
- (a) a passenger is not given a safety briefing and instructions in accordance with the requirements prescribed by the Part 91 Manual of Standards for the purposes of this paragraph; and
 - (b) the aircraft takes off for the flight.
- Note: This regulation does not apply to the operation of an aircraft if regulation 121.285, 133.240 or 135.280 applies to the operation: see regulation 91.035.
- (2) Subregulation (1) does not apply if:
- (a) the passenger has been previously carried on the aircraft; and
 - (b) the passenger has previously been given a safety briefing and instructions in accordance with this regulation; and
 - (c) in the circumstances it is not reasonably necessary to give the same safety briefing and instructions.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

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Note: A defendant bears an evidential burden in relation to the matters in subregulation (2): see subsection 13.3(3) of the *Criminal Code*.

91.570 Passengers—safety directions by pilot in command

- (1) The pilot in command of an aircraft for a flight contravenes this subregulation if, before doing a thing mentioned in subregulation (2), a passenger is not directed to do the following:
- (a) to fasten the passenger's seatbelt or shoulder harness;
 - (b) if the seat back of the seat (or berth) in which the passenger is sitting is adjustable—to ensure that the seat back is in an upright position or other position permitted by the aircraft flight manual instructions for the aircraft while the aircraft is doing a thing mentioned in subregulation (2);
 - (c) if there are attachments to or for the seat (including a tray table or footrest)—to stow the attachments or to position them as permitted by the aircraft flight manual instructions for the aircraft while the aircraft is doing a thing mentioned in subregulation (2).

Note: This regulation does not apply to the operation of an aircraft if regulation 105.105 applies to the operation: see regulation 91.035.

- (2) The things are the following:
- (a) taxiing;
 - (b) taking off;
 - (c) landing.
- (3) The pilot in command of an aircraft for a flight contravenes this subregulation if:
- (a) the pilot in command has reason to believe it is necessary, for the safety of passengers, that a passenger's seatbelt or shoulder harness is fastened; and
 - (b) the pilot in command does not direct the passenger to fasten the passenger's seatbelt or shoulder harness.
- (4) For subregulations (1) and (3), a direction that seatbelts or shoulder harnesses are to be fastened may be given by the operation of an illuminated sign.
- (5) A direction mentioned in paragraph (1)(a) does not apply to a person occupying a seat (or berth) on an aircraft if:
- (a) the person's health may suffer a detriment by being restrained by a seatbelt; and
 - (b) the pilot in command agrees that the person is otherwise safely restrained.
- (6) A direction mentioned in paragraph (1)(b) does not apply to a person occupying a seat (or berth) on an aircraft if:
- (a) the person is ill or incapacitated; and
 - (b) the pilot in command agrees to the passenger not adjusting their seat (or berth); and
 - (c) the person is otherwise safely restrained and will not affect the safety of other passengers.

Regulation 91.575

- (7) A person commits an offence of strict liability if the person contravenes subregulation (1) or (3).

Penalty: 50 penalty units.

Note: A defendant bears an evidential burden in relation to the matters in subregulations (5) and (6): see subsection 13.3(3) of the *Criminal Code*.

91.575 Passengers—compliance with safety directions

- (1) A passenger on an aircraft for a flight contravenes this subregulation if, during the flight:
- (a) a direction mentioned in regulation 91.570 is given to the passenger; and
 - (b) the person does not comply with the direction.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

91.580 Passengers—compliance with safety instructions by cabin crew

- (1) A cabin crew member of an aircraft may, during a flight, give an instruction to a passenger:
- (a) relating to the safety of the aircraft; or
 - (b) relating to the safety of a person on the aircraft.
- (2) A passenger on the aircraft contravenes this subregulation if:
- (a) a cabin crew member gives a passenger an instruction under subregulation (1); and
 - (b) the passenger does not comply with the instruction.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 50 penalty units.

91.585 Restraint and stowage of cargo

- (1) This regulation does not apply in relation to the following kinds of cargo on an aircraft:
- (a) an assistance animal carried in a passenger cabin;
 - (b) carry-on baggage;
 - (c) equipment that is required or permitted under these Regulations to be carried on the aircraft without being restrained or stowed;
 - (d) cargo to be dropped from the aircraft during a dropping operation.
- (2) The operator and the pilot in command of an aircraft for a flight each contravene this subregulation if cargo carried on the flight is not:

Regulation 91.590

- (a) restrained using equipment that is approved under regulation 21.305 or 21.305A; or
 - (b) securely stowed in a place designed and approved for that purpose under Part 21; or
 - (c) for equipment of a foreign registered aircraft operating in Australian territory—restrained or stowed in accordance with any requirements under the law of the aircraft's State of registry or the State of the operator.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 50 penalty units.

91.590 Restraint and stowage of carry-on baggage

- (1) The pilot in command of an aircraft for a flight contravenes this subregulation if:
- (a) either:
 - (i) the aircraft is taking off or landing; or
 - (ii) the pilot in command has directed that carry-on baggage be securely stowed; and
 - (b) an item of carry-on baggage is not:
 - (i) securely stowed in a place designed and approved under Part 21 (or in the case of a foreign aircraft, under the law of the aircraft's State of registry or the State of the operator) for that purpose; or
 - (ii) otherwise safely restrained.

Note: This regulation does not apply to the operation of an aircraft if regulation 121.265 applies to the operation: see regulation 91.035.

- (2) A person commits an offence if the person contravenes subregulation (1).

Penalty: 50 penalty units.

91.595 Restraint and stowage of certain aircraft equipment

- (1) The operator and pilot in command of an aircraft for a flight each contravene this subregulation if:
- (a) either:
 - (i) the aircraft is taking off or landing; or
 - (ii) the pilot in command has directed that passenger service equipment or galley equipment be restrained or securely stowed; and
 - (b) the passenger service equipment or galley equipment is not restrained or securely stowed in a place intended for the purpose.

Note: This regulation does not apply to the operation of an aircraft if regulation 121.265 applies to the operation: see regulation 91.035.

- (2) A person commits an offence if the person contravenes subregulation (1).

Penalty: 50 penalty units.

91.600 Carriage of cargo—general

- (1) The operator and the pilot in command of an aircraft for a flight each contravene this subregulation if a requirement mentioned in subregulation (2) is not met for the flight.
- (2) The requirements are the following:
 - (a) cargo must not be carried in a place where the cargo may damage, obstruct or cause the failure of:
 - (i) a control, electrical wiring or a pipeline of the aircraft; or
 - (ii) any other equipment that is essential to the safe operation of the aircraft;
 - (b) cargo must not be carried in a place where the weight of the cargo exceeds the load limitations for the floor structure or any other load bearing components of that place, as set out:
 - (i) in the aircraft flight manual instructions for the aircraft; or
 - (ii) on a placard on the aircraft;
 - (c) cargo (other than passenger service equipment or galley equipment in an aisle on a temporary basis while in use) must not obstruct an aisle;
 - (d) either:
 - (i) cargo must not obstruct, or restrict access to, an emergency exit; or
 - (ii) the operator or the pilot in command must hold an approval from CASA under regulation 91.045 for cargo to be carried in a manner that obstructs, or restricts access to, the emergency exit.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

91.605 Carriage of cargo—cargo compartments

- (1) The operator and the pilot in command of an aircraft for a flight each contravene this subregulation if:
 - (a) more than one flight crew member is required for the flight; and
 - (b) cargo is carried in a cargo compartment; and
 - (c) the design of the cargo compartment is such that if a fire were to occur during the flight, a crew member would need to enter the compartment to extinguish the fire; and
 - (d) the cargo is not loaded in a manner to allow a crew member to reach, at any time during the flight, all parts of the compartment with the contents of a hand-held fire extinguisher.
- (2) A flight crew member is **required** for a flight if the flight crew member is one of the number of flight crew members required for the flight by:
 - (a) the aircraft flight manual instructions for the aircraft; or
 - (b) if a greater number is required by these Regulations—these Regulations.

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- (3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

91.610 Carriage of cargo—unoccupied seats

- (1) The operator and the pilot in command of an aircraft for a flight each contravene this subregulation if:
- (a) cargo is carried on an unoccupied seat in the aircraft; and
 - (b) a requirement mentioned in subregulation (2) is not met.
- (2) The requirements are the following:
- (a) the cargo must not weigh more than:
 - (i) 77 kg; or
 - (ii) if the seat manufacturer permits a greater weight for the seat—that weight;
 - (b) the cargo, and the means of restraint of the cargo, must not interfere with the safe operation of the aircraft.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

91.615 Carriage of cargo—loading instructions

- (1) This regulation applies in relation to cargo other than cargo that:
- (a) is carry-on baggage that weighs less than 9 kg and is stowed under a seat or in a place designed for that purpose; or
 - (b) is carried on an unoccupied seat in accordance with regulation 91.610.
- (2) The operator and the pilot in command of an aircraft for a flight each contravene this subregulation if, during the flight, cargo is not carried in the aircraft in a place that has a placard bearing the instructions for the carriage of the cargo in that place.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 50 penalty units.

91.620 Carriage of animals

- (1) A person contravenes this subregulation if:
- (a) the person brings an animal onto an aircraft for a flight; and
 - (b) the person does not have permission from the pilot in command of the aircraft to do so.
- (2) The pilot in command of an aircraft for a flight contravenes this subregulation if:

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- (a) the pilot in command of the aircraft gives permission for a person to bring an animal onto the aircraft for the flight; and
 - (b) the pilot in command does not take reasonable steps to ensure that carriage of the animal does not have an adverse effect on the safety of air navigation.
- (3) The operator or the pilot in command of an aircraft for a flight may refuse to carry an assistance animal (within the meaning of the *Disability Discrimination Act 1992*) in the aircraft for the flight if the operator or pilot in command reasonably believes that the carriage of the animal for the flight may have an adverse effect on the safety of air navigation.
- (4) Subregulation (3) has effect despite anything in the *Disability Discrimination Act 1992*.
- (5) The Part 91 Manual of Standards may prescribe requirements relating to the carriage of animals on an aircraft for a flight.
- (6) The pilot in command of an aircraft for a flight contravenes this subregulation if:
 - (a) the pilot in command is subject to a requirement mentioned in subregulation (5); and
 - (b) the requirement is not met for the flight.
- (7) The operator of an aircraft for a flight contravenes this subregulation if:
 - (a) the operator is subject to a requirement mentioned in subregulation (5); and
 - (b) the requirement is not met for the flight.
- (8) A person commits an offence of strict liability if the person contravenes subregulation (1), (2), (6) or (7).

Penalty: 50 penalty units.

Regulation 91.625

Division 91.D.8—Instruments, indicators, equipment and systems

91.625 Use of radio—qualifications

- (1) A person contravenes this subregulation if:
 - (a) the person transmits on a radio frequency published in the AIP or NOTAMs that is:
 - (i) used by Air Traffic Services; or
 - (ii) used for communications at a certified aerodrome, a registered aerodrome, a military aerodrome or an aerodrome prescribed as a designated non-controlled aerodrome by the Part 91 Manual of Standards for the purposes of subparagraph 91.400(1)(a)(iv); or
 - (iii) used in aeronautical emergencies; or
 - (iv) of a kind prescribed by the Part 91 Manual of Standards for this subparagraph; and
 - (b) the person is not authorised or qualified to do so:
 - (i) for an Australian aircraft (other than a Part 103 aircraft or a Part 131 aircraft)—under Part 61, 64 or 65; or
 - (ii) for a foreign registered aircraft—under the law of the aircraft’s State of registry or the State of the operator; or
 - (iii) for a Part 103 aircraft—by a Part 103 ASAO; or
 - (iv) for a Part 131 aircraft—by a Part 131 pilot authorisation.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

91.630 Use of radio—broadcasts and reports

- (1) The pilot in command of an aircraft for a flight contravenes this subregulation if:
 - (a) the aircraft is fitted with, or carries, a radio; and
 - (b) during the flight, the pilot in command does not make a broadcast or a report relating to the flight that is prescribed by the Part 91 Manual of Standards for this paragraph.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

91.635 Communication monitoring in controlled airspaces

- (1) The pilot in command of an aircraft for a flight contravenes this subregulation if:
 - (a) during the flight, the aircraft is flown in controlled airspace; and

- (b) the pilot in command does not continuously monitor the primary communications medium used by air traffic control while flying in that airspace.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

91.640 Use of radio outside controlled airspaces—listening watch of radio transmissions

- (1) The pilot in command of an aircraft for a flight contravenes this subregulation if:
 - (a) the aircraft is fitted with, or carries, a radio; and
 - (b) the aircraft is flown by a pilot who is qualified, eligible or authorised to use the radio:
 - (i) for an Australian aircraft (other than a Part 103 aircraft or a Part 131 aircraft)—under Part 61 or 64; or
 - (ii) for a foreign registered aircraft—under a law of the aircraft's State of registry or the State of the operator; or
 - (iii) for a Part 103 aircraft—by a Part 103 ASAO; or
 - (iv) for a Part 131 aircraft—by a Part 131 pilot authorisation; and
 - (c) the aircraft is outside controlled airspace; and
 - (d) radio transmissions are not continuously monitored by:
 - (i) the pilot in command of the aircraft for the flight; or
 - (ii) another pilot who occupies a pilot seat during the flight.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

91.645 Availability of instructions for flight data and combination recorders

- (1) The operator of an aircraft for a flight contravenes this subregulation if, when the aircraft begins the flight:
 - (a) the aircraft is required to be fitted with a flight data recorder or combination recorder by these Regulations; and
 - (b) the operator does not have the instructions for the recorder available for immediate provision to the Australian Transport Safety Bureau.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

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91.650 Flight recorders—preserving recordings of immediately reportable matters

- (1) The operator of an aircraft for a flight contravenes this subregulation if:
 - (a) the aircraft is fitted with an operative flight data recorder, operative cockpit voice recorder or operative combination recorder; and
 - (b) an immediately reportable matter occurs in relation to the aircraft; and
 - (c) the requirement mentioned in subregulation (2) is not met.
- (2) The requirement is that recordings from the flight data recorder, cockpit voice recorder and combination recorder related to the occurrence of the matter, and the recorders, are preserved:
 - (a) if the Australian Transport Safety Bureau notifies the operator, within 72 hours of the matter being reported to the Australian Transport Safety Bureau under section 18 of the *Transport Safety Investigation Act 2003*:
 - (i) that the operator is not required to preserve the recordings and recorders—until the time of that notification; or
 - (ii) that the operator is required to preserve the recordings and recorders for a certain period—until the end of that period; or
 - (iii) that the operator is required to preserve the recordings for a certain period but is not required to preserve the recorders—until the end of that period for the recordings, and until the time of that notification for the recorders; or
 - (b) in any other case—until 72 hours after the matter is reported to the Australian Transport Safety Bureau under section 18 of the *Transport Safety Investigation Act 2003*.
- (3) Subregulation (1) does not apply if:
 - (a) the recordings or recorders are not preserved; and
 - (b) the operator took reasonable steps in the circumstances to preserve the recordings or recorders.
- (4) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Note: A defendant bears an evidential burden in relation to the matters in subregulation (3): see subsection 13.3(3) of the *Criminal Code*.

91.655 RVSM airspace

- (1) The operator and the pilot in command of an aircraft for a flight each contravene this subregulation if:
 - (a) the aircraft is flown in RVSM airspace; and
 - (b) the requirement mentioned in subregulation (2) is not met.
- (2) The requirement is that either or both of the following apply:
 - (a) the operator of the aircraft holds:

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- (i) for an Australian aircraft—an approval under regulation 91.045; or
 - (ii) for a foreign aircraft—an approval by the national aviation authority of the aircraft's State of registry or of the State of the operator;for the aircraft to be flown in RVSM airspace;
 - (b) the pilot in command has been given an air traffic control clearance or an air traffic control instruction for the aircraft to be flown in the RVSM airspace.
- (3) The pilot in command of an aircraft for a flight contravenes this subregulation if:
- (a) the aircraft is in RVSM airspace; and
 - (b) the aircraft becomes unable to operate with RVSM separation; and
 - (c) the pilot in command does not inform air traffic control as soon as practicable after the aircraft becomes unable to operate with RVSM separation.
- (4) A person commits an offence of strict liability if the person contravenes subregulation (1).
- Penalty: 50 penalty units.
- (5) A person commits an offence if the person contravenes subregulation (3).
- Penalty: 50 penalty units.

