

# EXPOSURE DRAFT

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Inserts for

## **Civil Aviation Safety Amendment (Minor Changes) Regulations 2025: Flight operations**

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<b>Commencement information</b>		
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions</b>	<b>Commencement</b>	<b>Date/Details</b>
1. Schedule 3	The day after the end of the period of 3 months beginning on the day this instrument is registered.	

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## Schedule 3—Flight operations

### *Civil Aviation Safety Regulations 1998*

#### **1 Subregulation 91.035(1) (table item 2, column 1)**

Omit “Division 91.C.2”, substitute “Subregulation 91.095(1)”.

#### **2 Subregulation 91.035(1) (cell at table item 7, column 2)**

Repeal the cell, substitute:

Regulation 121.235

Regulation 133.190

Regulation 135.215

#### **3 Subregulation 91.035(1) (after table item 7)**

Insert:

7A	Regulation 91.460	Regulation 121.230
		Regulation 133.185
		Regulation 135.210

#### **4 Subregulation 91.035(1) (table item 9, column 1)**

Omit “Regulation 91.510”, substitute “Subregulation 91.510(2)”.

#### **5 Subregulation 91.035(1) (after table item 12A)**

Insert:

12B	Regulation 91.590	Regulation 121.255
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#### **6 Subregulation 91.035(1) (table item 13, column 1)**

Omit “Regulations 91.590 and 91.595”, substitute “Regulation 91.595”.

#### **7 Subregulation 91.035(1) (table item 17, column 2)**

Omit “Subpart 133.P”, substitute “Division 133.P.1”.

#### **8 Subregulation 91.035(1) (table item 17, column 2)**

Omit “Subpart 135.P”.

#### **9 Division 91.C.2 (note after the heading)**

Repeal the note.

#### **10 Subregulations 91.095(1) and (2)**

Repeal the subregulations, substitute:

- (1) The pilot in command of an aircraft for a flight contravenes this subregulation if, before, during or after the flight, the aircraft is operated in a way that does not meet, or an activity is not carried out in compliance with, a requirement or limitation that:

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- (a) is set out in the aircraft flight manual instructions for the aircraft; and
- (b) relates to the operation of the aircraft before, during or after the flight.

Note: This subregulation does not apply to the operation of an aircraft if regulation 133.030 or 138.210 applies to the operation: see regulation 91.035.

- (2) The pilot in command of an aircraft for a flight contravenes this subregulation if, before, during or after the flight, the aircraft is operated in a way that does not comply with any conditions specified in:
  - (a) the aircraft's certificate of airworthiness; or
  - (b) the aircraft's special flight permit.

## **11 Subregulation 91.095(3)**

After "subregulation", insert "(1) or".

## **12 Subregulation 91.455(2) (note)**

Omit "Division 121.D.6, 133.D.6 or 135.D.6", substitute "regulation 121.235, 133.190 or 135.215".

## **13 At the end of subregulation 91.460(1)**

Add:

Note: This regulation does not apply to the operation of an aircraft if regulation 121.230, 133.185 or 135.210 applies to the operation: see regulation 91.035.

## **14 Subregulation 91.510(2) (note)**

Omit "This regulation", substitute "This subregulation".

## **15 Subregulation 91.590(1) (note)**

Omit "regulation 121.265", substitute "regulation 121.255".

## **16 Subpart 91.P (note after the heading)**

Omit ", 133.P or 135.P", substitute "or Division 133.P.1".

## **17 At the end of subparagraph 119.020(a)(vii)**

Add "or".

## **18 Subparagraph 119.020(a)(viii)**

Repeal the subparagraph.

