## CASR Part 119 Key Operational Changes with Suggested Text

### Guide to using this document

This document is intended to assist future air transport operators to prioritise their actions to transition to the new flight operations regulations. It highlights the key changes in Part 119 affecting air transport operations (compared with the rules in force up to 2 December 2021). It describes who is affected by each key change and what operators have to do.

Part 119 relates to all air transport AOCs and the suggested text in this document should be read in by operators who will operate under Part 121, 133 and 135. Part 119 contains regulations that affect the organisation, management and key personnel for air transport AOCs. Much of this content is new and has not been a requirement of operations manuals in the past. Some existing operations manuals may contain content that is mentioned in Part 119; however this is likely to be limited.

#### Suggested operator action

Operators should review the key changes and their current operations manual suite to determine the content that will be affected by the new provisions.

In this version of the document we have added a column titled ‘suggested text’. It contains additional information for use by operators when updating their existing procedures, including suggested text, which may include notes or instructions on how to use it. However not every key change contains suggested text, due to the diverse nature of operator circumstances that relate to the content of the regulation. In addition, some specialised operations make generating suggested text impractical.

This column also identifies requirements for which:

* no text is required to be inserted into your existing manuals, for example due to the rule being administrative only
* no suggested text is provided, if it is not practical for CASA to provide generic sample text that would be usable by most operators.

It has been anticipated that operators will take advantage of the deferrals available to them and sample text has not been provided for the deferred provisions at this time.

Consistent with the terms of the CEO Declaration that must be signed and provided to CASA by 1 December 2021 in order to continue operations on 2 December 2021, CASA expects operators to use their best endeavours to understand and address the changes (including by updating their documented procedures) needed to operate safely under the new rules from 2 December 2021.

#### Guidance material

For guidance relating to specific regulatory provisions, refer to the [Part 119 AMC/GM](https://www.casa.gov.au/node/54975) document.

Further guidance information on Part 119 of CASR can be found [here.](https://www.casa.gov.au/search-centre/rules/part-119-casr-australian-air-transport-operators-certification-and-management)

#### Document structure

This document is structured as follows:

| Section | Description | Page |
| --- | --- | --- |
| [Colour coded key to changes](#_Colour_coded_key) | Key changes are colour coded, for example new requirements are shaded a light blue. | 2 |
| [Summary of deferred provisions](#_Summary_of_deferred) | Four tables summarise key Part 119 changes that are being deferred beyond the 2 December 2021 flight operations regulations commencement date. The deferrals apply to certain operators, as previously communicated. You should not rely on them unless you are sure they apply to your operations. | 2 |
| [Key changes in force from 2 December 2021](#_Key_changes_in) | This section details the key operational changes applicable from 2 December 2021. | 5 |
| [Compliance no later than 2 December 2022](#_Compliance_no_later) | This section identifies the Part 119 requirements that are deferred until 2 December 2022 that relate to the requirement to have an SMS and safety manager. The deferrals apply to certain operators only and are subject to the conditions set out in CASA EX87/21 – Flight Operations Regulations – SMS, HFP&NTS and T&C Systems – Supplementary Exemptions and Directions Instrument 2021 (CASA EX87/21)*.* | 11 |
| [Compliance no later than 2 March 2023](#_Compliance_no_later_4) | This section identifies the Part 119 requirements that are deferred until 2 March 2023 that relate to qualifications and experience requirements for certain key personnel, and training and checking system requirements. The deferrals apply to certain operators only and are subject to conditions set out in *CASA EX82/21 – Part 119 of CASR – Supplementary Exemptions and Directions Instrument 2021* (CASA EX82/21)and CASA EX87/21*.* | 13 |
| [Compliance no later than 4 December 2023](#_Compliance_no_later_5) | This section identifies the Part 119 requirements that are deferred until 4 December 2023 that relate to HFP/NTS training. The deferrals apply to certain operators only and are subject to conditions set out in CASA EX82/21. | 15 |
| [Compliance no later than 2 December 2024](#_Compliance_no_later_3) | This section identifies the Part 119 requirements that are deferred until 2 December 2024 that relate to the implementation of an SMS and the provision of an FDAP. The deferrals apply to certain operators only and are subject to conditions set out in CASA EX82/21 and CASA EX87/21. | 16 |

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### Colour coded key to changes

#### 14 key changes, characterised as follows:



12 rule topics with new requirements. These requirements may not be in an operator’s existing manual.