91.660 Performance-based navigation

- (1) The pilot in command of an aircraft for a flight contravenes this subregulation if:
- (a) the flight, or any part of the flight, is conducted using a navigation specification prescribed by the Part 91 Manual of Standards for the purposes of this paragraph; and
 - (b) neither the operator of the aircraft for the flight nor the pilot in command holds:
 - (i) for an Australian aircraft—an approval under regulation 91.045; or
 - (ii) for a foreign registered aircraft—an approval by the national aviation authority of the aircraft's State of registry or of the State of the operator;to use that navigation specification during the flight or part of the flight.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).
- Penalty: 50 penalty units.

Part 91 General operating and flight rules

Subpart 91.D Operational procedures

Division 91.D.9 Miscellaneous

Division 91.D.9—Miscellaneous

Note: This Division is reserved for future use.

Division 91.D.10—Signals, emergencies and hazards

91.670 Standard visual signals

- (1) A person contravenes this subregulation if:
 - (a) the person displays a signal to an aircraft other than a glider for the purposes of marshalling the aircraft; and
 - (b) the signal is not a standard visual signal.
- (2) A person contravenes this subregulation if:
 - (a) the person displays a standard visual signal to an aircraft; and
 - (b) the safety of the aircraft, or of any person or property, is likely to be endangered as a result of the display of the signal.
- (3) The pilot in command of an aircraft for a flight contravenes this subregulation if:
 - (a) a standard visual signal is displayed to the aircraft during the flight; and
 - (b) the pilot in command does not comply with the signal.
- (4) Subregulation (3) does not apply if the pilot in command reasonably believes that compliance with the signal is likely to endanger the safety of the aircraft or of any person or property.
- (5) A person commits an offence of strict liability if the person contravenes subregulation (1), (2) or (3).

Penalty: 50 penalty units.

Note: A defendant bears an evidential burden in relation to the matters in subregulation (4): see subsection 13.3(3) of the *Criminal Code*.

91.675 Pilot in command to report hazards to air navigation

- (1) The pilot in command of an aircraft for a flight contravenes this subregulation if:
 - (a) the pilot in command becomes aware that a hazard to air navigation exists; and
 - (b) information about the hazard is not published in the authorised aeronautical information for the flight; and
 - (c) the pilot in command does not, as soon as circumstances permit, report the hazard to:
 - (i) Air Traffic Services; and
 - (ii) if the hazard is on an aerodrome—the operator of the aerodrome.
- (2) Subregulation (1) does not apply if:
 - (a) the pilot believes that the hazard has previously been reported as required by subregulation (1); and
 - (b) the belief is reasonable in the circumstances.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1).

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Penalty: 50 penalty units.

Note: A defendant bears an evidential burden in relation to the matters in subregulation (2): see subsection 13.3(3) of the *Criminal Code*.

91.680 Pilot in command to report emergencies

- (1) The pilot in command of an aircraft for a flight contravenes this subregulation if, during the flight:
 - (a) an emergency occurs that threatens the safety of the aircraft or the persons on the aircraft; and
 - (b) the aircraft is fitted with, or carries, a means for the pilot in command to communicate with Air Traffic Services; and
 - (c) it is practicable to inform Air Traffic Services of the emergency; and
 - (d) the pilot does not inform Air Traffic Services, at the time that it is practicable to do so, of:
 - (i) the emergency; and
 - (ii) if the aircraft is carrying dangerous goods—the nature and state of the goods.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

91.685 Multi-engine aircraft—pilot in command to land at nearest suitable aerodrome if emergency occurs

- (1) The pilot in command of a multi-engine aircraft for a flight contravenes this subregulation if, during the flight:
 - (a) an emergency occurs that threatens the safety of the aircraft or the persons on the aircraft; and
 - (b) the pilot does not land at the aerodrome that is, in the circumstances, the nearest suitable aerodrome for the aircraft to land at.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

91.690 Pilot in command to report contraventions relating to emergencies

- (1) The operator and the pilot in command of an aircraft for a flight each contravene this subregulation if:
 - (a) during the flight, an emergency occurs that threatens the safety of the aircraft or the persons on the aircraft; and
 - (b) the emergency requires the pilot flying the aircraft to take action that involves a contravention of a provision of these Regulations; and

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- (c) neither the operator nor the pilot in command give CASA written notice, in the approved form, of the contravention and the circumstances of the contravention, within 2 business days after the day the emergency occurs.
- (2) The pilot in command is not excused from giving notice under subregulation (1) on the ground that the giving of the notice, or the information in the notice, might tend to incriminate the pilot in command or expose the pilot in command to a penalty.
- (3) The following are not admissible in evidence against the pilot in command in criminal proceedings other than proceedings for an offence against subsection 136.1(1) or (4), 137.1(1) or 137.2(1) of the *Criminal Code*:
 - (a) the information in the notice;
 - (b) any information, document or thing obtained as a direct or indirect consequence of giving the notice.
- (4) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

91.695 Interception of aircraft

- (1) The Part 91 Manual of Standards may prescribe requirements to be met if an aircraft is intercepted by another aircraft during a flight.
- (2) The pilot in command of an aircraft for a flight contravenes this subregulation if:
 - (a) the aircraft is intercepted by another aircraft during the flight; and
 - (b) a requirement mentioned in subregulation (1) is not met for the flight.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 50 penalty units.

91.700 Aviation distress signals

- (1) A person on an aircraft for a flight contravenes this subregulation if:
 - (a) the person has made an aviation distress signal; and
 - (b) the reason for making the signal no longer exists; and
 - (c) the state of the aircraft's radio and the location of the aircraft are such that the signal is able to be cancelled; and
 - (d) the person does not cancel the signal as soon as circumstances permit.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 25 penalty units.

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91.705 Flight in icing conditions—adherence of frost, ice or snow

- (1) The pilot in command of an aircraft for a flight contravenes this subregulation if, when the aircraft begins the flight, frost, ice or snow is adhering to any of the aircraft's wings, flaps, control surfaces, rotors, propellers, horizontal stabilisers or vertical stabilisers.
- (2) The pilot in command of an aircraft for a flight contravenes this subregulation if, when the aircraft begins a flight:
 - (a) the aircraft has frost, ice or snow adhering to the top of the aircraft's fuselage; and
 - (b) either:
 - (i) the aircraft has rear-mounted engines; or
 - (ii) the adherence of the frost, ice or snow to the top of the aircraft's fuselage is a hazard to the safe operation of the aircraft for the flight.
- (3) Subregulation (1) or (2) does not apply if the take-off for the flight is conducted in accordance with the aircraft flight manual instructions for the aircraft that relate to taking off under the conditions mentioned in that subregulation.
- (4) A person commits an offence of strict liability if the person contravenes subregulation (1) or (2).

Penalty: 50 penalty units.

Note: A defendant bears an evidential burden in relation to the matters in subregulation (3): see subsection 13.3(3) of the *Criminal Code*.

91.710 Flight in icing conditions—requirements for flight

- (1) This regulation applies to a flight of an aircraft if:
 - (a) when the flight begins, icing conditions are known or suspected for the flight path along which the aircraft will be flown; or
 - (b) both:
 - (i) during the flight, the aircraft flies into icing conditions; and
 - (ii) the pilot in command does not, as soon as practicable, change the aircraft's flight path to try and avoid the icing conditions.
- (2) The pilot in command of an aircraft for a flight contravenes this subregulation if, when the flight began, the aircraft was not type certificated as complying with the airworthiness standards relating to flight in icing conditions.
- (3) A person commits an offence if the person contravenes subregulation (2).

Penalty: 50 penalty units.

Division 91.D.11—Causing or simulating failures etc.

Subdivision 91.D.11.1—Causing or simulating instrument failure etc.

91.715 Causing or simulating failure of flight instruments

- (1) The pilot in command of an aircraft for a flight contravenes this subregulation if, during the flight:
 - (a) the failure of an instrument of any of the following kinds is caused or simulated:
 - (i) an attitude indicator;
 - (ii) a gyrocompass or an equivalent instrument;
 - (iii) an airspeed indicator;
 - (iv) an altimeter; and
 - (b) a requirement mentioned in subregulation (2) is not met.
- (2) The requirements are the following:
 - (a) the flight must be conducted for the purpose of pilot training, checking or testing;
 - (b) only crew members that are required for the training, checking or testing are carried on the flight;
 - (c) a person who is authorised to pilot the aircraft under Part 61, by a Part 103 ASAO or by a Part 131 pilot authorisation (or in the case of a foreign aircraft, under the law of the aircraft's State of registry or the State of the operator):
 - (i) must occupy a pilot seat fitted with a fully functioning set of flight controls; and
 - (ii) if the flight is in IMC or at night—must have a clear view of an operative instrument of the same kind as the instrument subjected to failure or simulated failure.
- (3) Subregulation (1) does not apply if the pilot in command is carrying out:
 - (a) a maintenance test flight; or
 - (b) a procedure to diagnose or isolate a failure of an instrument or system.
- (4) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Note: A defendant bears an evidential burden in relation to the matters in subregulation (3): see subsection 13.3(3) of the *Criminal Code*.

91.720 Simulating IMC flying

- (1) The pilot in command of an aircraft for a flight contravenes this subregulation if:
 - (a) during the flight, IMC are simulated; and

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(b) a requirement mentioned in subregulation (2) is not met.

(2) The requirements are the following:

- (a) a pilot (the **safety pilot**) must:
 - (i) occupy a pilot seat fitted with fully functioning flight controls; and
 - (ii) have adequate vision forward and to each side of the aircraft;
- (b) a pilot (the **second pilot**) flying the aircraft under simulated IMC must occupy a pilot seat fitted with fully functioning flight controls;
- (c) the safety pilot must be authorised or qualified to pilot the aircraft:
 - (i) for an Australian aircraft—under Part 61; or
 - (ii) for a foreign registered aircraft—under the law of the aircraft's State of registry or the State of the operator.

Note: If the flight manual for an aircraft requires that it be flown by 2 pilots, Part 61 requires both pilots to have a type rating for the aircraft.

(3) A person commits an offence if the person contravenes subregulation (1).

Penalty: 50 penalty units.

91.725 Training flight limitations etc.

(1) In this regulation:

permitted person, in relation to an aircraft, means:

- (a) a crew member of the aircraft; or
- (b) a person authorised by the operator of the aircraft to conduct an audit of the operation involved, or to supervise it; or
- (c) an authorised officer carrying out an examination, inspection or test of the work of the aircraft's crew under these Regulations.

(2) The pilot in command of an aircraft for a flight contravenes this subregulation if, during the flight:

- (a) a person other than a permitted person is carried on the aircraft; and
- (b) the pilot in command permits any of the following:
 - (i) flight training for a flight crew member who does not hold a class rating or type rating for the aircraft;
 - (ii) the simulation (other than verbally) of an emergency or abnormal situation that may affect the handling characteristics of the aircraft;
 - (iii) training below 500 ft AGL (other than training for take-off and landing);
 - (iv) training mentioned in Part 61 for a low-level rating, an aerial application rating, an aerobatic endorsement or a spinning endorsement, or training for an equivalent qualification under a law of a foreign country.

(3) The pilot in command of an aircraft for a flight contravenes this subregulation if, during the flight:

- (a) a person other than the following is carried on the aircraft:

- (i) a permitted person;
 - (ii) a member of the aircraft's maintenance personnel who is required, as part of the member's duties, to be on the aircraft; and
 - (b) the pilot in command permits a test of the aircraft, or any of its instruments, indicators, items of equipment or systems (other than a test of the aircraft during the course of checks associated with the normal operation of the aircraft).
- (4) The pilot in command of an aircraft for a flight contravenes this subregulation if:
- (a) for a flight for which the activity mentioned in subparagraph (2)(b)(i) is permitted—more than 4 permitted persons, including the pilot, are on the aircraft; or
 - (b) for a flight for which the activity mentioned in subparagraph (2)(b)(ii) or (iv) is permitted—more than 3 permitted persons, including the pilot, are on the aircraft.
- (5) A person commits an offence of strict liability if the person contravenes subregulation (2), (3) or (4).

Penalty: 50 penalty units.

Subdivision 91.D.11.2—Causing or simulating engine failure etc. for aeroplanes

91.730 Aeroplane flights in IMC or at night—engine not to be shut down

- (1) The pilot in command of an aeroplane for a flight contravenes this subregulation if:
- (a) the flight is in IMC or at night; and
 - (b) an engine of the aeroplane is shut down during the flight.
- (2) A person commits an offence if the person contravenes subregulation (1).

Penalty: 50 penalty units.

91.735 Single-engine aeroplane—VFR flights by day—engine not to be shut down

- (1) The pilot in command of a single-engine aeroplane for a flight contravenes this subregulation if:
- (a) the flight is a VFR flight by day; and
 - (b) the engine of the aeroplane is shut down during the flight; and
 - (c) a requirement mentioned in subregulation (2) is not met.
- (2) The requirements are the following:
- (a) the flight must be conducted for the purpose of pilot training, checking or testing;
 - (b) only flight crew members are carried on the flight;

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- (c) the pilot in command must hold a flight instructor rating, flight examiner rating or other authorisation under these Regulations that authorises the activity of shutting down an engine;
 - (d) while the engine is shut down, the aeroplane must remain within gliding distance of a safe forced landing area.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

91.740 Single-engine aeroplane—simulating engine failure in IMC or at night

- (1) The pilot in command of a single-engine aeroplane for a flight contravenes this subregulation if:
 - (a) the flight is:
 - (i) in IMC; or
 - (ii) at night; and
 - (b) a failure of the aeroplane's engine is simulated during the flight; and
 - (c) a requirement mentioned in subregulation (2) is not met.
- (2) The requirements are the following:
 - (a) the flight must be conducted for the purpose of pilot training, checking or testing;
 - (b) only flight crew members are carried on the flight;
 - (c) the pilot in command must hold a flight instructor rating, flight examiner rating or other authorisation under these Regulations that authorises the activity of simulating an engine failure;
 - (d) for a simulation at night:
 - (i) the simulation must commence above 1,000 ft AGL; and
 - (ii) while the engine failure is being simulated, the aeroplane must remain within gliding distance of a lighted runway available for landing;
 - (e) for a simulation in IMC:
 - (i) the simulation must commence above the lowest safe altitude for the route or route segment of the flight; and
 - (ii) VMC conditions must exist below that altitude.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

91.745 Multi-engine aeroplane—simulating engine failure—general

- (1) The pilot in command of a multi-engine aeroplane for a flight contravenes this subregulation if, during the flight:
 - (a) an engine failure is simulated; and
 - (b) the requirement mentioned in subregulation (2) is not met.
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- (2) The requirement is that one of the following must apply to the aeroplane:
- (a) the aeroplane must be type certificated to carry not more than 9 passengers, or must have a maximum take-off weight of not more than 8,618 kg;
 - (b) for an aeroplane that is type certificated to carry more than 9 passengers but not more than 19 passengers:
 - (i) there must be no flight simulator for the type of aeroplane in Australia; or
 - (ii) if subparagraph (i) does not apply—the operator must hold an approval from CASA under regulation 91.045 to simulate the failure of the engine;
 - (c) for an aircraft that is type certificated to carry more than 19 passengers:
 - (i) there must be no flight simulator for the type of aeroplane in Australia; and
 - (ii) there must be no flight simulator approved by a recognised national aviation authority in a foreign country for the type of aeroplane; and
 - (iii) if subparagraphs (i) and (ii) do not apply—the operator must hold an approval from CASA under regulation 91.045 to simulate the failure of the engine;
 - (d) the aeroplane must be conducting a flight of the following kind in accordance with the requirements in Subpart 91.T for the kind of flight:
 - (i) a test flight of an aircraft for which a provisional certificate of airworthiness is in force;
 - (ii) if a special flight permit allows the aeroplane to simulate a failure of the engine—a flight under the special flight permit;
 - (iii) if an experimental certificate allows the aeroplane to simulate a failure of the engine—a flight under the experimental certificate.
- (3) An application for an approval mentioned in subparagraph (2)(b)(ii) or (2)(c)(iii) must include a safety risk management plan.
- (4) A person commits an offence if the person contravenes subregulation (1).

Penalty: 50 penalty units.