## **19 After paragraph 119.020(a)**

Insert:

- (aa) any of the following changes in relation to the aircraft used in the operator's Australian air transport operations:
  - (i) the operator starts to use, in those operations, a multi-crew aircraft in relation to which a type rating is prescribed by a legislative instrument under regulation 61.055 where the operator has not previously used, in those operations, a multi-crew aircraft in relation to which that type rating is prescribed;
  - (ii) the operator starts to use, in those operations, an aircraft in relation to which a single-pilot type rating is prescribed by a legislative instrument under regulation 61.060 where the operator has not

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- previously used, in those operations, an aircraft in relation to which that type rating is prescribed;
- (iii) in relation to an aircraft model covered by subparagraph (i) or (ii)—the operator starts to use, in those operations, a variant for which differences training is required by a legislative instrument under regulation 61.055 or 61.060 where the operator has not previously used such a variant in those operations;
  - (iv) the operator starts to use, in those operations, a type of aircraft that is covered by an aircraft class rating if the privileges of that rating, in accordance with regulation 61.062, may not be exercised unless the holder of the rating has completed flight training and a flight review in that type of aircraft;
  - (v) the operator starts to use, in those operations, a type of aircraft covered by an aircraft class rating where the operator has not previously used, in those operations, any other type of aircraft covered by that class rating;
  - (vi) the operator starts to use, in those operations, a pressurised aircraft where the operator has not previously used such an aircraft in those operations;
  - (vii) the operator starts to use, in those operations, an aircraft that is turbine-powered where the operator has not previously used such an aircraft in those operations;
  - (viii) the operator starts to use, in those operations, an aeroplane that is covered by an aircraft class rating and that has a maximum operational passenger seat configuration greater than 9 where the operator has not previously used, in those operations, an aeroplane that was covered by that class rating and that had a maximum operational passenger seat configuration greater than 9;
  - (ix) the operator starts to use, in those operations, an aeroplane that is covered by an aircraft class rating and that has a maximum take-off weight of more than 8,618 kg where the operator has not previously used, in those operations, an aeroplane that was covered by that class rating and that had a maximum take-off weight of more than 8,618 kg;
  - (x) the operator starts to use, in those operations, a rotorcraft that is covered by an aircraft class rating and that has a maximum take-off weight of more than 3,175 kg where the operator has not previously used, in those operations, a rotorcraft that was covered by that class rating and that had a maximum take-off weight of more than 3,175 kg;
- or
- (ab) the operator first conducts an NVIS operation for a Part 121 operation; or
  - (ac) the operator first conducts an NVIS operation for a Part 133 operation; or
  - (ad) the operator first conducts an NVIS operation for either of the following:
    - (i) a Subpart 121.Z operation;
    - (ii) a Part 135 operation; or

## 20 At the end of regulation 119.020

Add:

Note: See Division 202.EAA.2 for application provisions relating to paragraphs (aa) to (ad) of this regulation.

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## 21 Subparagraph 119.205(1)(e)(iv)

After “each person”, insert “(if any)”.

## 22 At the end of regulation 121.005

Add:

- (3) A provision covered by subregulation (4) applies to a private operation (the *current operation*) involving a multi-engine aeroplane (the *current aeroplane*) in relation to which either or both of paragraphs (1)(a) and (b) apply if:
- (a) the current aeroplane’s operator is an Australian air transport operator; and
  - (b) the operation of the current aeroplane is authorised by the current aeroplane operator’s Australian air transport AOC; and
  - (c) before the start of the current operation, that operator has, by written notification to CASA, elected that the provision covered by subregulation (4) is to apply to:
    - (i) the current operation or private operations of a kind that include the current operation; and
    - (ii) the current aeroplane or multi-engine aeroplanes of a kind that include the current aeroplane; and
  - (d) that notification was accompanied by a copy of the part of that operator’s exposition that clearly identifies that the provision covered by subregulation (4) is to apply to:
    - (i) the current operation or private operations of a kind that include the current operation; and
    - (ii) the current aeroplane or multi-engine aeroplanes of a kind that include the current aeroplane; and
  - (e) before the start of the current operation, that operator has not notified CASA in writing that the election is withdrawn.
- (4) This subregulation covers the following provisions:
- (a) Division 121.C.3;
  - (b) regulation 121.170;
  - (c) regulation 121.235;
  - (d) regulation 121.240;
  - (e) regulation 121.255;
  - (f) regulation 121.265;
  - (g) regulation 121.285;
  - (h) Subpart 121.F;
  - (i) Subpart 121.J;
  - (j) Subpart 121.K;
  - (k) Subpart 121.P.

