



Civil Aviation Safety Amendment (Operations Definitions) Regulations 2019

I, General the Honourable Sir Peter Cosgrove AK MC (Ret'd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 04 April 2019

Peter Cosgrove
Governor-General

By His Excellency's Command

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

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1 Name

This instrument is the *Civil Aviation Safety Amendment (Operations Definitions) Regulations 2019*.

2 Commencement

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

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	25 March 2021.	25 March 2021

Note: This table relates only to the provisions of this instrument as originally made.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

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

3 Authority

This instrument is made under the *Civil Aviation Act 1988*.

4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1—Amendments

Civil Aviation Safety Regulations 1998

1 Part 1 of the Dictionary

Insert:

adequate aerodrome, in relation to a flight of an aeroplane, means an aerodrome that complies with the following:

- (a) an authorised weather forecast for the aerodrome must be available for the aeroplane's estimated time of use of the aerodrome;
- (b) the aerodrome's services and facilities must be operational for at least the estimated time of use;
- (c) the landing distance available for the aeroplane must be at least the landing distance required under these Regulations for the aeroplane's landing at the aerodrome;
- (d) for an IFR flight—at least one authorised instrument approach procedure that is suitable for use by the aeroplane must be operational for at least the estimated time of use.

adult means a person who has turned 13.

aerial work certificate means a certificate issued under regulation 138.040.

aerial work operation: see regulation 138.010.

aerial work operator means the holder of an aerial work certificate.

aerial work passenger means:

- (a) a person who has been rescued as part of a search and rescue operation; or
- (b) a restricted person; or
- (c) a person in a class of persons prescribed by the Part 138 Manual of Standards for the purposes of this paragraph.

aerial work specialist: see subregulations 138.015(1) and (2).

aircraft flight manual instructions, for an aircraft, means the following documents and information provided by the aircraft's manufacturer or issued in accordance with a Part 21 approval:

- (a) the aircraft's flight manual;
- (b) checklists of normal, abnormal and emergency procedures for the aircraft;
- (c) any operating limitation, instructions, markings and placards relating to the aircraft.

air crew member:

- (a) for a flight not involving an aerial work operation—means a crew member for the flight (other than a flight crew member) who carries out a function during the flight relating to the safety of the operation of the aircraft, or the safety of the use of the aircraft; or
- (b) for a flight involving an aerial work operation—means the following:

- (i) a crew member, for the flight, of a kind mentioned in paragraph (a), other than a crew member of a kind prescribed by the Part 138 Manual of Standards for the purposes of this subparagraph;
- (ii) a crew member, for the flight, of a kind prescribed by the Part 138 Manual of Standards for the purposes of this subparagraph.

air traffic service means a service of a kind mentioned in Annex 11, *Air Traffic Services*, to the Chicago Convention, other than a certified air/ground radio service (within the meaning of regulation 139.390) at an aerodrome.

Air Traffic Services means any of the following, in its capacity as a provider of an air traffic service:

- (a) AA;
- (b) the Defence Force;
- (c) an ATS provider.

approved flight simulator has the meaning given by regulation 61.010.

approved maintenance organisation means a Subpart 42.F organisation or a Part 145 organisation.

AS/NZS: a reference to *AS/NZS* followed by a number and a year is a reference to the Australian/New Zealand Standard of that number, published jointly in that year by, or on behalf of, Standards Australia and Standards New Zealand.

Australian air transport AOC has the meaning given by subregulation 119.015(1).

Australian air transport operation has the meaning given by regulation 119.010.

Australian air transport operator has the meaning given by subregulation 119.015(2).

authorised aeronautical information, for a flight of an aircraft, means the aeronautical maps, charts and other aeronautical information relevant to the route of the flight, and any probable diversionary route, that are published:

- (a) if paragraph (b) does not apply:
 - (i) in the AIP; or
 - (ii) by a data service provider; or
 - (iii) in NOTAMs; or
- (b) for a flight in a foreign country:
 - (i) in the document that in that country is equivalent to the AIP; or
 - (ii) by an organisation approved to publish aeronautical information by the national aviation authority of that country.

2 Part 1 of the Dictionary (definition of *authorised instrument approach procedure*)

Repeal the definition, substitute:

authorised instrument approach procedure means:

- (a) for an aerodrome other than an aerodrome in a foreign country—an instrument approach procedure that is:
 - (i) designed by a certified designer or authorised designer, and published in the AIP or given to CASA under Part 173; or

- (ii) prescribed by an instrument issued under regulation 201.025 for this paragraph; or
- (b) for an aerodrome in a foreign country—an instrument approach procedure that is authorised by the national aviation authority of the country.