91.750 Multi-engine aeroplane—simulating engine failures in IMC or at night

- (1) The pilot in command of a multi-engine aeroplane for a flight contravenes this subregulation if:
- (a) the flight is:
 - (i) in IMC; or
 - (ii) at night; and
 - (b) a failure of one of the aeroplane's engines is simulated during the flight; and
 - (c) a requirement mentioned in subregulation (2) is not met.
- (2) The requirements are the following:

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- (a) the pilot in command must hold a flight instructor rating, flight examiner rating or other authorisation under these Regulations that authorises the activity of simulating an engine failure;
 - (b) the flight must be conducted for the purpose of pilot training, checking or testing;
 - (c) only flight crew members are carried on the flight;
 - (d) the pilot in command must brief the pilot under instruction before the simulation and must supervise the simulation;
 - (e) for an aeroplane flown in IMC that is not conducting an approach to land mentioned in paragraph (f)—the aeroplane must be at or above the minimum height mentioned in subregulation 91.305(2);
 - (f) for an aeroplane conducting an asymmetric instrument approach and missed approach:
 - (i) the simulation must be initiated above the initial approach altitude; and
 - (ii) the flight must be conducted with visual reference to the terrain when below a height of 1,000 ft above the relevant minima according to the aeronautical chart in use for the approach;
 - (g) for an aeroplane flown at night in VMC—the aeroplane must be flown:
 - (i) if the aeroplane is not conducting an approach to land or within the circling area of an aerodrome—above the minimum height mentioned in subregulation 91.305(2) or 91.277(2) (as the case requires); or
 - (ii) if the aeroplane is conducting an approach to land and is not within the circling area of an aerodrome—in accordance with an authorised instrument approach procedure; or
 - (iii) within the circling area of an aerodrome (as determined in accordance with the method specified in the authorised aeronautical information for the flight for determining the circling area for the aerodrome);
 - (h) for an aeroplane flown at night in VMC—the simulation must be initiated at or above circuit height and not below 1,000 ft AGL;
 - (i) the simulation must be carried out in accordance with procedures specified in:
 - (i) the aircraft flight manual instructions for the aeroplane (if any); or
 - (ii) if procedures are not specified in the aircraft flight manual instructions for the aeroplane, and the operator of the aeroplane is required to have an exposition by these Regulations—the exposition; or
 - (iii) if procedures are not specified in the aircraft flight manual instructions for the aeroplane, and the operator of the aeroplane is not required to have an exposition by these Regulations—the operator's operations manual.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Subdivision 91.D.11.3—Causing or simulating engine failure etc. for rotorcraft

91.755 Single-engine rotorcraft—engine not to be shut down

- (1) The pilot in command of a single-engine rotorcraft for a flight contravenes this subregulation if, during the flight, the engine is shut down.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

91.760 Single-engine rotorcraft—engine failure not to be simulated and autorotation of main rotor system not to be initiated in IMC

- (1) The pilot in command of a single-engine rotorcraft for a flight in IMC contravenes this subregulation if:
 - (a) a failure of the rotorcraft's engine is simulated during the flight; or
 - (b) an autorotation of the rotorcraft's main rotor system is initiated.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

91.765 Single-engine rotorcraft—simulating engine failure or initiating autorotation of main rotor system at night

- (1) The pilot in command of a single-engine rotorcraft for a flight contravenes this subregulation if:
 - (a) the flight is at night; and
 - (b) during the flight, a failure of the rotorcraft's engine is simulated or an autorotation of the rotorcraft's main rotor system is initiated; and
 - (c) the rotorcraft is not:
 - (i) taxiing or hovering below the hover height for the surface specified in the aircraft flight manual instructions for the rotorcraft; or
 - (ii) at a height at or above 1,000 ft AGL; and
 - (d) a requirement mentioned in subregulation (2) is not met.
- (2) The requirements are the following:
 - (a) the pilot in command must hold a flight instructor rating, flight examiner rating or other authorisation under these Regulations that authorises the activity of simulating an engine failure or initiating an autorotation of the main rotor system (as the case requires);
 - (b) the flight must be carried out for the purpose of pilot training, checking or testing;
 - (c) only flight crew members are carried on the flight;

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- (d) the pilot in command must brief the pilot under instruction before the simulation or autorotation and must supervise the simulation or autorotation;
 - (e) the simulation or autorotation must be carried out in VMC; and
 - (f) power termination of the autorotation must be initiated so that full power is available before the rotorcraft goes below 100 ft AGL;
 - (g) the autorotation must be terminated using a power recovery termination or a baulked approach and climb out;
 - (h) the simulation or autorotation must be conducted at an aerodrome with omnidirectional runway lighting.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

91.770 Multi-engine rotorcraft—engine not to be shut down at certain altitudes in IMC or at night

- (1) The pilot in command of a multi-engine rotorcraft for a flight contravenes this subregulation if:
- (a) the flight is:
 - (i) in IMC; or
 - (ii) at night; and
 - (b) an engine of the rotorcraft is shut down during the flight; and
 - (c) the rotorcraft is not at or above the lowest safe altitude for a route or route segment for the flight.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

91.775 Multi-engine rotorcraft—simulating engine failure in IMC or at night

- (1) The pilot in command of a multi-engine rotorcraft for a flight contravenes this subregulation if:
- (a) the flight is:
 - (i) in IMC; or
 - (ii) at night; and
 - (b) a failure of one of the rotorcraft's engines is simulated during the flight; and
 - (c) a requirement mentioned in subregulation (2) is not met.
- (2) The requirements are the following:
- (a) the pilot in command must hold a flight instructor rating, flight examiner rating or other authorisation under these Regulations that authorises the activity of simulating an engine failure in a multi-engine rotorcraft;

- (b) the flight must be for the purpose of pilot training, checking or testing;
 - (c) only flight crew members are carried on the flight;
 - (d) the pilot in command must brief the pilot under instruction before the simulation and must supervise the simulation;
 - (e) for a rotorcraft flown in IMC—the rotorcraft must be established at or above the lowest safe altitude for a route or route segment for the flight;
 - (f) for a rotorcraft flown at night in VMC:
 - (i) the rotorcraft must be flown within the circling area of an aerodrome (as determined in accordance with the method specified in the authorised aeronautical information for the flight determining the circling area for the aerodrome); and
 - (ii) in the climb during take-off, the simulation must be initiated before the take-off decision point, or above 500 ft AGL; and
 - (iii) after the climb during take-off, the simulation must be initiated at or above 1,000 ft AGL;
 - (g) the simulation must be carried out in accordance with:
 - (i) procedures specified in the aircraft flight manual instructions for the rotorcraft (if any); or
 - (ii) if procedures are not specified in the aircraft flight manual instructions for the rotorcraft, and the operator of the rotorcraft is required by these Regulations to have an exposition—the exposition; or
 - (iii) if procedures are not specified in the aircraft flight manual instructions for the rotorcraft, and the operator of the rotorcraft is not required by these Regulations to have an exposition—the operator's operations manual.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Division 91.D.12—Psychoactive substances

91.780 Passengers—alcohol

- (1) A passenger on an aircraft for a flight contravenes this subregulation if:
 - (a) the passenger consumes alcohol; and
 - (b) either:
 - (i) a crew member has not provided the alcohol to the passenger; or
 - (ii) if there is no crew member other than the pilot in command on the aircraft—the pilot in command has not permitted the passenger to consume the alcohol.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

91.785 Crew—provision of alcohol

- (1) A crew member of an aircraft for a flight contravenes this subregulation if:
 - (a) the crew member provides alcohol to a passenger on the aircraft; and
 - (b) there are reasonable grounds to believe the passenger is affected by one or more psychoactive substances to an extent that the passenger's behaviour may present a hazard to the aircraft or to a person on the aircraft.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

91.790 Prohibiting person affected by psychoactive substances from boarding

The operator, or a crew member, of an aircraft for a flight may prohibit a person from boarding the aircraft if there are reasonable grounds to believe that the person is affected by a psychoactive substance to an extent that may present a hazard to the aircraft or to a person on the aircraft.

Subpart 91.F—Performance

Note: This Subpart does not apply to the operation of an aircraft if Subpart 121.F, 133.F, 135.F or 138.F applies to the operation: see regulation 91.035.

91.795 Take-off performance

- (1) The Part 91 Manual of Standards may prescribe requirements relating to take-off performance for a flight of an aircraft.
- (2) Without limiting subregulation (1), the Part 91 Manual of Standards may prescribe requirements that relate to one or more of the following:
 - (a) the aircraft's configuration;
 - (b) the operation of any equipment for the flight;
 - (c) characteristics of the aerodrome at which the aircraft takes off;
 - (d) characteristics of the route flown by the aircraft;
 - (e) characteristics of the aerodrome at which the aircraft lands.
- (3) The pilot in command of an aircraft for a flight contravenes this subregulation if:
 - (a) the pilot is subject to a requirement mentioned in subregulation (1) for the flight; and
 - (b) the requirement is not met for the flight.
- (4) The operator of an aircraft for a flight contravenes this subregulation if:
 - (a) the operator is subject to a requirement mentioned in subregulation (1) for the flight; and
 - (b) the requirement is not met for the flight.
- (5) A person commits an offence of strict liability if the person contravenes subregulation (3) or (4).

Penalty: 50 penalty units.

91.800 Landing performance

- (1) The Part 91 Manual of Standards may prescribe requirements relating to landing performance for a flight of an aircraft.
- (2) Without limiting subregulation (1), the Part 91 Manual of Standards may prescribe requirements relating to one or more of the following:
 - (a) the aircraft's configuration;
 - (b) the operation of any equipment for the flight;
 - (c) characteristics of the aerodrome at which the aircraft lands;
 - (d) safety factor percentages to be applied.
- (3) The pilot in command of an aircraft for a flight contravenes this subregulation if:
 - (a) the pilot is subject to a requirement mentioned in subregulation (1) for the flight; and

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- (b) the requirement is not met for the flight.
- (4) The operator of an aircraft for a flight contravenes this subregulation if:
 - (a) the operator is subject to a requirement mentioned in subregulation (1) for the flight; and
 - (b) the requirement is not met for the flight.
- (5) A person commits an offence of strict liability if the person contravenes subregulation (3) or (4).

Penalty: 50 penalty units.

Subpart 91.J—Weight and balance

Note: This Subpart does not apply to the operation of an aircraft if Subpart 121.J, 133.J, 135.J or 138.J applies to the operation: see regulation 91.035.

91.805 Loading of aircraft

- (1) The pilot in command of an aircraft for a flight contravenes this subregulation if, when the flight begins the aircraft is loaded in a way that contravenes the aircraft's weight and balance limits.
- (2) The pilot in command of an aircraft for a flight contravenes this subregulation if, during the flight, the aircraft ceases to be operated in accordance with the aircraft's weight and balance limits.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1) or (2).

Penalty: 50 penalty units.

Regulation 91.810

Subpart 91.K—Equipment

Note: This Subpart does not apply to the operation of an aircraft if Subpart 121.K, 133.K or 135.K applies to the operation: see regulation 91.035.

91.810 Requirements relating to equipment

- (1) The Part 91 Manual of Standards may prescribe requirements relating to:
 - (a) the fitment and non-fitment of equipment to an aircraft; and
 - (b) the carrying of equipment on an aircraft; and
 - (c) equipment that is fitted to, or carried on, an aircraft.
- (2) A person contravenes this subregulation if:
 - (a) the person is subject to a requirement mentioned in subregulation (1); and
 - (b) the requirement is not met.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 50 penalty units.

Subpart 91.P—Cabin crew

Note: This Subpart does not apply to the operation of an aircraft if Subpart 121.P, 133.P or 135.P applies to the operation: see regulation 91.035.

91.820 Cabin crew—when required

- (1) Subject to subregulations (2) and (3), a cabin crew member must be carried on a flight of an aircraft if 20 or more passengers are carried on the flight.
- (2) Subregulation (1) does not apply if the flight involves a parachuting activity to which Part 105 applies.
- (3) Subregulation (1) does not apply if:
 - (a) the flight crew for the flight includes at least 2 pilots; and
 - (b) no more than 22 passengers are carried on the flight; and
 - (c) no more than 19 of the passengers are adults or children.

91.825 Cabin crew—number

- (1) The operator and the pilot in command of an aircraft for a flight each contravene this subregulation if:
 - (a) under regulation 91.820, a cabin crew member must be carried on the flight; and
 - (b) when the aircraft begins the flight, the number of cabin crew members for the flight is not at least equal to the sum of one cabin crew member for each 50, or part of 50, passengers carried on the flight.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

91.830 Cabin crew—knowledge of emergency and safety equipment and procedures

- (1) This regulation applies in relation to a flight of an aircraft if, under regulation 91.820, a cabin crew member must be carried on the flight.
- (2) The operator, a cabin crew member, and the pilot in command, of an aircraft for a flight each contravene this subregulation if:
 - (a) the cabin crew member is not competent to:
 - (i) operate and use emergency and safety equipment on the aircraft that is relevant to the cabin crew member's duties; and
 - (ii) implement emergency evacuation procedures for the aircraft; and
 - (b) the cabin crew member begins to carry out cabin crew member duties for the flight.

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- (3) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 50 penalty units.

Subpart 91.T—Operations under certain special certificates of airworthiness and special flight permits

Division 91.T.1—Preliminary

91.835 Aircraft with more than one certificate of airworthiness—application of Subpart 91.T

If a certificate of airworthiness in more than one category has been issued for an aircraft, this Subpart applies in relation to the operation of the aircraft only for the category in relation to which the aircraft is being operated.

Regulation 91.840

Division 91.T.2—Restricted category aircraft—operating requirements

91.840 Restricted category aircraft—general operating requirements

- (1) The operator and the pilot in command of an aircraft for a flight each contravene this subregulation if:
 - (a) a special certificate of airworthiness in the restricted category has been issued for the aircraft; and
 - (b) the aircraft begins a flight; and
 - (c) a requirement mentioned in subregulation (2) is not met for the flight.
- (2) The requirements are as follows:
 - (a) the certificate of airworthiness must be in force;
 - (b) if the certificate of airworthiness is granted subject to a condition or requirement—the condition or requirement must be complied with;
 - (c) the flight must not be an air transport operation;
 - (d) the flight must be an operation of a kind mentioned in regulation 91.845;
 - (e) a person may only be carried on the flight who is:
 - (i) a crew member; or
 - (ii) if the flight is a special purpose operation—a person who is needed to accomplish a work activity directly associated with the special purpose operation for which the certificate of airworthiness was issued; or
 - (iii) a person carried as part of an operation mentioned in paragraph 91.845(1)(j).
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

91.845 Restricted category aircraft—kinds of operations permitted

- (1) For the purposes of paragraph 91.840(2)(d), the kinds of operation are as follows:
 - (a) a special purpose operation for which the special certificate of airworthiness for the aircraft was issued;
 - (b) participation in an air display;
 - (c) taking the aircraft to or from a place where a demonstration or display of the aircraft is to take place;
 - (d) practice in flying the aircraft for participation in an air display;
 - (e) taking the aircraft to a place where maintenance on the aircraft is to be done;
 - (f) taking the aircraft from a place where maintenance on the aircraft has been done;

- (g) testing the aircraft after maintenance;
 - (h) flying training (other than for the issue of a pilot licence);
 - (i) pilot proficiency training or practice in flying the aircraft;
 - (j) carrying out a demonstration or test of the aircraft for sale;
 - (k) delivering the aircraft to a person under a contract of sale.
- (2) For the purposes of paragraph (1)(a), a reference to a special purpose operation for which the special certificate of airworthiness for the aircraft was issued includes a reference to the following:
- (a) training in the special purpose operation;
 - (b) taking the aircraft to a place where the special purpose operation is to start;
 - (c) taking the aircraft from a place where the special purpose operation has ended;
 - (d) any other operation necessary to accomplish the special purpose operation.

Regulation 91.850

Division 91.T.3—Provisionally certificated aircraft—operating requirements

91.850 Provisionally certificated aircraft—operating requirements

- (1) The operator and the pilot in command of an aircraft for a flight each contravene this subregulation if:
 - (a) a provisional certificate of airworthiness has been issued for the aircraft; and
 - (b) the aircraft begins a flight; and
 - (c) a requirement mentioned in subregulation (2) is not met for the flight.
- (2) The requirements are as follows:
 - (a) the certificate of airworthiness must be in force;
 - (b) if the certificate of airworthiness is granted subject to a condition or requirement—the condition or requirement for the flight must be complied with;
 - (c) the flight must not be an air transport operation or a balloon transport operation;
 - (d) the flight must be an operation of a kind mentioned in regulation 91.855;
 - (e) if the aircraft is being flown to obtain type certification or supplemental type certification for the aircraft—the requirements in regulation 91.860 are met;
 - (f) if paragraph (e) does not apply to the flight—the aircraft must be flown within the limitations stated in the aircraft flight manual instructions for the aircraft;
 - (g) the requirements for the carriage of people mentioned in regulation 91.865 must be complied with;
 - (h) the pilot must comply with the procedures mentioned in subregulation 91.870(1).
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

91.855 Provisionally certificated aircraft—kinds of operations permitted

For the purposes of paragraph 91.850(2)(d), the kinds of operation are as follows:

- (a) an operation that is required to obtain type certification or supplemental type certification for the aircraft;
- (b) training flight crew members, including by means of simulated air transport operations;
- (c) a demonstration flight by the aircraft's manufacturer for prospective purchasers;

- (d) an operation by the aircraft's manufacturer for the purpose of conducting a market survey;
- (e) an operation conducted for the purpose of flight checking of instruments, accessories, and items of equipment that do not affect the airworthiness of the aircraft;
- (f) service testing of the aircraft.

