



Australian Government
Civil Aviation Safety Authority

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SUMMARY OF PROPOSED CHANGE

Proposed flight operations miscellaneous amendments - Tranche 1

Proposed amendments to
Parts 91, 119, 121, 131, 133, 135, 138, 141, 142 and 200 of CASR

Project number: OS 99/08, OS 99/43, OS 99/44, OS 99/45, OS 01/11 and OS 10/26

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Acknowledgement of Country

The Civil Aviation Safety Authority (CASA) respectfully acknowledges the Traditional Custodians of the lands on which our offices are located and their continuing connection to land, water and community, and pays respect to Elders past, present and emerging.

Artwork: James Baban.

Introduction

The flight operations regulations (FOR) include Parts 91, 103, 105, 119, 121, 129, 131, 132, 133, 135, 137, 138 and 149 of the *Civil Aviation Safety Regulations 1998* (CASR). The FOR regulations are supported by various legislative instruments.

Since most of these CASR parts¹ commenced in 2021, CASA has sought to make continuous ongoing improvements to the regulations to ensure they operate as intended. Many of these have been consolidated into the following instruments:

- [CASA EX62/24 – CASR Part 131 – Exemptions and Directions Instrument 2024 - Federal Register of Legislation](#)
- [CASA EX67/24 – Part 91 of CASR – Supplementary Exemptions and Directions Instrument 2024 - Federal Register of Legislation](#)
- [CASA EX68/24 – Part 119 of CASR – Supplementary Exemptions and Directions Instrument 2024 - Federal Register of Legislation](#)
- [CASA EX69/24 – Part 121 and Part 91 of CASR – Supplementary Exemptions and Directions Instrument 2024 - Federal Register of Legislation](#)
- [CASA EX70/24 – Part 133 and Part 91 of CASR – Supplementary Exemptions and Directions Instrument 2024 - Federal Register of Legislation](#)
- [CASA EX71/24 – Part 135, Subpart 121.Z and Part 91 of CASR – Supplementary Exemptions and Directions Instrument 2024 - Federal Register of Legislation](#)
- [CASA EX72/24 – Part 138 and Part 91 of CASR – Supplementary Exemptions and Directions Instrument 2024 - Federal Register of Legislation](#).

Over time, CASA intends to incorporate most of the exemptions and directions within these instruments into the regulations. This set of regulation amendments does not incorporate all these exemptions and directions. The proposed amendments have been prioritised to:

- remove exemptions of a repetitive nature, thereby significantly reducing the size of these exemption instruments
- incorporate changes relating to certificate holder exposition and operations manual content, and key significant change definitions, thereby enabling easier certificate holder comprehension of the regulatory requirements.

Additionally, there are a small number of exemptions applicable to Part 141 and 142 operators within the following instrument relating to exposition and operations manual content requirements which are also proposed to be addressed in this regulation amendment package:

- [CASA EX32/24 — Flight Crew Licensing and Other Matters \(Miscellaneous Exemptions\) Instrument 2024](#).

CASA acknowledges that this regulation package is limited and that a high volume of other exemptions and directions remain within the listed instruments.

As government resources allow further regulation amendment packages to incorporate other existing exemptions and directions within the main regulations will be progressed.

¹ Except Parts 129, 137 and 149 which commenced during earlier years.

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1 Reference material

1.1 Acronyms

The acronyms and abbreviations used in this SPC are listed in the table below.

Table 1: Acronyms

Acronym	Description
AC	advisory circular
ASAP	Aviation Safety Advisory Panel
CAR	<i>Civil Aviation Regulations 1988</i>
CASA	Civil Aviation Safety Authority
CASR	<i>Civil Aviation Safety Regulations 1998</i>
FOR	flight operations regulations
NVIS	night vision imaging system
OPC	Office of Parliamentary Counsel
PIC	pilot in command
TWG	technical working group

1.2 Definitions

Terms that have specific meaning within this SPC are defined in the table below. Where definitions from the civil aviation legislation have been reproduced for ease of reference, these are identified by 'grey shading'. Should there be a discrepancy between a definition given in this SPC and the civil aviation legislation, the definition in the legislation prevails.