## 23 Subregulation 121.055(1)

Repeal the subregulation, substitute:

- (1) The operator of an aeroplane for a flight contravenes this subregulation if, before, during or after the flight, the aeroplane is operated in a way that does not meet, or an activity is not carried out in compliance with, a requirement or limitation that:
- (a) is set out in the aircraft flight manual instructions for the aeroplane; and

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(b) relates to the operation of the aeroplane before, during or after the flight.

Note: The pilot in command of the aeroplane must also ensure the aeroplane is operated in accordance with the aircraft flight manual instructions: see regulation 91.095.

## 24 Subparagraph 131.195(1)(e)(iv)

After “each person”, insert “(if any)”.

## 25 Subregulation 131.255(1)

Repeal the subregulation (not including the note), substitute:

- (1) The operator of a Part 131 aircraft for a flight that is a balloon transport operation contravenes this subregulation if, before, during or after the flight, the aircraft is operated in a way that does not meet, or an activity is not carried out in compliance with, a requirement or limitation that:
  - (a) is set out in the aircraft flight manual instructions for the aircraft; and
  - (b) relates to the operation of the aircraft before, during or after the flight.

## 26 Regulation 133.005

Before “This”, insert “(1)”.

## 27 At the end of regulation 133.005

Add:

- (2) A provision covered by subregulation (3) applies to a private operation (the *current operation*) involving a rotorcraft (the *current rotorcraft*) if:
  - (a) the rotorcraft’s operator is an Australian air transport operator; and
  - (b) the operation of the current rotorcraft is authorised by the current rotorcraft operator’s Australian air transport AOC; and
  - (c) before the start of the current operation, that operator has, by written notification to CASA, elected that the provision covered by subregulation (3) is to apply to:
    - (i) the current operation or private operations of a kind that include the current operation; and
    - (ii) the current rotorcraft or rotorcraft of a kind that include the current rotorcraft; and
  - (d) that notification was accompanied by a copy of the part of that operator’s exposition that clearly identifies that the provision covered by subregulation (3) is to apply to:
    - (i) the current operation or private operations of a kind that include the current operation; and
    - (ii) the current rotorcraft or rotorcraft of a kind that include the current rotorcraft; and
  - (e) before the start of the current operation, that operator has not notified CASA in writing that the election is withdrawn.
- (3) This subregulation covers the following provisions:
  - (a) Division 133.C.3;
  - (b) regulation 133.190;
  - (c) regulation 133.195;
  - (d) regulation 133.240;

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- (e) Subpart 133.F;
- (f) Subpart 133.J;
- (g) Subpart 133.K;
- (h) Division 133.P.1.

## 28 Subregulation 133.030(1)

Repeal the subregulation, substitute:

- (1) The operator and the pilot in command of a rotorcraft for a flight each contravene this subregulation if, before, during or after the flight, the rotorcraft is operated in a way that does not meet, or an activity is not carried out in compliance with, a requirement or limitation that:
  - (a) is set out in the aircraft flight manual instructions for the rotorcraft; and
  - (b) relates to the operation of the rotorcraft before, during or after the flight.

## 29 Regulation 135.005

Before “This”, insert “(1)”.

## 30 At the end of regulation 135.005

Add:

- (2) A provision covered by subregulation (3) applies to a private operation (the *current operation*) involving an aeroplane (the *current aeroplane*) in relation to which paragraphs (1)(a) and (b) apply, or involving a single-engine aeroplane (also the *current aeroplane*) in relation to which paragraphs 121.005(2)(a) and (b) apply, if:
  - (a) the current aeroplane’s operator is an Australian air transport operator; and
  - (b) the operation of the current aeroplane is authorised by the current aeroplane operator’s Australian air transport AOC; and
  - (c) before the start of the current operation, that operator has, by written notification to CASA, elected that the provision covered by subregulation (3) is to apply to:
    - (i) the current operation or private operations of a kind that include the current operation; and
    - (ii) the current aeroplane or aeroplanes of a kind that include the current aeroplane; and
  - (d) that notification was accompanied by a copy of the part of that operator’s exposition that clearly identifies that the provision covered by subregulation (3) is to apply to:
    - (i) the current operation or private operations of a kind that include the current operation; and
    - (ii) the current aeroplane or aeroplanes of a kind that include the current aeroplane; and
  - (e) before the start of the current operation, that operator has not notified CASA in writing that the election is withdrawn.
- (3) This subregulation covers the following provisions:
  - (a) Division 135.C.3;
  - (b) regulation 135.215;
  - (c) regulation 135.220;