3 Part 1 of the Dictionary (definition of *authorised instrument departure procedure*)

Repeal the definition, substitute:

authorised instrument departure procedure means:

- (a) for an aerodrome other than an aerodrome in a foreign country—an instrument departure procedure that is:
 - (i) designed by a certified designer or authorised designer, and published in the AIP or given to CASA under Part 173; or
 - (ii) prescribed by an instrument issued under regulation 201.025 for this paragraph; or
- (b) for an aerodrome in a foreign country—an instrument departure procedure that is authorised by the national aviation authority of the country.

4 Part 1 of the Dictionary

Insert:

authorised Part 141 flight training, for a Part 141 operator, has the meaning given by subregulation 141.015(2).

authorised Part 142 activity, for a Part 142 operator, has the meaning given by subregulation 142.015(3).

authorised weather forecast means:

- (a) other than in a foreign country—a weather forecast made by the Bureau of Meteorology for aviation purposes; or
- (b) in a foreign country—a weather forecast made by a person or body that holds an authorisation (however described), granted by an authority of the country, to provide weather forecasts for aviation purposes.

authorised weather report means:

- (a) other than in a foreign country—a weather report made by:
 - (i) the Bureau of Meteorology for aviation purposes; or
 - (ii) an individual who holds a certificate from the Bureau of Meteorology to give weather reports for aviation purposes; or
 - (iii) an automatic weather station at an aerodrome that is approved by the Bureau of Meteorology as an automatic weather station for the aerodrome; or
 - (iv) an automatic broadcast service published in the AIP; or
 - (v) an individual who holds a pilot licence; or
 - (vi) a person appointed by an aerodrome operator to make runway visibility assessments under the Part 139 Manual of Standards; or
 - (vii) a person included in a class of persons specified in the AIP for this subparagraph; or
- (b) in a foreign country—a weather report made by a person or body that holds an authorisation (however described), granted by an authority of the country, to provide weather reports for aviation purposes.

aviation distress signal means any of the signals described in section 1.1, *Distress signals*, of Appendix 1 to Annex 2, *Rules of the Air*, to the Chicago Convention.

5 Part 1 of the Dictionary (definition of *cabin crew member*)

Repeal the definition, substitute:

cabin crew member means a crew member who performs, in the interests of the safety of an aircraft's passengers, duties assigned by the operator or the pilot in command of the aircraft, but is not a flight crew member.

6 Part 1 of the Dictionary (definition of *cargo*)

Repeal the definition, substitute:

cargo means things other than persons carried, or to be carried, on an aircraft.

7 Part 1 of the Dictionary

Insert:

cargo transport operation:

- (a) means an operation of an aircraft that involves the carriage of cargo and crew only; but
- (b) does not include the following:
 - (i) an operation conducted for the carriage of the possessions of the operator or the pilot in command for the purpose of business or trade;
 - (ii) a medical transport operation.

8 Part 1 of the Dictionary (definition of *carry-on baggage*)

Repeal the definition, substitute:

carry-on baggage means baggage or personal effects taken into, or to be taken into, the cabin of an aircraft, for carriage on the aircraft, by:

- (a) a person (including a crew member of the aircraft) travelling on the aircraft; or
- (b) a member of the personnel of the operator of the aircraft on behalf of a person mentioned in paragraph (a).

9 Part 1 of the Dictionary

Insert:

checking means the assessment of proficiency of the personnel of an aircraft operator or the operator of a flight simulation training device that is conducted to ensure that the personnel are competent to carry out their responsibilities.

child means a person who has turned 2 but has not turned 13.

combination recorder means an item of equipment that combines the functions of a flight data recorder and a cockpit voice recorder.

compartment, of an aircraft, includes the space inside a non-compartmentalised fuselage.

configuration deviation list, for an aircraft, means a document that:

- (a) is prepared by the aircraft's type certificate holder or foreign type certificate holder; and
- (b) is approved by CASA or the national aviation authority that issued the foreign type certificate for the aircraft; and
- (c) lists each external part of the aircraft that is permitted to be missing from the aircraft, under conditions specified in the document, when a flight of the aircraft begins.

constable has the same meaning as in subsection 3(1) of the *Crimes Act 1914*.

contaminated: a runway is **contaminated** if more than 25% of the surface area required for a take-off or landing is covered by any of the following:

- (a) water or slush more than 3 mm deep;
- (b) loose snow more than 20 mm deep;
- (c) compacted snow or ice.

continuing airworthiness management service has the meaning given by subregulation 42.575(1).

10 Part 1 of the Dictionary (definition of *corporation*)

Repeal the definition, substitute:

corporation, in Parts 119 and 149, has the meaning given by regulation 11.015.