Table 2: Definitions

Term	Definition
aerial work operator	means the holder of an aerial work certificate.
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: <ol style="list-style-type: none"> the aircraft's flight manual; checklists of normal, abnormal and emergency procedures for the aircraft; any operating limitation, instructions, markings and placards relating to the aircraft.
Australian air transport operator	has the meaning given by subregulation 119.015(2). <p>Note: This note is not part of the legal definition. Simply put, an Australian air transport operator is an operators required to hold an AOC under Part 119 and comply with Parts 121, 133 and 135.</p>

Term	Definition
balloon transport operator	<p>see subregulation 131.015(2).</p> <p>Note: This note is not part of the legal definition. Simply put, a balloon transport operator is an operator required to hold an AOC under Part 131. These operators are not the operators conducting commercial balloon flying training and which remain required to hold an AOC under regulation 206 of CAR.</p>
exposition	<p>a. for an Australian air transport operator, means:</p> <ul style="list-style-type: none"> 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 <p>b. for an ASAO, means:</p> <ul style="list-style-type: none"> 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; or <p>c. for a balloon transport operator:</p> <ul style="list-style-type: none"> i the set of documents approved by CASA under regulation 131.085; or ii if the set of documents is changed under regulation 131.095, 131.105 or 131.115—the set of documents as changed.
exposition	<p>for a Part 142 operator, means:</p> <ul style="list-style-type: none"> a. the set of documents approved by CASA under regulation 142.095 or 142.115 in relation to the operator; and b. if the set of documents is changed under regulation 142.135, 142.145 or 142.155, or the process mentioned in regulation 142.150—the set of documents as changed.
flight	<p>means:</p> <ul style="list-style-type: none"> a. in the case of a heavier-than-air aircraft, the operation of the aircraft from the moment at which the aircraft first moves under its own power for the purpose of taking-off until the moment at which it comes to rest after being airborne; and b. in the case of a lighter-than-air aircraft, the operation of the aircraft from the moment when it becomes detached from the surface of the earth or from a fixed object on the surface of the earth until the moment when it becomes again attached to the surface of the earth or a fixed object on the surface of the earth.
NVIS flight	means a flight conducted using a night vision imaging system.
NVIS operation	<ul style="list-style-type: none"> a. for a Part 133 operator: means an NVIS flight that is a medical transport operation b. for an aerial work operator: means an NVIS flight that is an aerial work operation conducted by the operator.
operations manual	<p>means:</p> <ul style="list-style-type: none"> a. for a limited category organisation—the manual mentioned in subregulation 262AN(2) of CAR for the organisation; or

Term	Definition
	<ul style="list-style-type: none"> b. for an aerial work operator: <ul style="list-style-type: none"> i. the set of documents approved by CASA under regulation 138.045 in relation to the operator; or ii. if the set of documents is changed under regulation 138.060, 138.064 or 138.068, or the process mentioned in regulation 138.066—the set of documents as changed.
operations manual	for a Part 141 operator, means: <ul style="list-style-type: none"> a. the set of documents approved by CASA under regulation 141.065 in relation to the operator; or b. if the set of documents is changed under regulation 141.080, 141.090 or 141.100 or the process mentioned in regulation 141.095—the set of documents as changed.
Part 133 operator	means an Australian air transport operator conducting an operation under Part 133 of CASR.
Part 142 authorisation	is: <ul style="list-style-type: none"> a. an AOC that authorises the conduct of a Part 142 activity in an aircraft; or b. a certificate under Division 142.B.2 that authorises the conduct of a Part 142 activity in a flight simulation training device
Part 141 operator	the holder of a Part 141 certificate.
Part 142 operator	the holder of a Part 142 authorisation.
significant change	<ul style="list-style-type: none"> a. for an Australian air transport operator: see regulation 119.020; or b. for a balloon transport operator: see regulation 131.030; or c. for an aerial work operator: see regulation 138.012.

1.3 References

Legislation

Legislation is available on the Federal Register of Legislation website <https://www.legislation.gov.au/>

Table 3: Legislation references

Document	Title
CASA EX32/24	Flight Crew Licensing and Other Matters (Miscellaneous Exemptions) Instrument 2024
CASA EX62/24	CASR Part 131 – Exemptions and Directions Instrument 2024
CASA EX67/24	Part 91 of CASR – Supplementary Exemptions and Directions Instrument 2024
CASA EX68/24	Part 119 of CASR – Supplementary Exemptions and Directions Instrument 2024
CASA EX69/24	Part 121 and Part 91 of CASR – Supplementary Exemptions and Directions Instrument 2024