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- (d) regulation 135.280;
- (e) Subpart 135.F;
- (f) Subpart 135.J;
- (g) Subpart 135.K.

## 31 Subregulation 135.040(1)

Repeal the subregulation, substitute:

- (1) The operator of an aeroplane for a flight contravenes this subregulation if, before, during or after the flight, the aeroplane is operated in a way that does not meet, or an activity is not carried out in compliance with, a requirement or limitation that:
  - (a) is set out in the aircraft flight manual instructions for the aeroplane; and
  - (b) relates to the operation of the aeroplane before, during or after the flight.

Note: The pilot in command of the aeroplane must also ensure the aeroplane is operated in accordance with the aircraft flight manual instructions: see regulation 91.095.

## 32 After subregulation 138.005(4) (before the note)

Insert:

- (5) A provision covered by subregulation (6) applies to a private operation (the *current operation*) involving an aircraft (the *current aircraft*) in relation to which paragraphs (1)(a) and (b) apply if:
  - (a) the private operation is not an aerial work operation; and
  - (b) the current aircraft's operator is an aerial work operator; and
  - (c) the operation of the current aircraft is authorised by the current aircraft operator's aerial work certificate; and
  - (d) before the start of the current operation, that operator has, by written notification to CASA, elected that the provision covered by subregulation (6) is to apply to:
    - (i) the current operation or private operations of a kind that include the current operation; and
    - (ii) the current aircraft or aircraft of a kind that include the current aircraft; and
  - (e) that notification was accompanied by a copy of the part of that operator's operations manual that clearly identifies that the provision covered by subregulation (6) is to apply to:
    - (i) the current operation or private operations of a kind that include the current operation; and
    - (ii) the current aircraft or aircraft of a kind that include the current aircraft; and
  - (f) before the start of the current operation, that operator has not notified CASA in writing that the election is withdrawn.
- (6) This subregulation covers the following provisions:
  - (a) regulation 138.302;
  - (b) Subpart 138.F;
  - (c) Subpart 138.J.

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## 33 After paragraph 138.012(b)

Insert:

(ba) the operator first conducts an NVIS operation for an aerial work operation;

## 34 Subregulation 138.210(2)

Repeal the subregulation, substitute:

- (2) The operator and the pilot in command of an aircraft for a flight involving an aerial work operation each contravene this subregulation if, before, during or after the flight, the aircraft is operated in a way that does not meet, or an activity is not carried out in compliance with, a requirement or limitation that:
- (a) is set out in the aircraft flight manual instructions for the aircraft; and
  - (b) relates to the operation of the aircraft before, during or after the flight.

## 35 Subparagraph 138.302(1)(b)(i)

Omit “aerial work passengers”, substitute “passengers”.

## 36 At the end of subregulation 138.302(1)

Add:

Note: See regulation 138.305 for further requirements relating to the carriage of passengers during an aerial work operation.

## 37 Subparagraph 141.260(1)(e)(iv)

After “each person”, insert “(if any)”.

## 38 Subparagraph 142.340(1)(e)(iv)

After “each person”, insert “(if any)”.