11 Part 1 of the Dictionary

Insert:

cost-sharing: a flight is a **cost-sharing** flight if:

- (a) the flight is conducted using an aircraft with a maximum seat configuration of not more than 6, including the pilot's seat; and
- (b) the pilot in command is not remunerated for the flight; and
- (c) the pilot in command pays an amount of the direct costs of the flight that is at least equal to the amount that would be paid by each person if the direct costs were evenly divided between all persons on board; and
- (d) the flight is not advertised to the general public.

Example 1: For paragraph (c), if the direct costs of a flight are \$3,000 and the flight has 5 persons on board, including the pilot, the pilot must pay at least \$600 towards the direct costs.

Example 2: For paragraph (d):

- (a) an advertisement in a daily national newspaper is an advertisement to the general public; and
- (b) an advertisement in a flying club newsletter is not an advertisement to the general public.

crew member: a person is a **crew member** of an aircraft if the person is carried on the aircraft and is:

- (a) a person:
 - (i) who is authorised by the operator of the aircraft to carry out a specified function during flight time relating to the operation, maintenance, use or safety of the aircraft, the safety of the aircraft's passengers or the care or security of any cargo which may affect the safety of the aircraft or its occupants; and
 - (ii) who has been trained to carry out that function; or

-
- (b) a person who is on board the aircraft for the purpose of:
 - (i) giving or receiving instruction in a function mentioned in subparagraph (a)(i); or
 - (ii) being tested for a qualification associated with a function mentioned in subparagraph (a)(i); or
 - (c) a person authorised by CASA under these Regulations, or by the operator, to carry out an audit, check, examination, inspection or test of a person mentioned in paragraph (a) or (b).

crew station, for a crew member of an aircraft, means a position on the aircraft that is designed and equipped to enable the crew member to carry out the crew member's assigned duties on the aircraft.

critical fuelling point, for fuelling an aircraft, means any of the following:

- (a) a fuel tank filling point on the aircraft;
- (b) a fuel tank vent outlet on the aircraft;
- (c) the ground fuelling equipment that is used to fuel the aircraft.

defined point after take-off, for a rotorcraft flying in performance class 2 or performance class 2 with exposure, means the point in the take-off and initial climb stage of the flight before which:

- (a) the rotorcraft may not be able to continue the flight safely with one engine inoperative; and
- (b) a forced landing may be required.

demonstration, for the emergency evacuation of an aircraft, means the emergency evacuation demonstration conducted by the aircraft's manufacturer for the purpose of the type certification of the aircraft.

demonstration additional number, of cabin crew members for an aircraft, means the number by which the number of cabin crew members used in the demonstration for the emergency evacuation of the aircraft is more than the greater of the following:

- (a) if the aircraft has a maximum operational passenger seat configuration of more than 19—one cabin crew member for each 50, or part of 50, passenger seats fitted for the demonstration;
- (b) one cabin crew member for each passenger compartment.

direct costs: the **direct costs** of a flight are the costs actually and necessarily incurred in connection with the flight without a view to making a profit.

Example 1: If the aircraft is hired for the flight, the **direct costs** of the flight include the following:

- (a) the cost of hiring the aircraft;
- (b) if they are not included in the cost of hiring the aircraft—the cost of the fuel and oil consumed by the aircraft for the flight and the airway and aerodrome fees (if any) for the flight.

Example 2: If the aircraft is not hired for the flight, the **direct costs** of the flight include the cost of the following:

- (a) the fuel and oil consumed by the aircraft for the flight;
- (b) the airway and aerodrome fees (if any) for the flight.

Note: The amount of the direct costs of a flight that is paid by the pilot in command is relevant to whether the flight is a cost-sharing flight.

dispensing operation: see subregulation 138.010(3).

dry: a runway is ***dry*** if the surface area required for a take-off or landing:

- (a) has no visible moisture; and
- (b) is not contaminated.

EASA: see ***European Aviation Safety Agency***.

emergency evacuation procedures, for an aircraft, means procedures for the evacuation of the aircraft's passengers and crew from the aircraft in an emergency, and includes pre-evacuation, and post-evacuation, procedures.

emergency service operation means an operation involving an aircraft to which all of the following apply:

- (a) the operation is conducted by, or at the request of, an authority of the Commonwealth, a State or a Territory;
- (b) the authority is prescribed by the Part 138 Manual of Standards for the purposes of this paragraph;
- (c) the operation is for law enforcement purposes or for the purpose of saving or protecting persons or property.