0 rules with requirements that carry over an existing requirement with significant change

3 rules with administrative changes that affect operators. The changes may require adjustments to text in an operator’s existing manual.

0 rules with requirements covering existing rule topics but the new rule is less restrictive.

### Summary of deferred provisions

#### Compliance no later than 2 December 2022

| Reg  Number | Regulation title | Who the deferral applies to |
| --- | --- | --- |
| 119.155  119.190 | Safety manager—experience  Safety management system requirements | Operators who, immediately before 2 December 2021:   * held an AOC, or were early applicants for an AOC or an AOC variation, that: * authorised charter operations or aerial work (air ambulance) operations, and * authorised Part 142 activities in an aircraft, and * did not authorise regular public transport operations, and * were not the subject of a direction under regulation 11.245 to have an SMS. |

#### Compliance no later than 2 March 2023

| Reg  number | Regulation title | Who the deferral applies to |
| --- | --- | --- |
| 119.135 | Head of flying operations—qualifications and experience | Operators who, immediately before 2 December 2021, held an AOC, or were early applicants for an AOC or an AOC variation, that:   * authorised the use of single-pilot type certificated aircraft for charter operations or aerial work (air ambulance) operations, and * did not authorise regular public transport operations. |
| 119.145 | Head of training and checking—qualifications and experience | Operators who, immediately before 2 December 2021:   * held an AOC, or were early applicants for an AOC or an AOC variation that authorised the use of single-pilot type certificated aircraft for: * charter operations or aerial work (air ambulance) operations in other than high capacity aircraft, or * regular public transport operations in other than high capacity aircraft, and * were not required by subsection 8 of CAO 82.3 to use 2 pilots for an operation under the AOC before 2 December 2021. |
| 119.170 | Training and checking system | Operators who, immediately before 2 December 2021:   * held an AOC, or were early applicants for an AOC or an AOC variation, that authorised charter operations, or aerial work (air ambulance) operations, and * were not subject to a requirement under subregulation 217(1) of CAR to provide a training and checking organisation for the operations or for an aeroplane or rotorcraft used in the operations.   For operators to whom subregulation 119.170 (5) applies, the requirement for the operator’s training and checking system to include operational safety-critical personnel who are not flight crew, cabin crew or other crew members assigned duties on board an aircraft for the flying or safety of the aircraft is deferred. |

#### Compliance no later than 4 December 2023

| Reg  number | Regulation title | Who the deferral applies to |
| --- | --- | --- |
| 119.175  119.180  119.185 | Program for training and assessment in human factors principles and non‑technical skills  Training in human factors principles and non‑technical skills for flight crew etc.  Training in human factors principles and non‑technical skills for other operational safety‑critical personnel | Operators who, immediately before 2 December 2021:   * held an AOC, or were early applicants for an AOC or an AOC variation, that: * authorised charter operations or aerial work (air ambulance) operations, and * did not authorise regular public transport operations, and * were not required to have an HFP&NTS program for their charter or aerial work (air ambulance) operations. |

#### Compliance no later than 2 December 2024

| Reg  number | Regulation title | Who the deferral applies to |
| --- | --- | --- |
| 119.155  119.190 | Safety manager—experience  Safety management system requirements | Operators who, immediately before 2 December 2021:   * held an AOC, or were early applicants for an AOC or an AOC variation, that: * authorised charter operations or aerial work (air ambulance) operations, and * did not authorise regular public transport operations, and * did not authorise Part 142 activities in an aircraft, and * were not the subject of a direction under regulation 11.245 to have an SMS. |
| 119.195 | Flight data analysis program requirements | Operators who, immediately before 2 December 2021:   * held an AOC, or were early applicants for an AOC or an AOC variation, that authorised regular public transport operations, charter operations or aerial work (air ambulance) operations, and * were not subject to a requirement under subsection 2A of CAO 82.3, or subsection 2A of CAO 82.5, to have an FDAP for the operation of an aircraft in the operations, and * were not the subject of a direction under regulation 11.245 to have an FDAP for operation of an aircraft in the operations. |