91.860 Provisionally certificated aircraft—operation for type certification or supplemental type certification

- (1) For the purposes of paragraph 91.850(2)(e), the requirements are as follows:
 - (a) if the aircraft's provisional certificate of airworthiness is subject to a condition limiting the area within which the aircraft may be flown—the flight must not take place outside, or partly outside, that area unless the holder of the provisional certificate of airworthiness for the aircraft holds an approval under regulation 91.045 or 91.050 for the purposes of this paragraph;
 - (b) if the flight is over a populous area—the holder of the provisional certificate of airworthiness for the aircraft must hold an approval under regulation 91.045 or 91.050 for the purposes of this paragraph;
 - (c) either:
 - (i) the flight must take place by day and under the VFR; or
 - (ii) the holder of the provisional certificate of airworthiness for the aircraft must hold an approval under regulation 91.045 or 91.050 for the purposes of this subparagraph.
- (2) It is a requirement for a grant of an approval mentioned in paragraphs (1)(a) and (b) that CASA or an authorised person is satisfied that the aircraft:
 - (a) is controllable throughout its normal range of speeds and throughout all of the manoeuvres to be executed; and
 - (b) has no hazardous operating characteristics or design features.

91.865 Provisionally certificated aircraft—requirements for the carriage of people

- (1) For the purposes of paragraph 91.850(2)(g), the requirements for the carriage of people are as follows:
 - (a) each person carried on the aircraft must be notified before boarding the aircraft that only a provisional certificate of airworthiness has been issued for the aircraft;
 - (b) a person must not be carried on the aircraft unless subregulation (2) applies to the person.
- (2) This subregulation applies to a person if:
 - (a) the person has a function in the aircraft's operations; or
 - (b) both of the following apply:
 - (i) carriage of the person is authorised by the manufacturer;

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- (ii) the holder of the provisional certificate of airworthiness for the aircraft holds an approval under regulation 91.045 or 91.050 for the carriage of the person.

91.870 Provisionally certificated aircraft—additional requirements for operators

- (1) The operator of an aircraft for which a provisional certificate of airworthiness is in force must hold an approval under regulation 91.045 or 91.050 for procedures for use by flight crew and personnel who carry out a ground support duty in both:
 - (a) operating the aircraft in accordance with this Division; and
 - (b) landing at and taking off from an aerodrome if take-off or approach over a populous area is necessary.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Division 91.T.4—Experimental aircraft—operating requirements

91.875 Experimental aircraft—operating requirements

- (1) The operator and the pilot in command of an aircraft for a flight each contravene this subregulation if:
 - (a) an experimental certificate has been issued for the aircraft; and
 - (b) the aircraft begins a flight; and
 - (c) a requirement mentioned in subregulation (2) is not met for the flight.
- (2) The requirements are as follows:
 - (a) the experimental certificate must be in force;
 - (b) if the experimental certificate is granted subject to a condition or requirement—the condition or requirement must be complied with;
 - (c) the flight must not be an air transport operation or a balloon transport operation;
 - (d) the flight must be either:
 - (i) for a purpose mentioned in regulation 21.191 for which the experimental certificate for the aircraft was issued; or
 - (ii) an operation of a kind mentioned in regulation 91.880;
 - (e) either:
 - (i) the flight must take place by day and under the VFR; or
 - (ii) the holder of the experimental certificate must hold an approval under regulation 91.045 or 91.050 for the purposes of this subparagraph;
 - (f) if the flight is over a populous area—the holder of the experimental certificate must hold an approval under regulation 91.045 or 91.050 for the purposes of this paragraph;
 - (g) if the flight is over a public gathering—the holder of the experimental certificate must hold an approval under regulation 91.045 or 91.050 for the purposes of this paragraph;
 - (h) if the aircraft's experimental certificate is subject to a condition limiting the area within which the aircraft may be flown—the flight must take place within that area;
 - (i) if the aircraft is carrying a passenger:
 - (i) the total number of persons on board the aircraft for the flight must not be more than the number of persons allowed under regulation 91.885; and
 - (ii) each passenger must be notified before boarding the aircraft that the design, manufacture and airworthiness of the aircraft are not required to meet any standards recognised by CASA; and
 - (iii) a placard that complies with the requirements prescribed by the Part 91 Manual of Standards must be displayed inside the aircraft;
 - (j) if the aircraft is carrying a person who is not a crew member whose presence is essential to the operation of the aircraft—it has been shown that the aircraft:

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- (i) is controllable throughout its normal range of speeds and throughout all the manoeuvres to be executed; and
 - (ii) has no hazardous operating characteristics or design features.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

91.880 Experimental aircraft—kinds of operations permitted

For the purposes of subparagraph 91.875(2)(d)(ii), the kinds of operation are as follows:

- (a) taking the aircraft to a place where maintenance on the aircraft is to be done;
- (b) taking the aircraft from a place where maintenance on the aircraft has been done;
- (c) testing the aircraft after maintenance;
- (d) flying training (other than for the issue of a pilot licence);
- (e) practice in flying the aircraft;
- (f) carrying out a demonstration or test of the aircraft for sale;
- (g) delivering the aircraft to a person under a contract of sale;
- (h) for an amateur-built aircraft or a kit-built aircraft—flying training given to the aircraft's owner.

91.885 Experimental aircraft—maximum number of persons to be carried

For the purposes of subparagraph 91.875(2)(i)(i), the number of persons allowed on board the aircraft is:

- (a) if the holder of the experimental certificate for the aircraft holds an approval under regulation 91.045—the number specified in the approval;
or
- (b) if paragraph (a) does not apply and the aircraft is a Part 103 aircraft—2; or
- (c) in any other case—the lesser of the following:
 - (i) the number of persons the aircraft was designed to carry;
 - (ii) 6.

Division 91.T.5—Primary category aircraft and intermediate category aircraft—operating requirements

91.890 Primary category aircraft and intermediate category aircraft—operating requirements

- (1) The operator and the pilot in command of an aircraft for a flight each contravene this subregulation if:
 - (a) the aircraft is a primary category aircraft or an intermediate category aircraft; and
 - (b) the aircraft begins the flight; and
 - (c) a requirement mentioned in subregulation (2) is not met for the flight.
- (2) The requirements are as follows:
 - (a) if the aircraft is an intermediate category aircraft—a special certificate of airworthiness in the intermediate category must be in force for the aircraft;
 - (b) if the aircraft is a primary category aircraft—a special certificate of airworthiness in the primary category must be in force for the aircraft;
 - (c) the flight must not be an air transport operation.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Division 91.T.6—Light sport aircraft—operating requirements

91.895 Light sport aircraft—operators

- (1) The operator of an aircraft for a flight contravenes this subregulation if:
 - (a) a special certificate of airworthiness for light sport aircraft has been issued for the aircraft; and
 - (b) the certificate of airworthiness is not in force for the flight.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

91.900 Light sport aircraft—pilots

- (1) The pilot in command of an aircraft for a flight contravenes this subregulation if:
 - (a) a special certificate of airworthiness for light sport aircraft has been issued for the aircraft; and
 - (b) the aircraft begins the flight; and
 - (c) a requirement mentioned in subregulation (2) is not met for the flight.
- (2) The requirements are as follows:
 - (a) the certificate of airworthiness must be in force;
 - (b) the aircraft is operated for the flight:
 - (i) under Part 91 or Part 103; or
 - (ii) for flying training;
 - (c) a placard that complies with the requirements prescribed by the Part 91 Manual of Standards must be displayed inside the aircraft;
 - (d) each person who boards the aircraft must be notified of the contents of the placard mentioned in paragraph (c);
 - (e) the aircraft operating instructions issued for the aircraft (including instructions for necessary equipment in the aircraft manufacturer's equipment list for the aircraft) must be complied with;
 - (f) any safety direction or requirement issued by the aircraft's manufacturer must be complied with.
- (3) Paragraph (2)(e) or (f) does not apply if the operation of the aircraft in contravention of the instruction, direction or requirement has been approved by the aircraft's manufacturer.
- (4) For subregulations (2) and (3), if the manufacturer of the aircraft:
 - (a) no longer exists; or
 - (b) can no longer provide instructions for the continuing airworthiness of the aircraft;

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references to the ***manufacturer*** of the aircraft include references to an authorised person appointed by CASA to perform the functions of the manufacturer in relation to the continuing airworthiness of the aircraft.

- (5) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Note: A defendant bears an evidential burden in relation to the matters in subregulation (3): see subsection 13.3(3) of the *Criminal Code*.

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Division 91.T.7—Special flight permits—operating requirements

91.905 Flights under special flight permits

- (1) The pilot in command of an aircraft for a flight contravenes this subregulation if:
 - (a) a special flight permit is in force for the aircraft; and
 - (b) the aircraft begins the flight; and
 - (c) the flight is not authorised by the permit.
- (2) The pilot in command of an aircraft for a flight contravenes this subregulation if:
 - (a) a special flight permit is in force for the aircraft; and
 - (b) the aircraft begins the flight; and
 - (c) a condition imposed on the special flight permit is not complied with.
- (3) The operator and the pilot in command of an aircraft for a flight each contravene this subregulation if:
 - (a) a special flight permit is in force for the aircraft; and
 - (b) the aircraft begins the flight; and
 - (c) if the only person on the aircraft during the flight is the pilot in command—a copy of the flight permit is not carried on the aircraft; and
 - (d) if a person in addition to the pilot in command is carried on the aircraft during the flight—a requirement mentioned in subregulation (4) is not met.
- (4) The requirements are:
 - (a) a copy of the special flight permit must be displayed in the aircraft in a place where the person will see the permit; and
 - (b) before boarding the aircraft, the operator or the pilot in command must tell the person:
 - (i) that the aircraft is operated under a special flight permit; and
 - (ii) the reasons for the issue of the permit; and
 - (iii) what the permit authorises.
- (5) A person commits an offence of strict liability if the person contravenes subregulation (1), (2) or (3).

Penalty: 50 penalty units.

Division 91.T.8—Miscellaneous

91.910 Application of Division 91.T.8

This Division applies to the operation of an aircraft for which a special certificate of airworthiness is in force.

91.915 Aircraft with special certificates of airworthiness—maintenance release etc.

- (1) This regulation does not apply to an aircraft for which a special flight permit is in force.
- (2) The operator and the pilot in command of an aircraft for a flight each contravene this subregulation if:
 - (a) the aircraft begins the flight; and
 - (b) a maintenance release or a certificate of release to service is not in force for the aircraft.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 50 penalty units.

91.920 Aircraft with special certificates of airworthiness—flight tests to be conducted in certain areas

- (1) The pilot in command of an aircraft contravenes this subregulation if:
 - (a) the pilot flight tests the aircraft; and
 - (b) the flight test is not conducted over:
 - (i) open water; or
 - (ii) a sparsely populated area; or
 - (iii) an unpopulated area; or
 - (iv) for an amateur-built aircraft—over an area for which the holder of the certificate of airworthiness holds an approval under regulation 91.045 or 91.050 for the purposes of this subparagraph.
- (2) The pilot in command of an aircraft contravenes this subregulation if:
 - (a) the pilot flight tests the aircraft; and
 - (b) the flight test is not conducted:
 - (i) in an area where, in the event of a loss of control of the aircraft, there would be minimal risk to other air traffic; or
 - (ii) for an amateur-built aircraft—in an area for which the holder of the certificate of airworthiness holds an approval under regulation 91.045 or 91.050 for the purposes of this subparagraph.

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- (3) A person commits an offence of strict liability if the person contravenes subregulation (1) or (2).

Penalty: 50 penalty units.

Subpart 91.Y—Minimum equipment lists

Division 91.Y.1—Preliminary

91.925 Definitions

In these Regulations:

master minimum equipment list or **MMEL**, for a type of aircraft, means the document:

- (a) that includes a list of items in the aircraft that may (subject to any conditions or limitations specified in the document) be inoperative for a flight of the aircraft; and
- (b) prepared by the holder of the type certificate for the aircraft; and
- (c) approved by the national aviation authority that issued the type certificate for the aircraft.

minimum equipment list or **MEL**, for an aircraft, means a document:

- (a) that includes a list of items in the aircraft that may (subject to any conditions or limitations specified in the document) be inoperative for a flight of the aircraft; and
- (b) prepared by the operator of the aircraft; and
- (c) approved under regulation 91.935; and
- (d) that complies with the requirements mentioned in regulation 91.930; and includes any variation to the document approved under regulation 91.940.

rectification interval, for an item in an MEL that may become inoperative, means the period within which the item must be rectified after the discovery that the item is inoperative.

91.930 Requirements for minimum equipment lists

- (1) The Part 91 Manual of Standards may prescribe requirements relating to MELs for aircraft.
- (2) Without limiting subregulation (1), the Part 91 Manual of Standards may prescribe requirements relating to the following:
 - (a) the contents of MELs;
 - (b) the calculation and specification of rectification intervals for items in an MEL;
 - (c) conditions and limitations that may or must be included in an MEL.

Division 91.Y.2—Approval of minimum equipment lists

91.935 Approval of minimum equipment lists

- (1) The operator of an aircraft may apply, in writing, for the approval of an MEL for the aircraft.
- (2) The application may be made to:
 - (a) CASA; or
 - (b) a continuing airworthiness management organisation that is permitted, in accordance with Part 42, to approve the MEL; or
 - (c) if the aircraft is not operated for either Part 121 operations or operations to which Part 133 or 135 applies—an authorised person.
- (3) The application must include the proposed MEL.
- (4) If an application for the approval of an MEL is made under subregulation (1), CASA, the continuing airworthiness management organisation or the authorised person (as the case may be) may approve the MEL if satisfied that the MEL:
 - (a) complies with the requirements mentioned in regulation 91.930; and
 - (b) will enable the operator to operate the aircraft safely.

Note: Not all aircraft are required to have an MEL. Other provisions of these Regulations require certain aircraft to have an MEL. This regulation sets out how an MEL for an aircraft must be approved.

Division 91.Y.3—Variations of minimum equipment lists

91.940 Approval of variations

- (1) The operator of an aircraft may apply, in writing, for an approval of a variation of an MEL for the aircraft.
- (2) The application may be made to:
 - (a) CASA; or
 - (b) a continuing airworthiness management organisation that is permitted, in accordance with Part 42, to approve a variation of the MEL; or
 - (c) if the aircraft is not operated for either Part 121 operations or operations to which Part 133 or 135 applies—an authorised person.
- (3) The application must include the proposed variation of the MEL.
- (4) If an application for the approval of a variation of an MEL is made under subregulation (1), CASA, the continuing airworthiness management organisation or the authorised person (as the case may be) may approve the variation if satisfied that the MEL as proposed to be varied:
 - (a) complies with the requirements mentioned in regulation 91.930; and
 - (b) will enable the operator to operate the aircraft safely.

Division 91.Y.4—Extensions of rectification intervals

91.945 Approval of extensions of rectification intervals

Approval of extension on application

- (1) The operator of an aircraft may apply, in writing, for the approval of an extension of the rectification interval for an item specified in an MEL for the aircraft.
- (2) An application under subregulation (1) may be made to:
 - (a) if the operator is not a continuing airworthiness management organisation, and there is a continuing airworthiness management organisation for the aircraft that is permitted, in accordance with Part 42, to approve the extension—the continuing airworthiness management organisation; or
 - (b) in any case—CASA.
- (3) If an application for the approval of an extension of a rectification interval is made under subregulation (1), CASA or the continuing airworthiness management organisation (as the case may be) may, subject to subregulation (5), approve the extension.

Approval of extension without application—continuing airworthiness management organisation is the operator

- (4) A continuing airworthiness management organisation for an aircraft may, subject to subregulation (5), approve an extension of the rectification interval for an item specified in an MEL for the aircraft, if:
 - (a) the continuing airworthiness management organisation is the operator of the aircraft; and
 - (b) the continuing airworthiness management organisation is permitted, in accordance with Part 42, to approve the extension.

Requirements for approval of extension

- (5) An extension of the rectification interval (the **original rectification interval**) for an item specified in an MEL for an aircraft must not be approved under subregulation (3) or (4) unless:
 - (a) the item is inoperative; and
 - (b) the original rectification interval is a rectification interval of a kind prescribed by the Part 91 Manual of Standards for the purposes of this paragraph; and
 - (c) the operator is unable to rectify the item before the end of the original rectification interval because of circumstances beyond the operator's control; and
 - (d) the original rectification interval has not previously been extended in accordance with this regulation during the same continuous period throughout which the item has been inoperative; and

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- (e) the MMEL for the aircraft type does not prohibit an extension of the rectification interval for the item; and
- (f) if a provision of these Regulations (other than this Subpart) permits the aircraft to operate with the item inoperative for a maximum period—the extended rectification interval for the item will not exceed that period; and
- (g) the extended rectification interval will not exceed the period prescribed by the Part 91 Manual of Standards for the purposes of this paragraph.