12 Part 1 of the Dictionary (definition of ***exposition***)

Repeal the definition, substitute:

exposition:

- (a) for an Australian air transport operator, means:
 - (i) the set of documents approved by CASA under regulation 119.075 in relation to the operator; and
 - (ii) if the set of documents is changed under regulation 119.085, 119.095 or 119.105, or in accordance with the process mentioned in regulation 119.100—the set of documents as changed; or
- (b) for an ASAO, means:
 - (i) the set of documents approved by CASA under regulation 149.080 in relation to the ASAO; or
 - (ii) if the set of documents is changed under regulation 149.115 or 149.120, or in accordance with the process mentioned in paragraph 149.340(i)—the set of documents as changed.

13 Part 1 of the Dictionary

Insert:

external load operation: see subregulation 138.010(2).

final approach and take-off area, for the operation of a rotorcraft at an aerodrome, means the area of the aerodrome:

- (a) from which a take-off is commenced; or
- (b) over which the final phase of approach to hover is completed.

flight base number, of cabin crew members for a flight of an aircraft, means the greater of the following:

- (a) if the aircraft has a maximum operational passenger seat configuration of more than 19—one cabin crew member for each 50, or part of 50, passenger seats fitted for the flight;
- (b) one cabin crew member for each passenger compartment.

flight dispatcher, for an Australian air transport operator, means a person designated by the operator to control and supervise flight operations, including supporting, briefing and assisting pilots in command in the safe conduct of flights.

Note: A flight dispatcher is also known as a flight operations officer.

flight instructor has the meaning given by regulation 61.010.

flight preparation (alternate aerodromes) requirements: see subregulation 91.235(1).

flight preparation (Part 121 alternate aerodromes) requirements: see subregulation 121.170(1).

flight preparation (weather assessments) requirements: see subregulation 91.230(1).

fuelling includes refuelling and defuelling.

graded runway strip includes an area delineated by gable or cone markers.

helideck means an area intended for use wholly or partly for the arrival or departure of rotorcraft, on:

- (a) a ship; or
- (b) a floating or fixed structure on water.

highly volatile fuel means:

- (a) aviation gasoline; or
- (b) a hydrocarbon mixture that spans the gasoline and kerosene boiling ranges; or
- (c) a mixture of aviation gasoline and a hydrocarbon mixture mentioned in paragraph (b).

hot fuelling, of an aircraft, means the fuelling of the aircraft with an engine running.

IFR (short for instrument flight rules) means the rules and procedures set out in Part 91 for flight under IMC.

IFR flight means a flight conducted under the IFR.

IMC (short for instrument meteorological conditions) means meteorological conditions other than:

- (a) VMC; or
- (b) meteorological conditions under which air traffic control permits an aircraft to fly under the special VFR.

immediately reportable matter has the meaning given by subsection 3(1) of the *Transport Safety Investigation Act 2003*.

infant means a person who has not turned 2.

inoperative: an item for a flight of an aircraft is **inoperative** if, due to a defect, the item, or a function of the item, does not:

- (a) accomplish its intended purpose; or

- (b) consistently function within the operating limits or tolerances mentioned in the approved design for the item or the flight manual for the aircraft.

International Regulations means the *International Regulations for Preventing Collisions at Sea, 1972*, in the *Convention on the International Regulations for Preventing Collisions at Sea*, done at London on 20 October 1972, as amended and in force for Australia from time to time.

Note: The Convention is in Australian Treaty Series 1980 No. 5 ([1980] ATS 5) and could in 2019 be viewed in the Australian Treaties Library on the AustLII website (<http://www.austlii.edu.au>).

in the vicinity of a non-controlled aerodrome: see regulation 91.360.

journey log:

- (a) for a Part 121 operation—means the journey log required for the flight by regulation 121.105; or
- (b) for a Part 133 operation—means the journey log required for the flight by regulation 133.075; or
- (c) for a Part 135 operation—means the journey log required for the flight by regulation 135.085.

14 Part 1 of the Dictionary (definition of *key personnel*)

Repeal the definition, substitute:

key personnel:

- (a) for an Australian air transport operator—means the people (however described) that hold, or carry out the responsibilities of, the following positions in the operator's organisation:
- (i) the positions mentioned in paragraphs (a), (b) and (d) of the definition of **key personnel** in subsection 28(3) of the Act;
- (ii) the safety manager; or
- (b) for an aerial work operator—means the people that hold, or carry out the responsibilities of, the following positions in the operator's organisation:
- (i) chief executive officer;
- (ii) head of operations;
- (iii) if the operator is required by regulation 138.125 to have a training and checking system—head of training and checking;
- (iv) if the operator is required by regulation 138.140 to have a safety management system—safety manager; or
- (c) for an ASAO—means the people who hold, or carry out the responsibilities of, the following positions in the ASAO's organisation:
- (i) accountable manager;
- (ii) safety manager;
- (iii) if the ASAO's approved functions include administering aircraft—the manager of the function;
- (iv) any other position with the responsibilities prescribed by the Part 149 Manual of Standards.