### Key changes in force from 2 December 2021

| Reg  number | Regulation title | Old rule/ref | Regulatory context comment and overview of actions (where necessary) | Suggested text |
| --- | --- | --- | --- | --- |
| 119.005  119.010 | What Part 119 is about  Definition of *Australian air transport operation* |  | New requirements for all air transport operators  Background  Introduced to reduce regulatory differences by creating one category of air transport that can be flexibly applied to operations of different sizes and complexities.  The principal effect of this new definition is to regulate non-scheduled operations (current charter operations) to the same standard as scheduled operations (current RPT operations) and include current aerial work (air ambulance) operations.  Introduces the new terms *Australian air transport operator* and *Australian air transport operation* to encompass passenger transport operations, cargo transport operations and medical transport operations that are for hire or reward (or otherwise prescribed). Replaces the terminology *regular public transport*, *charter* and *aerial work (air ambulance)*.  Guidance material  [AC 1-01 – Understanding the legislative framework](https://www.casa.gov.au/understanding-legislative-framework).  [AC 1-03 – Transitioning to the flight operations regulations](https://www.casa.gov.au/transitioning-flight-operations-regulations). | ****No text required**** |
| 119.020  119.085  119.090  119.095 | Definition of significant change  Changes of Name etc.  Application for approval of significant changes  Approval of significant changes |  | Introduces a significant administrative change that affects all air transport operators  Background  Defines what changes to an operator’s operations are significant changes that require CASA approval before implementation by the operator. One prescribed kind of significant change is a change to the operator’s process of making changes that relate to the safe conduct and management of the operator’s air transport operations.  Requirement  Requires operators to have a change management process dealing with both significant changes and changes that are not significant.  Operators are required (under the transitional regulations) to provide their proposed change management process to CASA by 5 October 2021.  Identified shortcoming and planned solution  A CASA instrument narrows down the definition of significant change for the purpose of subparagraph 119.020 (a) (viii) and in other cases to treat some changes as if they were significant changes requiring CASA pre-approval. Refer to CASA EX82/21.  Guidance material  [AC 119-07 – Management of change for aviation organisations.](https://www.casa.gov.au/management-change-aviation-organisations) | Operators will have incorporated management of change procedures in response to the 5 October 2021 milestone.  Operators will need to ensure the changes of name etc. provisions are included.  Suggested text:  Changes of name etc  The CEO is to ensure that before the company name or trading name, contact details, or operational headquarters address is changed the exposition is amended and CASA is notified and the amendments submitted. |
| 119.125  119.130 | Chief executive officer—experience  Chief executive officer— responsibilities and accountabilities |  | Introduces a significant administrative change that affects all air transport operators  Background  Clarifies experience requirements for the chief executive officer and sets out their responsibilities and accountability for meeting their responsibilities. | No text required  The exposition/manual should articulate the means by which the CEO acquits their responsibilities. This could be framed as a list of duties that the CEO carries out, or ensures they are carried out.  If the duties are carried out effectively, the responsibilities listed in the subregulation will be met.  Uses the term HOO/HOFO to allow use of the one provision in an operator with a 138 certificate as well as a part 119 AOC.  Suggested text:  The CEO is responsible for carrying out the following duties:   * Reviewing the planned kind and volume of activities, including: * At least annually or at major changes to operations, consulting with the HOO/HOFO to determine the number, experience, qualifications, and competence of personnel required to carry out the expected operations safely and effectively. Arranging for the engagement of personnel to fulfil the expected requirements * At least annually or at major changes to operations, reviewing the suitability of the company’s management structure and adjusting it if necessary * Arranging all necessary resources sufficient to deliver the anticipated operations. * Ensure that the HOO or HOFO: * Monitors and reports on compliance with the exposition and aviation legislation * Carries out appropriate corrective action on all deficiencies identified at audits and submits the details * Monitors operational standards. * Carrying out the exposition continuous improvement process in conjunction with the HOO/HOFO * When required action the change management procedures * At least yearly, regularly review key personnel performance by: * checking their conduct is IAW the exposition and civil aviation legislation * entering the outcome of this assessment on the person’s file * taking appropriate action where unsatisfactory performance is identified. |