## 39 After Division 202.EAA.1 of Part 202

Insert:

### **Division 202.EAA.2—Amendments made by the Civil Aviation Safety Amendment (Minor Changes) Regulations 2025**

#### **202.441 Amendments made by the *Civil Aviation Safety Amendment (Minor Changes) Regulations 2025***

- (1) The amendments of regulation 91.035 made by Schedule 3 to the *Civil Aviation Safety Amendment (Minor Changes) Regulations 2025* apply in relation to the operation of an aircraft that starts on or after the commencement of this regulation.
- (2) The amendments of regulations 91.095, 121.055, 131.255, 133.030, 135.040 and 138.210 made by Schedule 3 to the *Civil Aviation Safety Amendment (Minor Changes) Regulations 2025* apply in relation to a flight that begins on or after the commencement of this regulation.
- (3) The amendments of regulations 119.020 and 138.012 made by Schedule 3 to the *Civil Aviation Safety Amendment (Minor Changes) Regulations 2025* apply in relation to a significant change that is made on or after the commencement of this regulation.

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- (4) The amendments of regulations 121.005, 133.005, 135.005 and 138.005 made by Schedule 3 to the *Civil Aviation Safety Amendment (Minor Changes) Regulations 2025* apply in relation to a private operation that starts on or after the commencement of this regulation.
- (5) An application made under section 6A of the *CASA EX68/24 – Part 119 of CASR – Supplementary Exemptions and Directions Instrument 2024* before the commencement of this regulation for approval of a significant change covered by paragraph 119.020(ac) (as inserted by the *Civil Aviation Safety Amendment (Minor Changes) Regulations 2025*), in relation to which CASA has not made a decision before that commencement, is taken, on and after that commencement, to be an application made regulation 119.090 for approval of that significant change.
- (6) An approval under section 6A of the *CASA EX68/24 – Part 119 of CASR – Supplementary Exemptions and Directions Instrument 2024* (including an approval under that section because of the operation of section 21 of that instrument) in force immediately before the commencement of this regulation for an NVIS operation in a Part 133 operation is taken, on and after that commencement, to be an approval under regulation 119.095 in relation to that NVIS operation.
- (7) An application made under section 7 of the *CASA EX68/24 – Part 119 of CASR – Supplementary Exemptions and Directions Instrument 2024* before the commencement of this regulation for approval of a significant change covered by paragraph 119.020(aa) (as inserted by the *Civil Aviation Safety Amendment (Minor Changes) Regulations 2025*), in relation to which CASA has not made a decision before that commencement, is taken, on and after that commencement, to be an application made regulation 119.090 for approval of that significant change.
- (8) An approval under section 7 of the *CASA EX68/24 – Part 119 of CASR – Supplementary Exemptions and Directions Instrument 2024* (including an approval under that section because of the operation of section 21 of that instrument) in force immediately before the commencement of this regulation for a relevant change mentioned in subsection 7(3) of that instrument is taken, on and after that commencement, to be an approval under regulation 119.095 of that change.
- (9) An application made under section 23 of the *CASA EX72/24 – Part 138 and Part 91 of CASR – Supplementary Exemptions and Directions Instrument 2024* before the commencement of this regulation for approval of a significant change covered by paragraph 138.012(ba) (as inserted by the *Civil Aviation Safety Amendment (Minor Changes) Regulations 2025*), in relation to which CASA has not made a decision before that commencement, is taken, on and after that commencement, to be an application made regulation 138.062 for approval of that significant change.
- (10) An approval under section 23 of the *CASA EX72/24 – Part 138 and Part 91 of CASR – Supplementary Exemptions and Directions Instrument 2024* (including an equivalent approval, to that approval, covered by section 30 of that instrument) in force immediately before the commencement of this regulation for an NVIS operation is taken, on and after that commencement, to be an approval under regulation 138.064 in relation to that NVIS operation.

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## 40 Part 1 of the Dictionary

Insert:

***NVIS operation:***

- (a) for a Part 121 operation—has the meaning given by the Part 121 Manual of Standards; or
- (b) for a Subpart 121.Z operation or a Part 135 operation—has the meaning given by the Part 135 Manual of Standards; or
- (c) for a Part 133 operation—has the meaning given by the Part 133 Manual of Standards; or
- (d) for an aerial work operation—has the meaning given by the Part 138 Manual of Standards; or
- (e) for any other operation—has the meaning given by the Part 91 Manual of Standards.

***Subpart 121.Z operation*** means an operation mentioned in subregulation 121.005(2).