15 Part 1 of the Dictionary

Insert:

landing minima means the minimum values of the following that are used for the purpose of determining whether an aerodrome may be used for landing aircraft:

- (a) visibility, including runway visibility and runway visual range;
- (b) cloud ceiling height.

landing minima requirements for an aerodrome: see subregulation 91.435(1).

landing weight, for a flight of an aircraft, means the total weight of the aircraft, including its load, at landing.

16 Part 1 of the Dictionary (definition of *lowest safe altitude*)

Repeal the definition, substitute:

lowest safe altitude, for a route or route segment of a flight of an aircraft, means the lowest altitude that will provide safe terrain clearance for the aircraft for the route or route segment calculated in accordance with a method specified in the Part 173 Manual of Standards, the operator's exposition or the operator's operations manual.

Note: The methods specified in the Part 173 Manual of Standards are also published in the AIP.

17 Part 1 of the Dictionary

Insert:

low-risk electronic device means:

- (a) a digital mobile telephone; or
- (b) a hand-held personal digital assistant; or
- (c) an electronic device:
 - (i) to which the *IEEE Standard for Information technology—Telecommunications and information exchange between systems—Local and metropolitan area network—Specific requirements Part 11: Wireless LAN Medium Access Control (MAC) and Physical Layer (PHY) Specifications* (as in force from time to time) applies; and
 - (ii) that transmits only in a way that meets that standard.

master minimum equipment list: see regulation 91.925.

18 Part 1 of the Dictionary (definition of *maximum carrying capacity*)

Repeal the definition.

19 Part 1 of the Dictionary

Insert:

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

maximum landing weight, for an aircraft, means the maximum landing weight for the aircraft permitted by:

- (a) for an aircraft that is type certificated—the flight manual for the aircraft; or
- (b) for an aircraft that is not type certificated:

- (i) if a document, published by the manufacturer of the aircraft setting out the operating limitations for the aircraft, specifies a weight—that document; or
- (ii) if no weight is specified in the document mentioned in subparagraph (i), or if a different weight is specified in the certificate of airworthiness for the aircraft—the certificate of airworthiness for the aircraft.

maximum operational passenger seat configuration, for an aircraft, means the maximum passenger seat capacity of the aircraft, excluding crew stations:

- (a) approved by CASA for the operator of the aircraft:
 - (i) for an operator that is not an Australian air transport operator—under regulation 201.030; or
 - (ii) for an Australian air transport operator—as part of the approval of the operator’s exposition under Part 119; and
- (b) specified in the operator’s operations manual (if any).

maximum payload capacity, for an aircraft, means the maximum payload permitted under the aircraft’s type certificate, foreign type certificate, supplemental type certificate or foreign supplemental type certificate.

maximum take-off weight, for an aircraft, means the maximum take-off weight for the aircraft permitted by:

- (a) for an aircraft that is type certificated—the flight manual for the aircraft; or
- (b) for an aircraft that is not type certificated:
 - (i) if a document, published by the manufacturer of the aircraft setting out the operating limitations for the aircraft, specifies a weight—that document; or
 - (ii) if no weight is specified in the document mentioned in subparagraph (i), or if a different weight is specified in the certificate of airworthiness for the aircraft—the certificate of airworthiness for the aircraft.

medical transport operating site, for a rotorcraft, means a site:

- (a) at which a take-off or landing of the rotorcraft is, or is to be, conducted as part of a medical transport operation, or over which the rotorcraft is required to operate in order to conduct a medical transport operation; and
- (b) that has a characteristic, or at which the conditions are, of a kind (if any) prescribed in relation to the rotorcraft by the Part 133 Manual of Standards for the purposes of this paragraph.

medical transport operation: see clause 70 of Part 2 of this Dictionary.

medical transport specialist means:

- (a) a crew member for a flight who carries out a specified function during the flight relating to a medical transport operation, and who is not:
 - (i) a flight crew member for the flight; or
 - (ii) an air crew member for the flight; or
- (b) a crew member, for a flight, of a kind prescribed by the Part 119 Manual of Standards for the purposes of this paragraph.

MEL: see regulation 91.925.

military aerodrome means an aerodrome controlled by a part of the Defence Force.

20 Part 1 of the Dictionary (definition of *minimum equipment list*)

Repeal the definition, substitute:

minimum equipment list: see regulation 91.925.