| 119.135 | Head of flying operations—qualifications and experience |  | New requirements for all air transport operators  Background  Introduces new requirements that modify licence and experience requirements for the head of flying operations (HOFO).  Requirements  Requires an ATPL for other than single pilot operations as defined in Part 61 of CASR.  Requires the HOFO to hold a type or class rating for an aeroplane or rotorcraft that is used to conduct a significant portion of the operator’s Australian air transport operations.  Unless CASA approves otherwise, the HOFO must have at least 500 hours flight time in a type or class of aircraft that is used to conduct a significant proportion of the operator’s Australian air transport operations and at least 6 months experience in the conduct of management of operations under an AOC or foreign equivalent.  **Note:** For certain operators, the ATPL licence requirement for an incumbent HOFO is deferred until 2 March 2023. | No text required |
| 119.140 | Head of flying operations - responsibilities |  | New requirements for all air transport operators  Background  Clarifies head of flying operations responsibilities. | The exposition/manual should articulate the means by which the HOFO acquits their responsibilities. This could be framed as a list of duties that the HOFO carries out, or ensures they are carried out.  If the duties are carried out effectively, the responsibilities listed in the subregulation will be met.  Suggested text:  The HOFO is responsible for carrying out the following duties:   * Monitoring legislative and exposition compliance by: * Conducting internal audits as required or at least annually * Reviewing audit findings and taking any necessary corrective action to rectify deficiencies as soon as possible * Reporting the results to the CEO. * Monitoring the operational standards * Reviewing crew assignments and the use of appropriate aircraft for operations * Reviewing the scheduling and rostering of pilots to ensure rostering and fatigue management is satisfactory * Maintaining and ensuring access to the reference library, exposition, publications, information and data * Carrying out or managing pilot training and proficiency checks * Managing the DAMP * Maintaining up-to-date personnel training and checking records.   **Note 1**: While retaining responsibility, the HOFO may delegate any of the duties listed above to suitably qualified, trained and competent personnel.  **Note 2**: If operators are taking advantage of the deferred provisions relating to training and checking systems, the exemption instrument CASA EX87/21 requires the operator’s head of flying operations to be responsible for the matters specified in regulation 119.150 for the head of training and checking, in addition to the responsibilities required by regulation 119.140. |
| 119.145 | Head of training and checking—qualifications and experience | CAO 82.3 and 82.5 | New requirements for all air transport operators  Background  Introduces new requirements that modify licence and experience requirements for the head of training and checking (HOTC).  Requirements  Requires the HOTC to hold:   * an ATPL for other than single-pilot operations as defined in Part 61 of CASR * a type or class rating for an aeroplane or rotorcraft that is used to conduct a significant portion of the operator’s Australian air transport operations.   Unless CASA approves otherwise, the HOTC must have at least 500 hours flight time on a type or class of aircraft that is used to conduct a significant proportion of the operator’s Australian air transport operations and at least 6 months experience in the conduct of management of operations under an AOC or foreign equivalent.  **Note 1:** For certain operators, the ATPL licence requirement for an incumbent HOTC is deferred until 2 March 2023.  **Note 2:** The requirement for an operator to have a training and checking system will be deferred until 2 March 2023 for existing charter and aerial work (air ambulance) operators.  Identified shortcoming and planned solution  CASA EX82/21 exempts any operator and the HOTC from the requirement for the HOTC to have the experience mentioned in paragraph 119.145 (3) (b) and subregulation 119.145 (4), provided the HOTC has:   * at least 300 hours flight time conducting training in a type of aeroplane or rotorcraft that is the same as, or substantially similar to, a type of aeroplane or rotorcraft used to conduct a significant proportion of the operator’s Australian air transport operations; and * at least 6 months experience in the conduct or management of air operations. | No suggested text provided.  For the purposes of this document it is presumed operators are taking advantage of this deferral. |
| 119.205 | Content of exposition |  | Introduces a significant administrative change that affects all air transport operators  Background  Introduces the concept of an ‘exposition’ to encompass the organisational and operational safety documentation required to be kept by an Australian air transport operator. The term encompasses the operator’s operations manual, any training and checking manual and any safety management system manual but leaves the packaging and/or amalgamation of the manuals to the discretion of the operator.  Requirement  The [flight operations regulations transition page](https://www.casa.gov.au/rules/changing-rules/flight-operations-regulations-transition) provides information about transitioning to the new flight operations regulations. Operators were required to submit their exposition extract for the management of change procedures by 5 October 2021 and an interim exposition by 1 December 2021. A fully updated and integrated exposition is to be submitted by 2 June 2022. Refer to the [step by step transition guide](https://www.casa.gov.au/rules/changing-rules/flight-operations-regulations-transition/step-step-transition-guide) on the CASA website for how to submit extracts.  Identified shortcoming and planned solution  CASA EX82/21 provides an exemption from compliance with subparagraph 119.205 (1) (e) (iv), to acknowledge that an operator may decide not to include in its exposition the name of a person who is authorised to carry out the responsibilities of a key person when the position holder is absent from the position, or when the key person cannot carry out the responsibilities of the position.  Guidance material  [AC 1-02 – Guide to the development of expositions and operations manuals](https://www.casa.gov.au/guide-development-expositions-and-operations-manuals).  [AC 1-03 – Transitioning to the flight operations regulations](https://www.casa.gov.au/transitioning-flight-operations-regulations). | No suggested text provided.  For the purposes of this document it is presumed operators are taking advantage of this deferral. |