Matters to be set out in approval

- (6) An approval of an extension under subregulation (3) or (4) must:
 - (a) be in writing; and
 - (b) set out the following:
 - (i) details of the inoperative item;
 - (ii) a statement to the effect that the operation of the aircraft with the inoperative item is permitted in accordance with this regulation;
 - (iii) the day on which the extended rectification interval starts (being a day not earlier than the day the notice is given);
 - (iv) the day on which the extended rectification interval ends; and
 - (c) for an approval by a continuing airworthiness management organisation—also include the following:
 - (i) the name and approval certificate reference number of the continuing airworthiness management organisation;
 - (ii) the name and signature of the individual who approved the extension on behalf of the continuing airworthiness management organisation.

91.950 Effect of approval

- (1) If an extension of the rectification interval for an item specified in an MEL for an aircraft is approved under subregulation 91.945(3) or (4), the operation of the aircraft with the inoperative item during the extended rectification interval is taken, for the purposes of these Regulations, to be permitted by the MEL.
- (2) If Part 42 does not apply to the aircraft, subregulation (1) applies to the operation of the aircraft only if a copy of the approval of the extension is kept with the maintenance release for the aircraft throughout the period of the extension.

91.955 CASA to be notified of extensions approved by a continuing airworthiness management organisation

- (1) This regulation applies if an extension of the rectification interval for an item specified in an MEL for an aircraft is approved under subregulation 91.945(3) or (4) by a continuing airworthiness management organisation.
- (2) The operator of the aircraft must notify CASA, in writing, of the following within 10 days of the start of the extended rectification interval:
 - (a) the aircraft's registration mark;
 - (b) details of the inoperative item;

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- (c) the original rectification interval (as referred to in subregulation 91.945(5)) for the item;
 - (d) the extended rectification interval;
 - (e) the day the extended rectification interval took effect;
 - (f) the reason why the item could not be rectified before the end of the original rectification interval.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 20 penalty units.

Division 91.Y.5—Other

91.960 Operation of aircraft with multiple inoperative items not permitted in certain circumstances

- (1) This regulation applies if:
 - (a) an aircraft begins a flight with more than one inoperative item, in accordance with an MEL for the aircraft; and
 - (b) the number and kinds of inoperative items for the flight, or the relationship between the items:
 - (i) reduces the level of safety of the operation of the aircraft; or
 - (ii) increases the flight crew's workload;
to the extent that it is unsafe for the flight to be conducted.
- (2) For the purposes of these Regulations, the operation of the aircraft for the flight with the inoperative items is not permitted by the MEL for the aircraft.

Subpart 91.Z—Foreign aircraft

91.965 Foreign registered aircraft—Chicago Convention

- (1) The operator and the pilot in command of a foreign registered aircraft each contravene this subregulation if:
 - (a) the aircraft is flown in Australian territory; and
 - (b) the aircraft does not comply with a requirement of the Chicago Convention relating to:
 - (i) the nationality mark and registration mark of the aircraft; or
 - (ii) the aircraft's certificate of airworthiness; or
 - (iii) the number and description of, and the holding of, licences and ratings by the crew members of the aircraft; or
 - (iv) the documents to be carried by the aircraft; or
 - (v) the flight and manoeuvre of the aircraft; or
 - (vi) radio equipment carried by, or fitted to, the aircraft.

- (2) Subparagraph (1)(b)(ii) does not apply if a special flight authorisation has been granted and is in force.

Note: The requirements of the Chicago Convention about certificates of airworthiness relate to aircraft with a standard certificate of airworthiness. Foreign aircraft with the equivalent of a special certificate of airworthiness or a special flight permit require a special flight authorisation to be flown in Australian territory: see regulation 91.970.

- (3) Subparagraphs (1)(b)(iv), (v) and (vi) do not apply in relation to a requirement of the Chicago Convention to the extent that the requirement is inconsistent with a requirement under another provision of this Part.
- (4) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Note 1: A defendant bears an evidential burden in relation to the matters in subregulation (2) or (3): see subsection 13.3(3) of the *Criminal Code*.

Note 2: See also sections 25, 26 and 27A of the Act for conditions that may be imposed by CASA on the operation of foreign registered aircraft in Australian territory.

91.970 Foreign registered aircraft—special flight authorisations

- (1) A person may apply to CASA for a special flight authorisation in respect of a foreign registered aircraft to fly the aircraft in Australian territory without the certificate of airworthiness required by subparagraph 91.965(1)(b)(ii).
- (2) Subject to regulation 11.055, CASA must grant the authorisation.
- (3) The pilot in command of a foreign registered aircraft contravenes this subregulation if:

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- (a) the aircraft is flown in Australian territory; and
 - (b) a special flight authorisation is in force in respect of the aircraft; and
 - (c) the pilot in command fails to comply with a condition of the special flight authorisation for the flight.
- (4) A person commits an offence of strict liability if the person contravenes subregulation (3).

Penalty: 50 penalty units.

91.975 Foreign state aircraft—approval to fly in Australian territory

- (1) The operator and the pilot in command of a state aircraft of a foreign country for a flight each contravene this subregulation if:
- (a) the aircraft is flown in Australian territory; and
 - (b) the operator does not hold an approval under regulation 91.045 for the flight.
- (2) The pilot in command of a state aircraft of a foreign country for a flight contravenes this subregulation if:
- (a) the aircraft is flown in Australian territory; and
 - (b) the pilot in command fails to comply with a condition of the approval held by the operator under regulation 91.045 for the flight.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1) or (2).

Penalty: 50 penalty units.

91.980 Foreign registered aircraft—major defect—CASA direction

- (1) If CASA is satisfied that a foreign registered aircraft in Australian territory has a major defect, CASA may issue a written direction to a person imposing conditions on the operation of the aircraft that:
- (a) for an aircraft registered in a Contracting State—are requested by the national aviation authority of the State; or
 - (b) CASA is satisfied are necessary for the safety of air navigation.
- (2) A person contravenes this subregulation if the person contravenes a direction issued under subregulation (1).
- (3) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 50 penalty units.

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91.985 Foreign registered aircraft—CASA to notify Contracting State of direction

If CASA issues a direction under regulation 91.980 in relation to an aircraft that is registered in a Contracting State, CASA must give the national aviation authority of the State:

- (a) notice in writing of the action taken by CASA, together with a copy of the direction; and
- (b) a report, in writing, of the defect.

91.990 Foreign registered aircraft—CASA may revoke direction

Revocation following notification by Contracting State

- (1) CASA may revoke, in writing, a direction issued under regulation 91.980 in relation to an aircraft registered in a Contracting State, if the national aviation authority of the State tells CASA, in writing, that it:
 - (a) has revoked any suspension of the certificate of airworthiness of the aircraft that the authority had imposed; or
 - (b) considers that the defect giving rise to the direction is not of such a nature as to prevent the aircraft from fulfilling the minimum safety requirements adopted by the Contracting State under the Chicago Convention; or
 - (c) considers that, in the circumstances of the case, the aircraft should be permitted to fly, with no persons on the aircraft other than crew members, to a place where the defect can be repaired.
- (2) However, CASA must not revoke the direction if it is satisfied that doing so would adversely affect the safety of air navigation.

Revocation if CASA satisfied direction no longer necessary

- (3) CASA may revoke, in writing, a direction issued under regulation 91.980 if CASA is satisfied that the direction is no longer necessary for the safety of air navigation.

91.995 Foreign registered aircraft—when direction or revocation takes effect

- (1) A direction issued under regulation 91.980 does not have effect in relation to a person until it has been served:
 - (a) on the person; or
 - (b) by affixing the direction to the aircraft to which it relates.
- (2) Revocation of a direction under regulation 91.990 has effect when:
 - (a) it is served on the person on whom the direction was served; or
 - (b) if the direction was affixed to the aircraft to which the direction relates—CASA affixes the revocation to the aircraft.

Note: For service of documents on a person, see section 28A of the *Acts Interpretation Act 1901*.

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Subpart 92.A—General

92.005 Applicability

- (1) This Part applies in relation to the operation of:
 - (a) all Australian aircraft; and
 - (b) all foreign aircraft (other than state aircraft) operating in Australian territory.
- (2) This Part sets out:
 - (a) for section 23 of the Act—the conditions under which an aircraft may carry dangerous goods and a person may carry dangerous goods, or consign dangerous goods for carriage, on an aircraft; and
 - (b) for section 23A of the Act—the requirements for the statement to be made in respect of cargo consigned for carriage on an aircraft; and
 - (c) for section 23B of the Act—the requirements for training of persons involved in handling cargo carried or consigned for carriage on an aircraft.

92.010 Definitions for Part 92

- (1) In this Part:

accept, used in relation to a package or consignment, has the same meaning as in the Technical Instructions.

Australian aircraft operator means an operator of an Australian aircraft.

commercial operator means an operator engaging in commercial air transport operations or commercial aerial work operations.

dangerous goods accident means an event involving dangerous goods that occurs in the course of the goods being carried, or consigned for carriage, on an aircraft and results in:

- (a) a fatal or serious injury to a person; or
- (b) serious damage to the aircraft or any cargo carried on the aircraft.

dangerous goods incident means an event (other than a dangerous goods accident) involving dangerous goods that occurs in the course of the goods being carried, or consigned for carriage, on an aircraft and that:

- (a) results in:
 - (i) the escape of smoke or flames from the container or package in which the goods are contained; or
 - (ii) breakage of the container or package in which the goods are contained; or
 - (iii) any escape of the goods or part of them from the container or package in which they are contained; or

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- (iv) leakage of fluid or radiation from the container or package in which the goods are contained; or
- (b) seriously jeopardises, or is likely to seriously jeopardise, the aircraft or its occupants.

dangerous goods manual means a manual kept by an operator in accordance with regulation 92.045 or 92.050.

freight forwarder means a person who offers the service of arranging the transport of cargo by air.

ground handling agent means a person who performs, on behalf of an operator, the service of accepting, handling, loading, unloading, transferring or otherwise processing cargo, passengers or baggage.

shipment means shipment by air.

shipper of dangerous goods means a person who consigns dangerous goods for carriage on an aircraft.

Technical Instructions means, at a particular time, the edition that is valid at that time of the document entitled *Technical Instructions for the Safe Transport of Dangerous Goods by Air*, issued by the International Civil Aviation Organization.

Note 1: Each edition of the Technical Instructions states in its Introduction the dates between which it is valid. The edition for 2003–2004 of the Technical Instructions is valid from 1 March 2003 to 31 December 2004 or until the next edition becomes valid. The Technical Instructions are available (as a printed document only) from the ICAO's Document Sales Unit at:

ICAO, Document Sales Unit
999 University Street, Montreal, Quebec H3C 5H7
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Telephone: (514) 954-8022
Fax: (514) 954-6769
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Note 2: General industry practice is to follow the IATA Dangerous Goods Regulations, which are issued more frequently than the Technical Instructions. The requirements of the IATA Regulations are either the same as, or more stringent than, the requirements of the Technical Instructions. If that is so, compliance with the IATA Regulations will automatically result in compliance with the Technical Instructions.

- (2) An expression used in both this Part and the Technical Instructions has, unless the contrary intention appears, the same meaning in this Part as in the Technical Instructions.

92.015 What are dangerous goods?

For the purposes of subparagraph (b)(ii) of the definition of ***dangerous goods*** in subsection 23(3) of the Act, the things specified in the Dangerous Goods List contained in the Technical Instructions are declared to be dangerous goods.

Note: Explosives are dangerous goods whether or not they are mentioned in the Dangerous Goods List—see the Act, subsection 23(3).

Subpart 92.B—Conditions for carriage etc of dangerous goods

Note: Subpart 92.D sets out certain exemptions from requirements of this Subpart.

92.020 Compliance with Technical Instructions generally

- (1) This regulation makes provision, for the purposes of subsections 23(1), (2) and (2A) of the Act, about the carriage, and consignment for carriage, of dangerous goods on an aircraft.

Note: Under subsections 23(1), (2) and (2A) of the Act, an aircraft must not carry dangerous goods except in accordance with these Regulations.

- (2) Dangerous goods of a kind that, under the Technical Instructions, are forbidden for transport by air must not be consigned for carriage on an aircraft.

Note: For details of where to obtain copies of the Technical Instructions, see the note following the definition of *Technical Instructions* in regulation 92.010.

- (3) Dangerous goods of a kind that, under the Technical Instructions, are forbidden for transport by air must not be carried on an aircraft.
- (4) Dangerous goods of a kind that, under the Technical Instructions, are forbidden for transport by air on a passenger aircraft must not be consigned for carriage on a passenger aircraft.
- (5) Dangerous goods of a kind that, under the Technical Instructions, are forbidden for transport by air on a passenger aircraft must not be carried on a passenger aircraft.
- (6) Dangerous goods of a kind that, under the Technical Instructions, may be carried by air only in particular circumstances must not be consigned for carriage by air except in those circumstances.
- (7) Dangerous goods of a kind that, under the Technical Instructions, may be carried by air only in particular circumstances must not be carried by air except in those circumstances.

92.025 Compliance with Technical Instructions—operators

- (1) This regulation makes provision, for the purposes of subsections 23(1), (2) and (2A) of the Act, about the carriage of dangerous goods on an aircraft.

Note: Under subsections 23(1), (2) and (2A) of the Act, an aircraft must not carry dangerous goods except in accordance with these Regulations.

- (2) It is a condition of the carriage of dangerous goods on an aircraft that the operator of the aircraft complies with:
 - (a) the requirements (if any) of the Technical Instructions limiting the quantity of such goods that may be carried on the aircraft; or

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- (b) the requirements of those Instructions concerning the following matters:
- (i) the loading of the goods;
 - (ii) the separation of the goods from passengers, animals or other cargo on board the aircraft;
 - (iii) the replacement of lost, damaged or detached labels;
 - (iv) the labelling of unit load devices (such as containers or pallets) that contain the goods;
 - (v) segregation of the goods from other dangerous goods;
 - (vi) acceptance procedures for the goods;
 - (vii) dealing with undeliverable consignments;
 - (viii) dealing with damaged packages;
 - (ix) inspection of the aircraft or the goods;
 - (x) decontamination of the aircraft;
 - (xi) giving information to the aircraft's crew;
 - (xii) action to be taken by the crew in an emergency;
 - (xiii) giving information to an emergency service such as a fire service or police service;
 - (xiv) documentation;
 - (xv) providing notices and information.

Note: This regulation creates a defence to the offences created by subsections 23(2) and (2A) of the Act. A defendant charged with either of those offences bears an evidential burden in relation to the matters set out in this regulation—see subsection 13.3(3) of the *Criminal Code*.

92.030 Compliance with Technical Instructions—passengers and crew

- (1) This regulation makes provision, for the purposes of subsections 23(1), (2) and (2A) of the Act, about the carriage of dangerous goods on an aircraft by a person, whether a passenger or a member of the aircraft's crew.

Note: Under subsections 23(1), (2) and (2A) of the Act, dangerous goods must not be carried on an aircraft except in accordance with these Regulations.

- (2) Subject to subregulation (3), it is a condition of the carriage of dangerous goods on an aircraft by a person that the person complies with the requirements (if any) of the Technical Instructions:

- (a) concerning the type of dangerous goods that a person may carry on board an aircraft; or
- (b) as to whether the dangerous goods may be carried in the person's carry-on baggage or in checked baggage; or
- (c) limiting the quantity of such goods that may be carried on the aircraft, or in checked or carry-on baggage; or
- (d) requiring the aircraft operator's approval before the goods are carried.

Note: The relevant provisions of the Technical Instructions are set out at the end of this regulation.

- (3) A person who is a passenger is taken not to contravene the condition in subregulation (2) if the person carries dangerous goods in contravention of that

condition, or carries such goods in a way that would, but for this subregulation, contravene that condition, if:

- (a) the person carries the goods, or carries the goods in that way, in reliance on a statement, made by the operator or an employee of the operator, to the effect that the carriage of the goods, or the carriage of goods in that way, is permissible or does not contravene the Technical Instructions; and
- (b) it is reasonable for the person to rely on that statement.

Note 1: This regulation creates a defence to the offences created by subsections 23(2) and (2A) of the Act. A defendant charged with either of those offences bears an evidential burden in relation to the matters set out in this regulation—see subsection 13.3(3) of the *Criminal Code*.