21 Part 1 of the Dictionary

Insert:

MMEL: see regulation 91.925.

multi-flight journey means a journey to a destination that involves more than one flight, if all of the flights are conducted by the same operator using the same aircraft.

non-command pilot's seat, of an aircraft, means the pilot seat not normally occupied by the pilot in command during a flight of the aircraft.

normal cruising speed, for an aeroplane or rotorcraft, means the speed stated in the flight manual for the aeroplane or rotorcraft as a normal cruising speed in International Standard Atmosphere conditions with all engines operating.

NVIS flight means a flight conducted using a night vision imaging system.

one-engine-inoperative cruising speed, for an aeroplane, means any speed stated in the aeroplane's flight manual as a cruising speed with one engine inoperative.

operational control, for a flight of an aircraft, means control over the initiation, continuation, diversion or ending of the flight in the interests of the safety of the aircraft and the regularity and efficiency of the flight.

operational flight plan:

- (a) for a Part 121 operation—means a plan that meets the requirements of regulation 121.175; or
- (b) for a Part 133 operation—means a plan that meets the requirements of regulation 133.135; or
- (c) for a Part 135 operation—means a plan that meets the requirements of regulation 135.145.

operational safety-critical personnel, for an Australian air transport operator or an aerial work operator:

- (a) means personnel carrying out, or responsible for, safety-related work, including:
 - (i) personnel carrying out roles that have direct contact with the physical operation of aeroplanes or rotorcraft used in the operator's Australian air transport operations or aerial work operations; and
 - (ii) personnel carrying out roles that have operational contact with personnel who operate aeroplanes or rotorcraft used in those operations; and
 - (iii) personnel described as operational safety-critical personnel in the operator's exposition or operations manual; but
- (b) does not include personnel who are employed or engaged by the operator (whether by contract or other arrangement) and are engaged in:

- (i) the provision of continuing airworthiness management services for aeroplanes or rotorcraft used in the operator's Australian air transport operations or aerial work operations; or
- (ii) carrying out maintenance on an aeroplane, rotorcraft or aeronautical product on behalf of an approved maintenance organisation.

22 Part 1 of the Dictionary (definition of operator)

Repeal the definition, substitute:

operator, of an aircraft, means:

- (a) if the operation of the aircraft is authorised by an AOC, a Part 141 certificate or an aerial work certificate—the holder of the AOC or certificate; or
- (b) otherwise—the person, organisation or enterprise engaged in aircraft operations involving the aircraft.

23 Part 1 of the Dictionary

Insert:

Part 91 Manual of Standards means the Manual of Standards issued by CASA under regulation 91.040.

Part 119 Manual of Standards means the Manual of Standards issued by CASA under regulation 119.045.

Part 121 Manual of Standards means the Manual of Standards issued by CASA under regulation 121.015.

Part 121 operation means an operation mentioned in subregulation 121.005(1).

Part 121 proficiency check means a proficiency check that complies with regulation 121.580.

Part 133 operation means an operation mentioned in regulation 133.005.

Part 135 operation means an operation mentioned in regulation 135.005.

Part 138 Manual of Standards means the Manual of Standards issued by CASA under regulation 138.020.

passenger transport operation:

- (a) means an operation of an aircraft that involves the carriage of passengers, whether or not cargo is also carried on the aircraft; but
- (b) does not include the following:
 - (i) an operation of an aircraft with a special certificate of airworthiness;
 - (ii) a cost-sharing flight;
 - (iii) a medical transport operation.

passenger with reduced mobility means a person who is likely to require special conditions and assistance to find and use an exit on board an aircraft in an emergency because:

- (a) the person's mobility is impaired; or
- (b) the person has another impairment.

performance class means:

-
- (a) performance class 1; or
 - (b) performance class 2; or
 - (c) performance class 2 with exposure; or
 - (d) performance class 3.

performance class 1, for a stage of flight of a rotorcraft, has the meaning given by the Part 133 Manual of Standards.

performance class 2, for a stage of flight of a rotorcraft, has the meaning given by the Part 133 Manual of Standards.

performance class 2 with exposure, for a stage of flight of a rotorcraft, has the meaning given by the Part 133 Manual of Standards.

performance class 3, for a stage of flight of a rotorcraft, has the meaning given by the Part 133 Manual of Standards.