| 119.225  119.240 | Personnel training and checking records—making records  Retention periods for personnel records | CAO 82.3 and 82.5 | New requirements for all air transport operators  Background  Extends record keeping requirements relating to flying experience, other experience, training, checking and testing to new categories of operator personnel – air crew, medical transport specialists, operational safety-critical personnel – as well to ground support personnel and other personnel.  Specifies the minimum period for which the records for operator personnel must be kept. The minimum retention period is 5 years after a flight crew member or air crew member ceases to be member of the operator’s personnel, and 1 year after the other categories of operator personnel cease to be a member of the operator’s personnel.  For cabin crew members and flight crew members performing duties under Parts 121 and Part 135, as applicable, records of cosmic radiation doses must be kept for 5 years after the member ceases to be a member of the operator’s personnel. | Operators may have provisions for record keeping. Suggested text could be added or the entire section substituted:  Personnel training and checking records  (Regulations 119.225, 119.240, 138.170 and 138.185)  Making  The HOO/HOFO is to ensure that the personnel training and checking file is completed immediately after the employee carries out any training, check, flight test or assessment, gains a qualification or certificate, or gains relevant flying experience. Any form or certificate required by the exposition in relation to a qualification or experience gained is to be completed and stored on the persons record as soon as possible after the event.  These records are to be retained until at least 5 years after the person ceases to be a member of *[Sample Aviation]*’s personnel.  Availability  (Regulations 119.230 and 138.175)  Personnel may review any of their own training and checking records at any time using secure access to the company server.  If another Australian air transport operator requests a copy of any training and checking record made by [Sample Aviation] for an employee, the HOO/HOFO is to provide the requested records within 7 days of the request provided the employee agrees in writing to release them.  Licences and medical certificates  (Regulations 119.235, 119.240 and 138.180)  The HOO/HOFO is to ensure that each pilot’s file contains copies of the pilot’s current flight crew licence and medical certificate. These records are to be retained whilst the pilot exercises the privilege of their licence for [Sample Aviation].  Note: electronic retentions are acceptable. |
| 119.245 | Retention periods for flight-related documents | CAO 20.16.1 | New requirements for all air transport operators  Background  Introduces some new requirements but is otherwise consistent with requirements under the CAOs.  Consolidates the listing of flight-related documents that must be kept by an operator under Parts 91, 121, 133 and 135, and specifies the retention period, which is a minimum of 3 months after the end of the flight. | Operators may already have provisions for record keeping. Suggested text could be added or the entire section substituted:  Documents  Pilots are to ensure the following documents are retained for every air transport flight and stored in the operational records system. The HOFO is to ensure they are stored for at least 3 months:   * Forecasts * Notams * Weight and balance form * Special cargo statement (if any) * Passenger list * Any report of any action taken in an emergency by the pilot that contravenes Part 91 regulations.   The HOFO is to ensure the operational flight plan /journey log is retained for every flight and stored for at least 6 months.  **Note**: electronic retentions are acceptable. |
| 119.250 | Retention period for other flight-related records |  | New requirements for all air transport operators  Requires records in a journey log to be kept for at least 6 months after the end of a flight.  Records of the verification of the accuracy of weight and balance data that is generated by a computer system not fitted to an aeroplane that are required under Part 121 must be kept for at least 6 months. | No text required  Text incorporated in 119.245 as above. |
| 119.260 | Use of foreign registered aircraft in Australian territory |  | A new requirement for all air transport operators  This regulation limits the use of a foreign registered aircraft to a total of 90 days in any 12 month period, unless CASA has approved a greater number of days.  CASA EX82/21 contains a direction that an Australian air transport operator must not operate a foreign-registered aircraft in an Australian air transport operation for the first time unless CASA, in writing, has approved the operator’s application to operate the aircraft in the operation.  This direction does not apply to an aircraft registered in New Zealand and operated under an Australian AOC with ANZA privileges, or to an aircraft for which the operator holds a permission under section 27A of the Civil Aviation Act.  Refer to CASA EX82/21 for full details of the direction. | No suggested text provided.  Operators of these aircraft to review. |