Note 2: Section 1.1 of the Technical Instructions, regarding dangerous goods carried by passengers or crew, is as follows:

1.1 DANGEROUS GOODS CARRIED BY PASSENGERS OR CREW

- 1.1.1 Except as otherwise provided in 1.1.2 below, dangerous goods must not be carried by passengers or crew members, either as or in carry-on baggage or checked baggage or on their person. Security type equipment such as attaché cases, cash boxes, cash bags, etc. incorporating dangerous goods, for example lithium batteries or pyrotechnic material, are totally forbidden; see entry in Table 3-1.
- 1.1.2 The provisions of these Instructions do not apply to the following when carried by passengers or crew members or in baggage, transported by the operator, that has been separated from its owner during transit (e.g. lost baggage or improperly routed baggage):
 - a) when in retail packagings, alcoholic beverages containing more than 24 per cent but not more than 70 per cent alcohol by volume, in receptacles not exceeding 5 L, with a total net quantity per person of 5 L for such beverages;
Note.—Alcoholic beverages containing not more than 24 per cent alcohol by volume are not subject to any restrictions.
 - b) non-radioactive medicinal or toilet articles (including aerosols). Also aerosols in Division 2.2, with no subsidiary risk, for sporting or home use in checked baggage only. The total net quantity of all such articles carried by each person must not exceed 2 kg or 2 L and the net quantity of each single article must not exceed 0.5 kg or 0.5 L. The term “medicinal or toilet articles (including aerosols)” is intended to include such items as hair sprays, perfumes, colognes and medicines containing alcohols;
 - c) with the approval of the operator (s), small gaseous oxygen or air cylinders required for medical use;
 - d) small carbon dioxide gas cylinders worn for the operation of mechanical limbs, also spare cylinders of a similar size if required to ensure an adequate supply for the duration of the journey;
 - e) with the approval of the operator (s), as checked baggage only, securely boxed cartridges for sporting purposes, in Division 1.4S, in quantities not exceeding 5 kg gross mass per person for that person’s own use, excluding ammunition with explosive or incendiary projectiles. Allowances for more than one person must not be combined into one or more packages;
 - f) dry ice in quantities not exceeding 2 kg per person, when used to pack perishables not subject to these Instructions, provided the package permits the release of carbon dioxide gas:
 - in carry-on baggage; or
 - with the approval of the operator (s), in checked baggage;
 - g) safety matches or a lighter intended for use by an individual when carried on the person. However, lighters containing unabsorbed liquid fuel (other than liquefied gas), lighter fuel and lighter refills are not permitted on one’s person or in checked or carry-on baggage;

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Note.—“Strike anywhere” matches are forbidden for air transport.

- h) radioisotopic cardiac pacemakers or other devices, including those powered by lithium batteries, implanted into a person, or radio-pharmaceuticals contained within the body of a person as the result of medical treatment;
- i) with the approval of the operator (s), wheelchairs or other battery-powered mobility aids with non-spillable batteries (see Packing Instruction 806 and Special Provision A67), as checked baggage provided the battery terminals are protected from short circuits and the battery is securely attached to the wheelchair or mobility aid;
- j) with the approval of the operator (s), wheelchairs or other battery-powered mobility aids with spillable batteries as checked baggage, provided that the wheelchair or mobility aid can be loaded, stowed, secured and unloaded always in an upright position and that the battery is disconnected, the battery terminals are protected from short circuits and the battery is securely attached to the wheelchair or mobility aid. If the wheelchair or mobility aid cannot be loaded, stowed, secured and unloaded always in an upright position, the battery must be removed and the wheelchair or mobility aid may then be carried as checked baggage without restriction. The removed battery must be carried in strong, rigid packagings as follows:

these packagings must be leaktight, impervious to battery fluid and be protected against upset by securing to pallets or by securing them in cargo compartments using appropriate means of securement (other than by bracing with freight or baggage) such as by use of restraining straps, brackets or holders;

batteries must be protected against short circuits, secured upright in these packagings and surrounded by compatible absorbent material sufficient to absorb their total liquid contents; and

these packagings must be marked “Battery, wet, with wheelchair” or “Battery, wet, with mobility aid” and be labelled with a “Corrosive” label (Figure 5-21) and with a package orientation label (Figure 5-25).

The pilot-in-command must be informed of the location of a wheelchair or mobility aid with an installed battery or the location of a packed battery.

It is recommended that passengers make advance arrangements with each operator; also unless batteries are non-spillable they should be fitted, where feasible, with spill-resistant vent caps;

- k) hair curlers containing hydrocarbon gas, no more than one per person, provided that the safety cover is securely fitted over the heating element. Gas refills for such curlers must not be carried;
- l) with the approval of the operator (s), as carry-on baggage only, a mercurial barometer or mercurial thermometer carried by a representative of a government weather bureau or similar official agency. The barometer or thermometer must be packed in a strong outer packaging, having a sealed inner liner or a bag of strong leak-proof and puncture-resistant material impervious to mercury, which will prevent the escape of mercury from the package irrespective of its position. The pilot-in-command must be informed of the barometer or thermometer;
- m) with the approval of the operator (s), no more than two small carbon dioxide cylinders of carbon dioxide or another suitable gas in Division 2.2 per person fitted into a self-inflating life-jacket for inflation purposes, plus no more than two spare cartridges;
- n) with the approval of the operator (s), heat producing articles (i.e. battery-operated equipment such as underwater torches and soldering equipment which, if accidentally activated, will generate extreme heat and can cause fire) may be carried in carry-on baggage only. The heat producing component, or the energy source, must be removed so as to prevent unintentional functioning during transport;
- o) one small medical or clinical thermometer which contains mercury, for personal use, when in its protective case;
- p) with the approval of the operator (s), one avalanche rescue backpack per person equipped with a pyrotechnic trigger mechanism containing not more than 200 mg net of Division 1.4S and not more than 250 mg of compressed gas in Division 2.2. The backpack must be packed in such a manner that it cannot be accidentally

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activated. The airbags within the backpack must be fitted with pressure relief valves; and

- q) consumer electronic devices (watches, calculating machines, cameras, cellular phones, laptop computers, camcorders, etc.) containing lithium or lithium ion cells or batteries when carried by passengers or crew for personal use. Spare batteries must be individually protected so as to prevent short circuits and carried in carry-on baggage only. In addition, each spare battery must not exceed the following quantities:

for lithium metal or lithium alloy batteries, a lithium content of not more than 2 grams; or

for lithium ion batteries, an aggregate equivalent lithium content of not more than 8 grams.

Lithium ion batteries with an aggregate equivalent lithium content of more than 8 grams but not more than 25 grams may be carried in carry-on baggage if they are individually protected so as to prevent short circuits and are limited to two spare batteries per person.

92.035 Compliance with Technical Instructions—persons who consign dangerous goods

- (1) This regulation makes provision, for the purposes of subsections 23(1), (2) and (2A) of the Act, about the consignment for carriage of dangerous goods on an aircraft.

Note: Under subsections 23(1), (2) and (2A) of the Act, dangerous goods must not be consigned for carriage on an aircraft except in accordance with these Regulations.

- (2) It is a condition of the consignment for carriage of dangerous goods on an aircraft that the consignor of the goods complies with the requirements of the Technical Instructions:

- (a) concerning the classification of the goods; and
- (b) limiting the quantity of such goods that may be carried in the one consignment; and
- (c) concerning:
 - (i) the packing of the goods; and
 - (ii) the marking of the goods; and
 - (iii) the labelling of the goods; and
 - (iv) segregation of the goods from other dangerous goods; and
 - (v) the documentation for the goods; and
 - (vi) the provision of information about the goods; and
 - (vii) empty packaging.

Note: This regulation creates a defence to the offences created by subsections 23(2) and (2A) of the Act. A defendant charged with either of those offences bears an evidential burden in relation to the matters set out in this regulation—see subsection 13.3(3) of the *Criminal Code*.

92.040 Commercial Australian aircraft operators—conditions for carriage of dangerous goods—dangerous goods manual

- (1) This regulation sets out, for the purposes of subsections 23(1), (2) and (2A) of the Act, a condition of the carriage of dangerous goods on an aircraft.

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Note: Under subsections 23(1), (2) and (2A) of the Act, dangerous goods must not be carried on an aircraft except in accordance with these Regulations.

- (2) A commercial Australian aircraft operator may carry dangerous goods (other than dangerous goods to which subregulation (3) applies) on an Australian aircraft operated by the operator, or permit such goods to be carried on such an aircraft, only if the operator:
- (a) has a dangerous goods manual in accordance with regulation 92.045; and
 - (b) complies with regulation 92.055.

Note: This regulation creates a defence to the offences created by subsections 23(2) and (2A) of the Act. A defendant charged with either of those offences bears an evidential burden in relation to the matters set out in this regulation—see subsection 13.3(3) of the *Criminal Code*.

- (3) This subregulation applies to:
- (a) dangerous goods required to be carried on board the aircraft by a law in force in Australia (including the Civil Aviation Orders); and
 - (b) dangerous goods carried on board the aircraft for use or sale on the aircraft during a flight;
- but does not apply to any of the following kinds of dangerous goods:
- (c) goods of the operator intended as replacements for dangerous goods referred to in paragraph (a) or (b); or
 - (d) the operator's goods, of a kind referred to in paragraph (a) or (b), that have been removed for replacement;
 - (e) dangerous goods permitted, under these Regulations, to be carried in passengers' checked baggage or carry-on baggage;
 - (f) goods intended to be used to provide, during flight:
 - (i) medical aid to a patient; or
 - (ii) veterinary aid or a humane killer for an animal; or
 - (iii) aid in connection with search and rescue operations;
 - (g) goods for dropping in connection with forestry, horticultural, or pollution-control activities.

92.045 Dangerous goods manual—Australian aircraft operators

- (1) An Australian aircraft operator's dangerous goods manual must:
- (a) set out the procedures and instructions for the handling and carriage of dangerous goods on the operator's aircraft; or
 - (b) specify where those procedures and instructions can be found.
- (2) The operator must have, and must use, an appropriate amendment system to keep all the copies of the manual up-to-date.

92.050 Commercial foreign aircraft operators—conditions to which carriage of dangerous goods is subject

- (1) This regulation sets out, for the purposes of subsections 23(1), (2) and (2A) of the Act, a condition of the carriage of dangerous goods on an aircraft.

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Note: Under subsections 23(1), (2) and (2A) of the Act, dangerous goods must not be carried on an aircraft except in accordance with these Regulations.

- (2) A commercial foreign aircraft operator may carry dangerous goods (other than goods required to be carried on board the aircraft by the law of the Contracting State in which the aircraft is registered, or goods carried on board the aircraft for use or sale during flight) on a foreign aircraft operated by the operator, or permit such goods to be carried on such an aircraft, only if the operator:
- (a) has a dangerous goods manual in accordance with:
 - (i) the Technical Instructions; or
 - (ii) if the law of the Contracting State in which the aircraft is registered imposes requirements about a dangerous goods manual—that law; and
 - (b) complies with regulation 92.055.

Note: This regulation creates a defence to the offences created by subsections 23(2) and (2A) of the Act. A defendant charged with either of those offences bears an evidential burden in relation to the matters set out in this regulation—see subsection 13.3(3) of the *Criminal Code*.

92.055 Dangerous goods manual—requirements applicable to all operators

- (1) An operator's dangerous goods manual may be incorporated in the operator's operations manual or any other manual maintained by the operator that deals with the handling or carriage of cargo.
- (2) Subregulations (3), (4) and (5) set out, for the purposes of subsections 23(1), (2) and (2A) of the Act, conditions of the carriage of dangerous goods on an aircraft.

Note: Under subsections 23(1), (2) and (2A) of the Act, dangerous goods must not be carried on an aircraft except in accordance with these Regulations.

- (3) An operator must make a copy of its dangerous goods manual available, in a readily accessible place:
- (a) in the case of an Australian operator—to each of the operator's employees whose duties and responsibilities are related to the handling or carriage of cargo; or
 - (b) in any other case—to:
 - (i) any of the operator's employees in Australia whose duties and responsibilities are related to the handling or carriage of cargo; and
 - (ii) any employees of its ground handling agent in Australia whose duties and responsibilities are related to the handling or carriage of cargo.
- (4) An operator must take all reasonable steps to ensure that the handling and carriage of dangerous goods is in accordance with the procedures and instructions in, or referred to in, its dangerous goods manual.
- (5) An operator must take all reasonable steps to ensure that each of the operator's employees is made aware of the contents of the operator's dangerous goods manual so far as it is applicable and relevant to the employee's duties before the employee first performs those duties.

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92.065 Commercial operators—reporting of dangerous goods incidents

- (1) Subregulation (2) sets out, for the purposes of subsections 23(1), (2) and (2A) of the Act, a condition of the carriage of dangerous goods on an aircraft.

Note: Under subsections 23(1), (2) and (2A) of the Act, dangerous goods must not be carried on an aircraft except in accordance with these Regulations.

- (2) Subject to subregulation (3), the carriage of dangerous goods by an aircraft operated by a commercial operator is subject to the condition that, if a dangerous goods incident occurs, the operator must report the incident to CASA in writing within 2 working days after the incident occurs.

Note: An accident or serious incident involving dangerous goods carried on an aircraft must also be reported to the Australian Transport Safety Bureau under section 19BA of the *Air Navigation Act 1920*.

- (3) Subregulation (2) does not require an operator to report a dangerous goods incident involving dangerous goods that have not been accepted by the operator for carriage by air.

92.070 Dangerous goods statement (Act s 23A)

- (1) A person who, in the circumstances specified in subregulation (3), consigns cargo for carriage on board an aircraft (including a freight forwarder that does so in the course of business as a freight forwarder) must make and sign a written statement that:

- (a) is to the effect that the cargo does not contain dangerous goods; or
- (b) describes the contents of the cargo.

Note: Consigning cargo without making the required statement is an offence—see the Act, subsection 23A(2). Knowingly making a false or misleading statement is also an offence—see the *Criminal Code*, section 137.1.

- (2) The reference in subregulation (1) to consigning cargo for carriage on board an aircraft includes consigning cargo in circumstances such that there is a possibility that the cargo may, during its journey, be carried on an aircraft.
- (3) For subsection 23A(1) of the Act and subregulation (1), all circumstances other than those mentioned in subregulation (4) are specified.
- (4) The circumstances in which subregulation (1) does not apply are the following:
- (a) the cargo was consigned from a place outside Australia;
 - (b) the cargo is checked baggage that is to be carried on the same aircraft as the person who checked the baggage;
 - (c) the cargo is:
 - (i) a postal article (within the meaning of the *Australian Postal Corporation Act 1989*) that is in the course of carriage by air; or
 - (ii) a document being sent between service centres of a document exchange service (within the meaning given by that Act);
- and:
- (iii) weighs no more than 500 grams; and

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- (iv) is no more than 20 millimetres thick; and
 - (v) is no longer than 360 millimetres; and
 - (vi) is no wider than 260 millimetres;
 - (d) the cargo is dangerous goods that have been marked and documented in accordance with this Part.
- (5) Subregulation (6) sets out, for the purposes of subsections 23(1), (2) and (2A) of the Act, a condition of the carriage of dangerous goods on an aircraft.
- Note: Under subsections 23(1), (2) and (2A) of the Act, an aircraft must not carry dangerous goods except in accordance with these Regulations.
- (6) Except in the circumstances mentioned in subregulation (4), the operator of an aircraft must not allow an item of cargo to be placed on board the aircraft unless the operator has been given a statement about the item in accordance with subregulation (1).

92.075 Dangerous goods statement in reliance on statement already made

- (1) If, in the course of cargo being consigned for carriage on an aircraft, a person delivers the cargo to the Australian Postal Corporation or a freight forwarder and gives to the Corporation or the forwarder a signed written statement that acknowledges that the cargo will or may be carried by air, and:
- (a) is to the effect that the cargo does not contain dangerous goods; or
 - (b) describes the contents of the cargo;
- the Corporation or the forwarder may, in making a statement to the operator of the kind required by regulation 92.070, rely on the person's statement.
- (2) If an aircraft operator hands cargo to another operator for carriage on an aircraft operated by the second operator, and a statement of the kind required by regulation 92.070 was given to the first operator, the first operator may, in making a statement to the second operator of the kind required by that regulation, rely on the statement given to the first operator.