24 Part 1 of the Dictionary (definition of *personnel*)

Repeal the definition, substitute:

personnel:

- (a) for an Australian air transport operator or an aerial work operator, includes any of the following persons who have duties or responsibilities that relate to the safe conduct of the operator's Australian air transport operations or aerial work operations:
 - (i) an employee of the operator;
 - (ii) a person engaged by the operator (whether by contract or other arrangement) to provide services to the operator;
 - (iii) an employee of a person mentioned in subparagraph (ii); or
- (b) for an ASAO, includes any of the following persons who have duties or responsibilities that relate to the safe performance of the ASAO's approved functions:
 - (i) an employee of the ASAO;
 - (ii) a person engaged by the ASAO (whether by contract or other arrangement) to provide services to the ASAO;
 - (iii) an employee of a person mentioned in subparagraph (ii);
 - (iv) a person appointed by the ASAO to perform an approved function on behalf of the ASAO.

25 Part 1 of the Dictionary

Insert:

pilot in command under supervision has the meaning given by regulation 61.010.

polar region means the area:

- (a) north of 78°N; or
- (b) south of 60°S.

prescribed single-engine aeroplane: see regulation 135.240.

protective breathing equipment means equipment that is designed to prevent a person from having to breathe in, and to protect the person's eyes from, toxic gases and fumes.

published lowest safe altitude, for a route or route segment for a flight of an aircraft, means the lowest safe altitude for the route or route segment published in authorised aeronautical information.

radio station licence means:

- (a) for an Australian aircraft—an apparatus licence or class licence issued under the *Radiocommunications Act 1992* for the radiocommunications equipment on board the aircraft; or
- (b) for a foreign registered aircraft—a document:
 - (i) that is equivalent to a document mentioned in paragraph (a); and
 - (ii) that is issued by the authority of the aircraft's State of registry that issues radio licences.

rectification interval: see regulation 91.925.

26 Part 1 of the Dictionary (definition of *recurrent training*)

Repeal the definition, substitute:

recurrent training means the training of the personnel of an aircraft operator or the operator of a flight simulation training device that is conducted to ensure that the personnel are competent to carry out their responsibilities.

27 Part 1 of the Dictionary

Insert:

required, in relation to a flight crew member for a flight: see subregulation 91.605(2).

restricted person means:

- (a) a deportee (within the meaning of subsection 5(1) of the *Migration Act 1958*); or
- (b) a removee (within the meaning of subsection 5(1) of the *Migration Act 1958*); or
- (c) a person in custody; or
- (d) a passenger carried on an aircraft:
 - (i) who is on the aircraft because the passenger has been refused entry to a country; or
 - (ii) whose passport does not include a visa required for entry to the passenger's destination country.

rotorcraft means:

- (a) a helicopter; or
- (b) a gyroplane; or
- (c) a powered-lift aircraft.

runway strip means a defined area at an aerodrome, including the runway and stopway (if any) to which it relates, that is intended to:

- (a) reduce the risk of damage to aircraft running off the runway; and

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- (b) protect aircraft flying over the area during take-off, landing or a missed approach.

RVSM airspace means any of the following:

- (a) the airspace, at or above flight level 290, identified in the AIP as airspace where a vertical separation minimum of 1,000 ft applies;
- (b) the airspace, at or above flight level 290, designated, or otherwise recognised, by the appropriate authority of a foreign country to be airspace where a vertical separation minimum of 1,000 ft applies;
- (c) airspace, at or above flight level 290, where a vertical separation of 1,000 ft applies under the terms of a Regional Air Navigation Agreement.

safety management system, for an Australian air transport operator, means the safety management system set out in the operator's exposition.

seaplane includes an aeroplane with a floating hull.

search and rescue body means any of the following:

- (a) a State or Territory police service or the Australian Federal Police;
- (b) the Australian Defence Force;
- (c) the Australian Maritime Safety Authority.

significant change, for an Australian air transport operator: see regulation 119.020.

single-pilot operation has the meaning given by regulation 61.010.

special flight authorisation means an authorisation granted under regulation 91.970.

special VFR means the visual flight rules prescribed by the Part 91 Manual of Standards.

specified aircraft performance category, for an aircraft, means the aircraft performance category prescribed for an aircraft's V_{AT} (as worked out in accordance with the aircraft's flight manual) by the Part 91 Manual of Standards.

specified IFR cruising level for a track: see regulation 91.280.

specified VFR cruising level for a track: see regulation 91.280.

stage, of flight of a rotorcraft, means any of the following:

- (a) take-off;
- (b) take-off and initial climb;
- (c) en route;
- (d) approach and landing, or baulked landing.

standard visual signal means a light, hand or ground signal:

- (a) prescribed by the Part 91 Manual of Standards for the purposes of this paragraph; and
- (b) displayed, for the purposes of communicating with an aircraft, in accordance with the requirements, or in the circumstances, (if any) prescribed by the Part 91 Manual of Standards for the purposes of this paragraph.