### Compliance no later than 2 December 2022

| Reg  number | Regulation title | Old  rule/ref | Regulatory context comment and overview of actions (where necessary) |  |
| --- | --- | --- | --- | --- |
| 119.155  119.190 | Safety manager—experience  Safety management system requirements | CAO 82.3 and 82.5 | New requirements for existing charter operators and aerial work (air ambulance) operators who are authorised to conduct Part 142 activities in an aircraft  Background  Extends the current SMS and safety manager requirements to all Australian air transport operators, including for non-scheduled operations.  Requirements  Ensure that the safety manager has the experience required by regulation 119.155, and the safety management system:   * is appropriate for the size, nature and complexity of the operations * includes the matters set out in subregulation 119.190 (2).   The ‘first of’ SMS for the aerial work operations must in all cases be approved by CASA before it is implemented by the operator. Refer to CASA EX82/21.  Transitional arrangements  For existing charter and aerial work (air ambulance) operators who are also authorised to conduct Part 142 activities in an aircraft, these requirements are deferred until 2 December 2022, or until they commence scheduled air transport operations, if earlier. The deferral is subject to certain conditions relating to the proactive identification and management of safety risks.  Operators must have procedures in their exposition for the identification, review and recording of risks arising from the operator’s operations and the corrective safety controls implemented to address those risks.  Operators are required to:   * give CASA the proposed SMS exposition content, with an application for its approval, by the end of 2 September 2022, and * obtain CASA’s written approval of the exposition content by the end of 1 December 2022.   Refer to CASA EX87/21 for the deferred provisions and full conditions of the exemptions, and for an exemption in relation to FDAP requirements under regulation 119.195.  Guidance material  [AC 119-01 – Safety management systems for air transport operations](https://www.casa.gov.au/safety-management-systems-air-transport-operations). | No suggested text provided.  For the purposes of this document it is presumed operators are taking advantage of this deferral. |