Subpart 92.C—Training

92.085 Definitions for Subpart 92.C

(1) In this Subpart:

cargo does not include carry-on baggage or checked baggage.

deemed employee means a person who, although not employed by an aircraft operator, ground handling agent, freight forwarder, screening authority or shipper of dangerous goods, performs for the operator, ground handling agent, freight forwarder, screening authority or shipper any of the following services:

- (a) accepting cargo consigned for transport on an aircraft, or supervising someone whose duties include accepting such cargo at any time after it leaves the custody of the original consignor;
- (b) acting as a member of an aircraft's flight crew or as a load planner;
- (c) acting as a member of an aircraft's cabin crew;
- (d) handling cargo consigned for transport on an aircraft at any time after it leaves the custody of the original consignor, or supervising someone whose duties include handling such cargo;
- (e) handling passengers' checked or carry-on baggage, or supervising someone whose duties include handling such baggage;
- (f) packing dangerous goods, or supervising someone whose duties include packing such goods, in the course of the goods' being consigned for carriage on an aircraft.

group A employee means:

- (a) an employee whose duties include accepting, or supervising someone whose duties include accepting, cargo known or believed to contain dangerous goods consigned for transport on an aircraft at any time after it leaves the custody of the original consignor; or
- (b) a deemed employee whose function includes those duties.

group B employee means:

- (a) an employee whose duties include accepting, or supervising someone whose duties include accepting, cargo consigned for transport on an aircraft (other than cargo known or believed to contain dangerous goods) at any time after it leaves the custody of the original consignor; or
- (b) a deemed employee whose function includes those duties.

group C employee means:

- (a) an employee who is a member of an aircraft's flight crew or a load planner; or
- (b) a deemed employee whose function includes performing the duties of a member of an aircraft's flight crew or a load planner

group D employee means:

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- (a) an employee who is a member of an aircraft's cabin crew; or
- (b) a deemed employee whose function includes performing the duties of a member of an aircraft's cabin crew.

group E employee means:

- (a) any employee of an operator, ground handling agent, freight forwarder or screening authority who is not a group A, B, C or D employee and whose duties involve handling:
 - (i) cargo consigned for transport on an aircraft at any time after it leaves the custody of the original consignor; or
 - (ii) passengers' checked or carry-on baggage; or
- (b) a deemed employee whose function includes those duties.

group F employee means:

- (a) an employee of a shipper of goods whose duties include packing dangerous goods, or supervising someone else whose duties include packing dangerous goods, in the course of the goods being consigned for transport on an aircraft; or
- (b) a deemed employee whose function includes those duties.

load planner, in relation to dangerous goods, means a person nominated by an operator to be responsible for any 1 or more of the following:

- (a) specifying where dangerous goods may be stowed on an aircraft;
- (b) specifying the necessary segregation of the goods from other dangerous goods, other cargo, or passengers on the aircraft;
- (c) preparing information for the use of the pilot-in-command;
- (d) providing dangerous goods emergency response information for the pilot-in command.

Note: A person who performs those functions is known by many different titles: for example, *load controller*. Not all the functions are necessarily performed by the same person. Some or all of the functions may be the responsibility of the pilot-in-command or another crew member.

screening authority has the same meaning as in the *Air Navigation Act 1920*.

- (2) For the definitions of **deemed employee** and **group F employee** in subregulation (1), a person **packs** dangerous goods if he or she does any of the following in relation to the goods:
 - (a) enclosing the goods in packaging;
 - (b) marking or labelling the package or consignment;
 - (c) preparing a dangerous goods transport document for the consignment.

92.090 Extended meaning of *every 2 years* for this Subpart

For the purposes of this Subpart, if an employee completes a training course within 3 months before the second anniversary of the day on which he or she last completed, or is taken under a previous application of this regulation to have

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completed, a similar training course, he or she is taken to have completed the later course on that second anniversary.

Example: Suppose John Smith and Mary Jones each complete a course on 1 July 2003. Under the other provisions of this Subpart, each needs to complete the course again on 1 July 2005.

Suppose John completes the course again on 1 May 2005 (that is, less than 3 months before the second anniversary of the last time he did so). He is taken to have done so on 1 July 2005, and needs to complete the course again on 1 July 2007. However, Mary completes the course again on 15 March 2005 (that is, more than 3 months before the second anniversary of the last time she did so). She would need to complete the course yet again on 15 March 2007.

Suppose John completes the course again on 1 May 2007. He is taken to have done so on 1 July 2007, and needs to complete the course again on 1 July 2009. However, if Mary were to complete the course again on 15 January 2007, she would need to complete the course again on 15 March 2009.

92.095 Training—certain employees of Australian aircraft operators

- (1) This regulation applies to a group A, B, C, D or E employee in Australia of an Australian aircraft operator, and to a group C or D employee outside Australia of an Australian operator, but not to such an employee who is engaged only in 1 or more of the following:
 - (a) private operations;
 - (b) agricultural (including horticultural), forestry, or pollution-control operations;
 - (c) search and rescue operations;
 - (d) balloon operations;
 - (e) scenic or joy-flight operations;
 - (f) flying training operations.
- (2) An Australian aircraft operator must ensure that each of its employees to whom this regulation applies undertakes training in accordance with regulation 92.110:
 - (a) before the employee first performs the relevant duties; and
 - (b) every 2 years while the employee continues to have those duties.

Maximum penalty: 30 penalty units.

- (3) An offence against subregulation (2) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

92.100 Training—certain employees of Australian ground handling agents

- (1) A ground handling agent must ensure that each of its employees in Australia who is a group A, B, C or E employee undertakes training in accordance with regulation 92.110:
 - (a) before the employee first performs the relevant duties; and
 - (b) every 2 years while the employee continues to have those duties.

Maximum penalty: 30 penalty units.

Regulation 92.105

- (2) An offence against subregulation (1) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

92.105 Training—certain employees of Australian freight forwarders

- (1) Subject to subregulation (3), a freight forwarder must ensure that each of its employees in Australia who is a group A, B or E employee undertakes training in accordance with regulation 92.110:
- (a) before the employee first performs the relevant duties; and
 - (b) every 2 years while the employee continues to have those duties.

Maximum penalty: 30 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

- (3) Subregulation (1) does not apply to a freight forwarder's employee who handles or accepts only cargo of the kind mentioned in paragraph 92.070(4)(c).

92.110 Required standard of training for regulations 92.095, 92.100 and 92.105

The training that an employee to whom regulation 92.095, 92.100 or 92.105 applies must undertake is a training course that meets the relevant requirements of regulation 92.135 and:

- (a) for a group A employee—is approved by CASA as being appropriate for group A employees; and
- (b) for a group B employee—is approved by CASA as being appropriate for group B employees; and
- (c) for a group C employee—is approved by CASA as being appropriate for group C employees; and
- (d) for a group D employee—is approved by CASA as being appropriate for group D employees; and
- (e) for a group E employee—is appropriate for group E employees.

Note: A training course for group E employees does not require approval by CASA.

92.115 Training—certain employees of screening authorities

- (1) This regulation applies to an employee in Australia of a screening authority if the employee's duties include handling, or supervising anyone who handles, checked baggage or carry-on baggage.
- (2) The screening authority must ensure that each of its employees to whom this regulation applies undertakes training in accordance with subregulation (4):
- (a) before the employee first performs the relevant duties; and
 - (b) every 2 years while the employee continues to have those duties.

Maximum penalty: 30 penalty units.

- (3) An offence against subregulation (2) is an offence of strict liability.

Regulation 92.120

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

- (4) The training that such an employee must undertake is a training course appropriate for such employees that meets the requirements of regulation 92.135.

Note: A training course for employees of screening authorities does not require approval by CASA.

92.120 Training—certain employees of shippers of dangerous goods

- (1) Subject to subregulation (2), a person who ships dangerous goods must ensure that each of its group F employees undertakes training in accordance with subregulation (4):
- (a) before the employee first performs the relevant duties; and
 - (b) every 2 years while the employee continues to have those duties.

Maximum penalty: 30 penalty units.

- (2) Subregulation (1) does not apply to an individual who consigns dangerous goods within Australian territory for his or her own private, non-commercial purposes.
- (3) An offence against subregulation (1) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

- (4) The training that such an employee must undertake is a training course approved by CASA as being appropriate for group F employees and as meeting the requirements of regulation 92.135.

92.125 Training—certain employees of non-Australian operators

- (1) This regulation applies to a group A, B, C, D or E employee in Australia of an aircraft operator that is not an Australian operator.
- (2) The operator must ensure that each of its employees to whom this regulation applies undertakes training in accordance with:
- (a) the requirements of the law of the place in which the operator's aircraft are registered; or
 - (b) if there are no such requirements, or the operator's aircraft are registered in more than 1 country, the requirements of the Technical Instructions; before the employee first performs the relevant duties, and as often as that law or the Technical Instructions require while the employee continues to carry out those duties.

Maximum penalty: 30 penalty units.

- (3) The operator must ensure that the records about that training required by that law or the Technical Instructions are kept.

Maximum penalty: 30 penalty units.

- (4) An offence against subregulation (2) or (3) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

92.130 Training—Australian operators' employees outside Australia

- (1) This regulation applies to a group A, B or E employee of an Australian operator who performs duties outside Australia.
- (2) The operator must ensure that each employee to whom this regulation applies undertakes training in accordance with:
 - (a) the requirements of the law of the place in which he or she carries out those duties; or
 - (b) if there are no such requirements, the requirements of the Technical Instructions;before the employee first performs the relevant duties, and as often as that law or the Technical Instructions require while the employee continues to carry out those duties.

Maximum penalty: 30 penalty units.

- (3) The operator must ensure that the records about that training required by that law or the Technical Instructions are kept.

Maximum penalty: 30 penalty units.

- (4) The operator must also ensure that the training is evaluated at least every second year and the evaluation process is included in the operator's audit program.

Maximum penalty: 10 penalty units.

- (5) The operator must also ensure that if a deemed employee's services are provided to the operator under a contract, the contract contains provisions for the necessary resources, competence, procedures and management systems, to ensure that the service to the operator is a safe one.

Maximum penalty: 10 penalty units.

- (6) An offence against subregulation (2), (3), (4) or (5) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

92.135 Requirements for training course

- (1) A dangerous goods training course that is required to be approved by CASA must include training in:
 - (a) the subject mentioned in item 20 of Table 92.135-1; and
 - (b) each of the other subjects mentioned in that table that is relevant to the employee's duties and responsibilities in relation to the handling, carriage or consignment of cargo on an aircraft.

Note: Tables 92.135-1 and 92.135-2 follow this regulation.

- (2) A dangerous goods training course that is not required to be so approved must include training in:

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- (a) the subject mentioned in item 12 of Table 92.135-2; and
 - (b) each of the other subjects mentioned in that table that is relevant to the employee's duties and responsibilities in relation to the handling, carriage or consignment of cargo on an aircraft.
- (3) A dangerous goods training course must provide for a test of the employee's knowledge of the relevant subjects based on the training.
- (4) A dangerous goods training course must be of a standard that will enable the employee, on completing it satisfactorily, to carry out those duties and responsibilities effectively.
- (5) A dangerous goods training course must provide for the issue, to each person who successfully completes the course, of a certificate stating that he or she has done so.

Table 92.135-1 Syllabus for training courses requiring approval

Item	Subject
1	The requirements of the Act and these Regulations relating to consignment and carriage of dangerous goods
2	If the course is to be undertaken by an operator's employee or deemed employee, the purpose, contents and distribution requirements of the operator's dangerous goods manual
3	Parts 7;1.4, 7;5 and 7;6 of the Technical Instructions (<i>Cargo/passenger acceptance procedures—the kinds of cargo/passenger's baggage that are likely to be, or contain, dangerous goods</i>)
4	Methods used to identify cargo containing dangerous goods
5	The manner in which dangerous goods in each class of dangerous goods mentioned in the Technical Instructions could jeopardise the safety of an aircraft or anyone in it
6	The matters in the Foreword to the Technical Instructions
7	Part 1;2.1 of the Technical Instructions (<i>Dangerous goods forbidden for transport by air under any circumstance</i>)
8	Parts 1;1.1 and 1;1.2 of the Technical Instructions (<i>General applicability and General transport requirements</i>)
9	Part 1;2.2 of the Technical Instructions (<i>Exceptions for dangerous goods of the operator</i>)
10	Part 1;2.3 of the Technical Instructions (<i>Dangerous goods in air mail</i>)
11	Part 1;2.4 of the Technical Instructions (<i>Dangerous goods in excepted quantities</i>)
12	Part 3;4 of the Technical Instructions (<i>Dangerous goods in limited quantities</i>)
13	Part 1;3.1 of the Technical Instructions (<i>Definitions</i>)
14	Part 2 of the Technical Instructions (<i>Classification of dangerous goods</i>)
15	Parts 3;1 and 3;2, Table 3-1 and Part 3;3 of the Technical Instructions (respectively <i>General, Arrangement of the Dangerous Goods List, The Dangerous Goods List and Special Provisions</i>)
16	Part 4 of the Technical Instructions (<i>Packing instructions</i>)
17	Part 5 of the Technical Instructions (<i>Shipper's responsibilities</i>)

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Item	Subject
18	Part 7 of the Technical Instructions (<i>Operator's responsibilities</i>)
19	Part 6 of the Technical Instructions (<i>Packaging nomenclature, marking requirements and tests</i>)
20	Part 8 of the Technical Instructions (<i>Provisions concerning passengers and crew</i>)
21	Attachment 1 to the Technical Instructions (<i>Lists of proper shipping names</i>)
22	Attachment 3 to the Technical Instructions (<i>Notified variations from the Instructions</i>)

Table 92.135-2 Syllabus for training courses not requiring approval

Item	Subject
1	The requirements of the Act and these Regulations relating to consignment and carriage of dangerous goods
2	If the course is to be undertaken by an operator's employee or deemed employee, the purpose, contents and distribution requirements of the operator's dangerous goods manual
3	Parts 7;1.4, 7;5 and 7;6 of the Technical Instructions (<i>The kinds of cargo/passenger's baggage that are likely to be, or contain, dangerous goods</i>)
4	Methods used to identify cargo containing dangerous goods
5	The manner in which the dangerous goods in each class of dangerous goods mentioned in the Technical Instructions could jeopardise the safety of an aircraft or anyone in it
6	The matters in the Foreword to the Technical Instructions
7	Part 1;2.2 of the Technical Instructions (<i>Exceptions for dangerous goods of the operator</i>)
8	Part 1;3.1 of the Technical Instructions (<i>Definitions</i>)
9	Part 2 of the Technical Instructions (<i>Classification of dangerous goods</i>)
10	Part 5;3 of the Technical Instructions (<i>Labelling</i>)
11	Part 7;2 of the Technical Instructions (<i>Storage and loading</i>)
12	Part 8 of the Technical Instructions (<i>Provisions concerning passengers and crew</i>)
13	Attachment 3 to the Technical Instructions (<i>Notified variations from the Instructions</i>)

92.140 Who may conduct training

- (1) In this regulation:

approved training course means a training course required under this Part that is required to be approved by CASA.

- (2) A person must not give, or offer to give, instruction that purports to be, or to form part of, a training course that is required to be approved by CASA if the course is not approved.

Maximum penalty: 10 penalty units.

- (3) A person must not give instruction that is part of an approved training course if he or she is not approved for that purpose.

Maximum penalty: 10 penalty units.

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- (4) If an approved training course is conducted by distance education methods (including correspondence, video or computer network) a person must not:

- (a) prepare material for; or
- (b) supervise;

the course if he or she is not approved for that purpose.

Maximum penalty: 10 penalty units.

- (5) A person must not:

- (a) give instruction that is part of a training course for group E employees, or employees of a screening authority, required under this Part; or
- (b) prepare material for such a training course that is, or is to be, given by a distance education method (including by correspondence, video or computer network); or

(c) supervise such a training course that is, or is to be, given by such a method; if the person has not, within the previous 2 years, undertaken an approved training course for group A or B employees.

Maximum penalty: 5 penalty units.

- (6) For paragraph (5)(a), strict liability applies to the circumstance that a training course is required under this Part.

- (7) For this regulation, strict liability applies to the circumstance that a training course is required to be approved under this Part.

92.145 Records about training—Australian operators etc

- (1) This regulation applies to:

- (a) an Australian aircraft operator that has any group A, B, C, D or E employees in Australia; and
- (b) an Australian aircraft operator that has any group C or D employees outside Australia; and
- (c) a person in Australia who:
 - (i) ships dangerous goods for carriage by aircraft; and
 - (ii) has any group F employees in Australia; and
- (d) a ground handling agent or a freight forwarder that has any group A, B, C or E employees in Australia; and
- (e) a screening authority.

- (2) A person or organisation to whom or to which this regulation applies must maintain an up-to-date record of:

- (a) the name of each employee who has undertaken dangerous goods training in accordance with this Subpart; and
- (b) for each such employee:
 - (i) the names of the person and the organisation providing the training and the date on which the training was undertaken; and

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- (ii) a reference (for example, by CASA approval number) to the training material used to meet the training requirements.