State, of an operator, means the country in which the operator's principal place of business is located or, if the operator does not have a principal place of business, the country in which the operator's permanent residence is located.

28 Part 1 of the Dictionary (definition of *successfully participating*)

Repeal the definition.

29 Part 1 of the Dictionary

Insert:

suitable forced landing area:

- (a) for a Part 133 operation—see regulation 133.010; and
- (b) for a Part 135 operation—see regulation 135.015.

suitable person: a person is a *suitable person* to occupy an emergency exit row seat or a seat adjacent to an emergency exit if the person:

- (a) is reasonably fit, strong, and able to assist with the rapid evacuation of the aircraft in an emergency; and
- (b) would not, because of a condition or disability, including an inability to understand oral instructions, hinder:
 - (i) other passengers during an evacuation of the aircraft in an emergency; or
 - (ii) the aircraft's crew in carrying out their duties in an emergency.

supplemental oxygen means oxygen that is provided to an occupant of an aircraft by purpose-designed equipment to supplement the oxygen available in the atmosphere inside the aircraft.

take-off decision point, for a take-off of a rotorcraft, means the point, mentioned in the rotorcraft's flight manual, from which, if an engine failure is recognised:

- (a) the take-off may be safely rejected; or
- (b) the take-off may be continued safely.

take-off minima means the minimum values of the following that are used to determine whether an aerodrome may be used for the take-off of aircraft:

- (a) visibility, including runway visibility and runway visual range;
- (b) cloud ceiling height.

take-off minima requirements for an aerodrome: see subregulation 91.435(1).

take-off weight, for a flight of an aircraft, means the total weight of the aircraft, including its load, at the start of:

- (a) for an aeroplane—its take-off run; or
- (b) for a rotorcraft—its take-off manoeuvre.

task specialist operation: see subregulation 138.010(4).

TAWS-Class A means a terrain awareness and warning system that complies with TSO-C151b or ETSO-C151b, as in force from time to time.

TAWS-Class B means a terrain awareness and warning system that:

- (a) gives aural alerts; and
- (b) complies with:

-
- (i) TSO-C151, TSO-C151a and TSO-C151b, as in force from time to time; or
 - (ii) ETSO-C151, ETSO-C151a and ETSO-C151b, as in force from time to time.

threshold, of a runway, means the beginning of that portion of a runway that is useable for landing.

track means the projection on the earth's surface of the path of an aircraft, the direction of which at any point is usually expressed in degrees from North (true or magnetic).

V_{AT} is short for velocity at threshold.

VFR (short for visual flight rules) means the rules and procedures under these Regulations for flight in VMC.

VFR flight means a flight conducted under the VFR.

visibility means the ability, as determined by atmospheric conditions and expressed in units of distance, to see and identify prominent unlighted objects by day and prominent lighted objects by night.

VMC (short for visual meteorological conditions) means meteorological conditions that meet the VMC criteria.

VMC criteria, for a class of aircraft and a class of airspace (including flight visibility and distance from cloud), means the criteria prescribed for the class of aircraft and class of airspace by the Part 91 Manual of Standards.

weight and balance documents, for a flight of an aircraft, are the documents that set out the aircraft's load for the flight and the distribution of the load during the flight.

weight and balance limits, for an aircraft, means the weight and balance limits set out in the aircraft flight manual instructions for the aircraft.

wet: a runway is **wet** if the surface area required for a take-off or landing:

- (a) is not dry; and
- (b) is not contaminated.

30 Clause 3 Part 2 of the Dictionary

Repeal the clause, substitute:

3 Definition of *air transport operation*

An ***air transport operation*** is a passenger transport operation, a cargo transport operation, or a medical transport operation, that:

- (a) is conducted for hire or reward; or
- (b) is prescribed by an instrument issued under regulation 201.025.

31 At the end of Part 2 of the Dictionary

Add:

70 Definition of *medical transport operation*

- (1) A *medical transport operation* is an operation:
- (a) the primary purpose of which is to transport one or more of the following:
 - (i) medical patients;
 - (ii) medical personnel;
 - (iii) blood, tissue or organs for transfusion, grafting or transplantation; or
 - (b) of a kind prescribed by the Part 119 Manual of Standards for the purposes of this paragraph.

Note: Other medical supplies (including medical equipment and medicines) might also be transported on an aircraft for a medical transport operation.

- (2) Despite subclause (1), an operation is not a *medical transport operation* if the operation is of a kind prescribed by the Part 119 Manual of Standards for the purposes of this subclause.

32 Clause 1 of Part 3 of the Dictionary

Repeal the following definitions:

- (a) definition of *approved maintenance organisation*;
- (b) definition of *Subpart 42.F organisation*.