### Compliance no later than 2 March 2023

| Reg  number | Regulation title | Old rule/ref | Regulatory context comment and overview of actions (where necessary) |  |
| --- | --- | --- | --- | --- |
| 119.135 | Head of flying operations—qualifications and experience |  | New requirements for existing charter and aerial work (air ambulance) operators using single-pilot certificated aircraft  Background  Introduces new [requirements](#Requirement135) that modify licence and experience requirements for the head of flying operations (HOFO).  Transitional arrangements  The ATPL licence requirement for an incumbent HOFO for a charter or aerial work (air ambulance) operator using single-pilot type certificated aircraft as at 1 December 2021 is deferred until 2 March 2023, or until the operator commences scheduled air transport operations, if earlier.  The HOFO must meet the licence requirements of subclause 4.3 in Appendix 1 of CAO 82.0.  Prior to the end of the exemption period, the operator must have CASA approval of its exposition content that shows that the incumbent HOFO or any new HOFO meets the requirements of regulation 119.135. Refer to CASA EX82/21 for full requirements. | No suggested text provided.  For the purposes of this document it is presumed operators are taking advantage of this deferral. |
| 119.145 | Head of training and checking—qualifications and experience | CAO 82.3 and 82.5 | New requirements for operators using single-pilot certificated aircraft for charter, aerial work (air ambulance) or RPT operations  Background  Introduces new [requirements](#Requirement145) that modify licence and experience requirements for the head of training and checking (HOTC).  Transitional arrangements  CASA EX82/21 provides that the ATPL licence requirement for an incumbent HOTC for an RPT, charter or aerial work (air ambulance) operator using single-pilot type certificated aircraft that are not high capacity aircraft, or do not require 2 pilots in an operation before 2 December 2021, will be deferred. The deferral applies:   * until 2 March 2023, or * until the operator commences scheduled air transport operations in a high capacity aircraft or in another aircraft that would have triggered a requirement for 2 pilots under subsection 8 of CAO 82.3, if that change is made before 2 March 2023.   The HOTC must meet the requirements of subclause 4.3 in Appendix 1 of CAO 82.0.  Prior to the end of the exemption period, the operator must have CASA approval of its exposition content that shows that the incumbent HOTC or any new HOTC meets the requirements of regulation 119.145. Refer to CASA EX82/21 for full requirements. | No suggested text provided.  For the purposes of this document it is presumed operators are taking advantage of this deferral. |
| 119.170 | Training and checking system | CAR 217 | A new requirement for existing charter operators and aerial work (air ambulance) operators who were not required to have a training and checking organisation immediately before 2 December 2021  Background  Extends the current training and checking organisation requirement (including the HOTC requirement) to all Australian air transport operations, including non-scheduled operations.  Transitional arrangements  For existing charter and aerial work (air ambulance) operators the requirement to have a training and checking system will be deferred until 2 March 2023, or until they commence scheduled air transport operations or the use of an aircraft that would have required a training and checking organisation under CAR 217, if earlier.  Operators are required to give CASA their proposed training and checking system exposition content by not later than the end of 2 September 2022 and obtain CASA’s written approval of that content by not later than the end of 1 March 2023.  The ‘first version’ of any training and checking system for an operator must in all cases be approved by CASA before it is implemented by the operator. Refer to CASA EX82/21.  Refer to CASA EX87/21 for the regulations being exempted and full conditions of the exemptions. | No suggested text provided.  For the purposes of this document it is presumed operators are taking advantage of this deferral. |
| 119.170 | Training and checking system | CAR 217 | A new requirement for operators conducting certain operations  Transitional arrangements  The requirement for an operator’s training and checking system to include operational safety-critical personnel other than flight crew, cabin crew or other crew members who are assigned duties on board an aircraft for the flying or safety of the aircraft, is deferred until 2 March 2023. (Only operators to whom subregulation 119.170 (5) applies are required to include these personnel in their training and checking system.)  The exemption is subject to the condition that the operator’s training and checking system describes how the operator will ensure that operational safety-critical personnel (who are not flight crew, cabin crew or other crew members assigned duties on board an aircraft for the flying or safety of the aircraft) are competent to perform their duties, are not likely to have an adverse effect on aviation safety in carrying out those duties, and the action that will be taken if they lose competence or are likely to have an adverse effect on safety. Refer to CASA EX82/21 for full requirements. | No suggested text provided.  For the purposes of this document it is presumed operators are taking advantage of this deferral. |

### Compliance no later than 4 December 2023

| Reg  number | Regulation title | Old rule/ref | Regulatory context comment and overview of actions (where necessary) |  |
| --- | --- | --- | --- | --- |
| 119.175    119.180    119.185 | Program for training and assessment in human factors principles and non‑technical skills  Training in human factors principles and non‑technical skills for flight crew etc.  Training in human factors principles and non‑technical skills for other operational safety‑critical personnel | CAO 82.3 and 82.5 | A new requirement for existing charter operators and aerial work (air ambulance) operators who were not required to have an HFP/NTS training program immediately before 2 December 2021  Background  Extends the requirement for an HFP/NTS training program to all Australian air transport operations, including for non-scheduled operations.  Limits the scope of training program to specified personnel and other operator personnel who are ‘operational safety-critical personnel’. The specified personnel are:   * flight crew members * cabin crew members * air crew members * medical transport specialists * flight dispatchers.   The ‘first version’ of an HF/NTS training program for an operator must in all cases be approved by CASA before it is implemented by the operator. Refer to CASA EX82/21.  Transitional arrangements  The requirements will be deferred for existing charter operators and aerial work (air ambulance) operators until 4 December 2023, or until they commence scheduled air transport operations, if earlier.  Operators are required to give CASA their proposed HFP&NTS program exposition content by not later than the end of 2 June 2023 and obtain CASA’s written approval of that content by not later than the end of 3 December 2023.  **Note:** The CEO responsibility mentioned in paragraph 119.130 (1) (e) is also deferred, but only to the extent that it applies to the training and checking of operational safety-critical personnel (other than flight crew) in an HFP&NTS program.  Refer to CASA EX87/21 for the deferred provisions and conditions of the exemptions. | No suggested text provided.  For the purposes of this document it is presumed operators are taking advantage of this deferral. |