Maximum penalty: 30 penalty units.

- (3) A person or organisation to whom or to which this regulation applies must:
 - (a) keep a copy of any certificate issued to an employee on the completion of a course of training required by this Part; and
 - (b) give a copy of any such certificate to CASA if CASA so requests.

Maximum penalty: 30 penalty units.

- (4) A reference in this regulation to an employee includes a deemed employee only if the deemed employee:
 - (a) is self-employed; or
 - (b) is employed by an employer that is not required to keep records under this regulation.

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Subpart 92.D—Limitations on application of Subparts 92.B and 92.C

92.160 Aircraft operated by law enforcement authorities

- (1) Regulations 92.020, 92.025, 92.030 and 92.035 do not apply to the carriage of dangerous goods by an Australian aircraft, or by a person on an Australian aircraft, operated by an Australian law enforcement authority if:
 - (a) the aircraft is performing an operation solely for law enforcement purposes within Australian territory; and
 - (b) the goods are not of a kind that is forbidden for transport by air under any circumstances by the Technical Instructions; and
 - (c) the goods are in a proper condition for carriage by air and are stowed and secured safely in the aircraft, and the aircraft's pilot-in-command is told before the flight what the goods are and where they are on board the aircraft; and
 - (d) the authority has a dangerous goods manual that complies with regulation 92.055, has established safety and emergency procedures for the goods, and that manual or the authority's operations manual contains detailed instructions in relation to those procedures; and
 - (e) only persons essential to the operation are carried on the aircraft while the goods are on board the aircraft.
- (2) For subregulation (1), the Australian law enforcement authorities are the following:
 - (a) the Australian Federal Police;
 - (b) the Australian Border Force (within the meaning of the *Australian Border Force Act 2015*);
 - (c) the Department administered by the Minister administering Part 1 of Chapter 8 of the *Biosecurity Act 2015*;
 - (d) the police force or police service of a State or the Northern Territory.

Note: This regulation creates a defence to the offences created by subsections 23(2) and (2A) of the Act. A defendant charged with either of those offences bears an evidential burden in relation to the matters set out in this regulation—see subsection 13.3(3) of the *Criminal Code*.

92.165 Goods carried by external load

Regulations 92.020, 92.025, 92.030 and 92.035 do not apply to the carriage of dangerous goods by an Australian aircraft that is a rotorcraft if:

- (a) the rotorcraft is operating in Australian territory; and
- (b) the goods:
 - (i) are carried as an external load; and
 - (ii) are in a proper condition for carriage by air; and

- (iii) are segregated in accordance with the Technical Instructions, or, if they are likely to react dangerously with one another, are not carried in the same load; and
- (iv) are not of a kind that the Technical Instructions forbid the transport of by air under any circumstances; and
- (v) are packed and stowed to prevent leakage or damage during the flight; and
- (vi) are not fireworks, pyrotechnics or other explosives intended to be activated during the flight; and
- (c) only crew members and persons associated with the goods are carried on board the rotorcraft; and
- (d) the rotorcraft's pilot-in-command is told before the load is carried what the goods are and the quantity of them in the load; and
- (e) the rotorcraft is being used to conduct an external load operation in accordance with the requirements of these Regulations that apply in relation to the rotorcraft.

Note: See Part 133 in relation to requirements that apply to external load operations that are part of a medical transport operation and Part 138 in relation to requirements that apply to external load operations that involve an aerial work operation.

92.170 Cargo carried in main deck cargo compartments

- (1) In this regulation:

Class B cargo compartment and ***Class C cargo compartment*** have the same respective meanings as in ICAO Document 9481, *Emergency Response Guidance for Aircraft Incidents Involving Dangerous Goods*, as in force on 1 January 2004.

UN followed by a 4-digit number is the number assigned by the United Nations Committee of Experts on the Transport of Dangerous Goods to identify a substance or group of substances.

Note: The numbers are set out in the UN Classification, which is available as a PDF file from:

<http://www.unece.org/trans/danger/publi/unrec/English/part3.pdf>.

UN Classification means Part 3 of the *United Nations Model Regulations on the Transport of Dangerous Goods*, published by the United Nations Economic Commission for Europe, as adapted by the International Civil Aviation Organization and set out in the Technical Instructions.

- (2) Subregulations 92.020(6) and (7) and subparagraph 92.025(2)(b)(i) do not apply to the carriage of dangerous goods in the main deck cargo compartment of an aircraft if:
- (a) the aircraft:
 - (i) is operating in Australian territory; and
 - (ii) does not have an underfloor cargo compartment; and

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- (b) in the case of an aircraft engaged in passenger-carrying operations, the compartment is not a class B or class C cargo compartment; and
- (c) the cargo compartment is separated from the passenger cabin by a bulkhead or other barrier that will prevent fire and hazardous quantities of smoke or toxic gases from entering the passenger cabin or crew compartment; and
- (d) the goods meet all of the packing, labelling, marking, documentation, stowage and segregation requirements of the Technical Instructions; and
- (e) the goods do not have a subsidiary risk; and
- (f) either:
 - (i) the proper shipping name for the goods given by the UN Classification does not include the letters ‘n.o.s.’; or
 - (ii) the labelling rules set out in the UN Classification do not require the technical name of the goods to be used as well as the proper shipping name; and
- (g) the goods are of any of the following kinds:
 - (i) goods classified in Division 1.4 and compatibility group S (certain explosives);
 - (ii) aerosols that contain gases classified in Division 2.1 (flammable gases);
 - (iii) gases classified in Division 2.2 (non-flammable and non-toxic gases) (except UN 2037, UN 2073 and UN 2857);
 - (iv) flammable liquids (Class 3) in Packing Group III in combination packagings (except UN 1112, UN 2047, UN 2059, UN 2332, UN 3054 and UN 3269);
 - (v) flammable solids (Division 4.1) in Packing Group III (except UN 1309, UN 1313, UN 1314, UN 1318, UN 1324, UN 1330, UN 1338, UN 1353, UN 1869, UN 2000, UN 2213, UN 2714, UN 2715, UN 2878, UN 3089 and UN 3241);
 - (vi) oxidizing substances (Division 5.1) in Packing Group III (except UN 1458, UN 1459, UN 1467, UN 1481, UN 1482, UN 1483, UN 2427, UN 2428, UN 2429, UN 2469, UN 2726, UN 2984, UN 3210, UN 3211, UN 3213, UN 3215, UN 3216, UN 3218 and UN 3219);
 - (vii) toxic substances (Division 6.1) in Packing Group III in combination packagings (except UN 1549, UN 1550, UN 1551, UN 1556, UN 1557, UN 1593, UN 1599, UN 1655, UN 1686, UN 1690, UN 1710, UN 1812, UN 1887, UN 1888, UN 1897, UN 1935, UN 2024, UN 2025, UN 2074, UN 2077, UN 2233, UN 2501, UN 2505, UN 2515, UN 2609, UN 2655, UN 2656, UN 2674, UN 2713, UN 2747, UN 2785, UN 2788, UN 2821, UN 2831, UN 2853, UN 2854, UN 2855, UN 2856, UN 2871, UN 2874, UN 3141, UN 3144, UN 3146, UN 3286 and UN 3293);
 - (viii) infectious substances (Division 6.2);
 - (ix) diagnostic specimens (UN 3373) packed in accordance with Packing Instruction 650 of the Technical Instructions;
 - (x) radioactive material (Class 7) but only excepted packages and packages assigned category I – White only;

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- (xi) corrosives (Class 8) in Packing Group III in combination packagings (except UN 1731, UN 1740, UN 1755, UN 1757, UN 1783, UN 1787, UN 1788, UN 1789, UN 1814, UN 1819, UN 1824, UN 1908, UN 2430, UN 2496, UN 2508, UN 2564, UN 2578, UN 2585, UN 2586, UN 2672, UN 2677, UN 2679, UN 2681, UN 2693, UN 2790, UN 2803, UN 2809, UN 2837, UN 2869, UN 3145, UN 3253 and UN 3320);
- (xii) dangerous goods classified in Class 9 (except UN 1931, UN 1941, UN 1990, UN 2211, UN 2590, UN 3268, UN 3314, UN 3316, UN 3363 and UN 8000);
- (xiii) dangerous goods permitted by the Technical Instructions to be carried in excepted quantities.

Note: This regulation creates a defence to the offences created by subsections 23(2) and (2A) of the Act. A defendant charged with either of those offences bears an evidential burden in relation to the matters set out in this regulation—see subsection 13.3(3) of the *Criminal Code*.

- (3) Subregulations 92.020(6) and (7) and subparagraph 92.025(2)(b)(i) do not apply in relation to the carriage of UN 1072 (oxygen, compressed) in the main deck cargo compartment of an aircraft if the carriage is in accordance with paragraphs (2)(a) to (d).
- (4) Subregulations 92.020(6) and (7) and subparagraph 92.025(2)(b)(i) do not apply in relation to the carriage of UN 1993 (flammable liquid, n.o.s.) in the main deck cargo compartment of an aircraft if the carriage is in accordance with paragraphs (2)(a) to (d).

92.175 Goods carried by private operators

Subparts 92.B and 92.C do not apply to the carriage of dangerous goods by an aircraft operated by an operator engaged in private (non-commercial) operations if:

- (a) the aircraft is operating in Australian territory and:
 - (i) is unpressurised; and
 - (ii) has an approved passenger seat configuration of less than 10 seats; and
- (b) the goods:
 - (i) are in a proper condition for carriage by air; and
 - (ii) are identified by class in accordance with the Technical Instructions; and
 - (iii) are permitted by the Technical Instructions to be carried on a passenger or cargo aircraft; and
 - (iv) are stowed and secured on the aircraft to prevent movement and damage, and segregated in accordance with the requirements of the Technical Instructions if they are likely to react dangerously with one another; and

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- (c) the pilot-in-command of the aircraft ensures that every person on board the aircraft knows, before boarding the aircraft, that the dangerous goods are on board.

Note: This regulation creates a defence to the offences created by subsections 23(2) and (2A) of the Act. A defendant charged with either of those offences bears an evidential burden in relation to the matters set out in this regulation—see subsection 13.3(3) of the *Criminal Code*.

92.180 Goods carried for parachute operations

Regulations 92.020, 92.025, 92.030 and 92.035 do not apply to the carriage, on an aircraft, of dangerous goods classified in Division 1.4 if:

- (a) the aircraft is operating in Australian territory; and
- (b) the person carrying the goods intends to jump from the aircraft by parachute, and to use the goods during the parachute descent; and
- (c) the goods are not used until after the person jumps from the aircraft; and
- (d) the pilot-in-command of the aircraft:
 - (i) knows what the goods are; and
 - (ii) before the flight begins, briefs everybody intending to board the aircraft on what to do if any of the goods are activated during the flight; and
- (e) where the flight is being undertaken by a commercial operator—the operator establishes safety and emergency procedures for the operation and sets out those procedures in the operator's dangerous goods manual.

Note: This regulation creates a defence to the offences created by subsections 23(2) and (2A) of the Act. A defendant charged with either of those offences bears an evidential burden in relation to the matters set out in this regulation—see subsection 13.3(3) of the *Criminal Code*.

92.185 Carriage of fuel in large containers

Regulations 92.020, 92.025, 92.030 and 92.035 do not apply to the consignment for carriage, or to the carriage, on a cargo aircraft in Australian territory of:

- (a) petrol (whether called petrol, gasoline or motor spirit) (UN 1203) of packing group II; or
 - (b) aviation turbine fuel (UN 1863) of packing group II;
- if the petrol or aviation turbine fuel:
- (c) is documented, labelled, stowed and segregated on the aircraft in accordance with the Technical Instructions; and
 - (d) is contained in 1A1 non-removable-head steel drums or 1B1 non-removable-head aluminium drums with a capacity of no more than 220 litres.

Note: This regulation creates a defence to the offences created by subsections 23(2) and (2A) of the Act. A defendant charged with either of those offences bears an evidential burden in relation to the matters set out in this regulation—see subsection 13.3(3) of the *Criminal Code*.

92.190 Goods for use in emergency services

Regulations 92.020, 92.025, 92.030 and 92.035 do not apply to the consignment for carriage, or to the carriage, of dangerous goods on an aircraft if:

- (a) the aircraft:
 - (i) is unpressurised; and
 - (ii) has an approved passenger seat configuration of less than 10 seats; and
 - (iii) is operating in Australian territory; and
 - (iv) is operating for the sole purpose of carrying people engaged in emergency services work and their essential equipment (including the goods) to a place where they intend to undertake emergency service work, or of recovering them from such a place; and
- (b) where the aircraft is a helicopter—any static electric charge that it carries is discharged before the people or their equipment are loaded or unloaded; and
- (c) the goods:
 - (i) are limited to dangerous goods of the following kinds:
 - (A) goods classified in Division 1.4 (certain explosives);
 - (B) gases classified in Division 2.1 or 2.2;
 - (C) flammable liquids (Class 3);
 - (D) goods classified in Division 4.1 (flammable solids);
 - (E) goods classified in Class 9 (miscellaneous dangerous goods);
 - (F) corrosives (Class 8); and
 - (ii) are in a proper condition for carriage by air; and
 - (iii) are not used on the aircraft; and
 - (iv) if classified in Class 3:
 - (A) are packaged in accordance with the Technical Instructions; and
 - (B) are stowed and secured on the aircraft to prevent leakage or damage during the flight; and
- (d) the aircraft's pilot-in-command is told that the goods are on board, and where they are on the aircraft, and consents to them being carried on the aircraft; and
- (e) only the aircraft's crew and persons associated with the goods are carried on board the aircraft; and
- (f) the operator establishes safety and emergency procedures for the carriage of the dangerous goods; and
- (g) where the flight is being conducted by a commercial operator—the operator has a dangerous goods manual that complies with regulation 92.055, has established safety and emergency procedures for the goods, and that manual or the operator's operations manual contains detailed instructions in relation to those procedures.

Note: This regulation creates a defence to the offences created by subsections 23(2) and (2A) of the Act. A defendant charged with either of those offences bears an evidential

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burden in relation to the matters set out in this regulation—see subsection 13.3(3) of the *Criminal Code*.

92.195 Carriage of ammunition by air security officers

- (1) Regulations 92.020, 92.025 and 92.030 do not apply to the carriage of dangerous goods by an air security officer if:
 - (a) the officer is an officer mentioned in paragraph (a) of the definition of ***air security officer***; and
 - (b) the officer is on duty in a prescribed aircraft (within the meaning of section 9 of the *Aviation Transport Security Act 2004*); and
 - (c) the dangerous goods:
 - (i) is an amount of ammunition that is reasonably required in the performance of that duty; and
 - (ii) is issued by the Australian Federal Police to the officer; and
 - (iii) is for use by the officer.
- (2) Regulations 92.020, 92.025 and 92.030 do not apply to the carriage of dangerous goods by an air security officer if:
 - (a) the officer is an officer mentioned in paragraph (b) of the definition of ***air security officer***; and
 - (b) the officer is on duty in a prescribed aircraft (within the meaning of section 9 of the *Aviation Transport Security Act 2004*); and
 - (c) the dangerous goods:
 - (i) is an amount of ammunition that is reasonably required in the performance of that duty; and
 - (ii) is issued by a responsible foreign government to the officer; and
 - (iii) is ammunition of the kind agreed to under an arrangement between the responsible foreign government and the Australian Government; and
 - (iv) is for use by the officer.
- (3) For subparagraphs (2)(c)(ii) and (iii):

responsible foreign government, in relation to an air security officer mentioned in paragraph (2)(a), means the foreign government referred to in the definition of ***air security officer*** that is a party to an arrangement with the Australian Government in relation to the officer operating.

Subpart 92.E—Information to passengers

92.200 Information in passenger terminals

- (1) The owner or operator of an airport terminal must comply with the provisions of the Technical Instructions concerning information that must be given to passengers about the carriage of dangerous goods on aircraft.

Penalty: 10 penalty units.

- (2) The information required by subregulation (1) must at least be given by means of a sufficient number of notices, prominently displayed at each of the places at an airport where tickets are issued, passengers checked in and aircraft boarding areas maintained, and at baggage collection areas.

92.205 Information with tickets

- (1) A person (other than an aircraft operator) who issues a passenger ticket must ensure that the person to whom the ticket is issued is given information about the kinds of dangerous goods that must not be transported on an aircraft.

Penalty: 10 penalty units.

- (2) The information required by subregulation (1) must at least be given by means of information with the ticket and notices, visible to persons to whom tickets are issued, in each place where tickets are issued.