### Compliance no later than 2 December 2024

| Reg  number | Regulation title | Old rule/ref | Regulatory context comment and overview of actions (where necessary) |  |
| --- | --- | --- | --- | --- |
| 119.155  119.190 | Safety manager—experience  Safety management system requirements | CAO 82.3 and 82.5 | A new requirement for existing charter operators and aerial work (air ambulance) operators who are not authorised to conduct Part 142 activities and were not required to have an SMS and safety manager immediately before 2 December 2021  Background  These regulations extend the current SMS and safety manager requirements to all Australian air transport operators, including for non-scheduled operations. They outline what the safety management system must include and the experience requirements for the safety manager.  Requirements  Ensure that the safety manager has the experience required by regulation 119.155, and the safety management system:   * is appropriate for the size, nature and complexity of the operations * includes the matters set out in subregulation 119.190 (2).   The ‘first of’ SMS for an operator must in all cases be approved by CASA before it is implemented by the operator. Refer to CASA EX82/21.  Transitional arrangements  For existing charter and aerial work (air ambulance) operators who are not also Part 142 operators conducting Part 142 activities in aircraft, these requirements are deferred until 2 December 2024 or until they commence scheduled air transport operations, if earlier. The deferral is subject to certain conditions relating to the proactive identification and management of safety risks.  Operators must have procedures in their exposition for the identification, review and recording of risks arising from the operator’s operations and the corrective safety controls implemented to address those risks.  Operators are required to:   * give CASA an SMS implementation plan by the end of 2 December 2022 * give CASA the proposed SMS exposition content, with an application for its approval, by the end of 3 June 2024, and * obtain CASA’s written approval of that exposition content by the end of 1 December 2024.   Refer to CASA EX87/21 for the deferred provisions and full conditions of the exemptions, and for an exemption in relation to FDAP requirements under regulation 119.195. | No suggested text provided.  For the purposes of this document it is presumed operators are taking advantage of this deferral. |
| 119.195 | Flight data analysis program | CAO 82.3 and 82.5 | A new requirement for operators conducting RPT, charter or aerial work (air ambulance) in certain aircraft (who were not previously subject to a requirement to have an FDAP for the operation of the aircraft in the operations)  Background  Extends the current FDAP requirement to all Australian air transport operators using aircraft of a prescribed weight or maximum passenger seat configuration, including for aircraft used in non-scheduled operations.  Applies to aeroplanes with a MTOW of more than 27,000 kg.  Lowers the threshold for rotorcraft to have an FDAP to rotorcraft with a:   * MTOW of more than 7,000 kg, or * maximum operational passenger seat configuration of more than 9 seats if the rotorcraft is required to be fitted with a flight data recorder.   Transitional arrangements  These requirements are deferred until 2 December 2024 for existing RPT, charter and aerial work (air ambulance) operators who were not subject to a requirement to have an FDAP for operation of an aircraft in the operations.  The deferral is subject to certain conditions, including achieving milestones in relation to developing exposition content to meet the requirements.  Operators are required to:   * give CASA the proposed exposition content that meets the requirements of regulation 119.195, with an application for its approval, by the end of 3 June 2024, and * obtain CASA’s written approval of that exposition content by the end of 1 December 2024.   Refer to CASA EX87/21 for full conditions of the exemption. | No suggested text provided.  For the purposes of this document it is presumed operators are taking advantage of this deferral. |
| 119.195 | Flight data analysis program | CAO 82.3 and 82.5 | A new requirement for operators who are required under regulation 119.195 to have a flight data analysis program  Background  Paragraph 119.195 (3) (d) provides that an FDAP must ensure that no punitive action in relation to the data may be taken by the operator against the identified person.  Transitional arrangements  For operators who are required under regulation 119.195 to have a flight data analysis program (and that requirement is not deferred by the exemption in CASA EX87/21), the requirement in paragraph 119.195 (3) (d) that prohibits the operator taking punitive action against a person identified by the FDAP data is deferred until 2 December 2024.  The operator must comply with the requirements of subparagraphs 2A.2(f), (g) and (h), subparagraphs 2A.3(d) and (e), subsection 2AA and Appendix 1A of CAO 82.5, as if they applied to the operator (these provision relate to the use of FDAP data, including principles of protection and principles of exception). Refer to CASA EX82/21 for full details. | No suggested text provided.  For the purposes of this document it is presumed operators are taking advantage of this deferral. |