Document	Title
CASA EX70/24	Part 133 and Part 91 of CASR – Supplementary Exemptions and Directions Instrument 2024
CASA EX71/24	Part 135, Subpart 121.Z and Part 91 of CASR – Supplementary Exemptions and Directions Instrument 2024
CASA EX72/24	Part 138 and Part 91 of CASR – Supplementary Exemptions and Directions Instrument 2024
Part 91 of CASR	General operating and flight rules
Part 119 of CASR	Australian air transport operators—certification and management
Part 121 of CASR	Australian air transport operations—larger aeroplanes
Part 131 of CASR	Balloons and hot air airships
Part 133 of CASR	Australian air transport operations—rotorcraft
Part 135 of CASR	Australian air transport operations—smaller aeroplanes
Part 138 of CASR	Aerial work operations
Part 141 of CASR	Recreational, private and commercial pilot flight training, other than certain integrated training courses
Part 142 of CASR	Integrated and multi-crew pilot flight training, contracted training and contracted checking

Advisory material

CASA's advisory materials are available at <https://www.casa.gov.au/publications-and-resources/guidance-materials>

Table 4: Advisory material references

Document	Title
AC 91-22	Aircraft checklists
AMC/GM Part 119	Acceptable means of compliance and guidance material - Australian air transport operators - certification and management - Part 119 of CASR
AMC/GM Part 131	Acceptable means of compliance and guidance material - Balloons and hot air airships - Part 131 of CASR

2 Purpose and scope of the proposed amendments

This section summarises the key proposed amendments to Parts 91, 119, 121, 131, 133, 135, 138, 141, 142 and 202 of the *Civil Aviation Safety Regulations 1998* (CASR) to incorporate long-standing exemptions and directions.

Please refer to the explanation document for further discussion of the amendments. The explanation document contains the draft amendments and a side-by-side explanation of each amendment.

2.1 Key proposed amendments

2.1.1 Exemptions and directions relating to flight manual compliance

CASA EX67/24 - sections 5 and 21

CASA EX69/24 - section 25

CASA EX70/24 - section 20

CASA EX71/24 - section 18

CASA EX72/24 - section 15

Regulations 91.095, 121.055, 131.255, 133.030, 135.040 and 138.210 of CASR contain various requirements for pilots in command (PIC) and operators to comply with the aircraft flight manual instructions.

These regulations had the unintended outcome of only requiring compliance with the aircraft flight manual instructions during a flight, which meant that relevant elements of the instructions relating to pre-flight and post-flight activities were not a compliance requirement².

Additionally, regulation 91.095 of CASR incorrectly requires compliance with everything in the aircraft flight manual instructions, when it is often the case that some flight manual contents are written for guidance only.

Advisory Circular (AC) 91-22 explains the concepts of approved and unapproved flight manual content and that, when the rules require a PIC and operator to comply with the aircraft flight manual instructions, the policy intent was that compliance would only be required with the approved elements.

The proposed regulation amendments use the phrase 'requirement or limitation' to refer to these approved elements of the aircraft flight manual instructions.

The exemptions and directions contained in the exemption sections mentioned above corrected these errors on a temporary basis.

The amendments will incorporate the effect of these exemptions and directions into the CASR by amending regulations 91.095, 121.055, 131.255, 133.030, 135.040 and 138.210.

² See the definitions section of this document for the definitions of *flight* and *aircraft flight manual instructions*.

2.1.2 Exemptions and directions relating to key personnel exposition content

CASA EX32/24 - Part 18

CASA EX62/24 - section 7

CASA EX68/24 - section 16

The following regulations specify the required exposition contents for different kinds of operations:

- for a Part 119, 121, 133 and 135 Australian air transport operator:
 - regulation 119.205 of CASR
- for a Part 131 balloon transport operator:
 - regulation 131.195 of CASR
- for a Part 141 operator:
 - regulation 141.260 of CASR
- for a Part 142 operator:
 - regulation 142.260 of CASR.

These regulations state that the exposition or operations manual, as relevant to the CASR part, must contain the name of each person authorised to carry out the responsibilities of a key personnel position when the position holder is absent from the position or cannot carry out the responsibilities. These requirements were inferred by some aviation participants as requiring the operator to have, for all key personnel positions, a pre-authorised alternate position holder.

This was not the policy intent. It is voluntary and up to each Australian air transport operator, balloon transport operator, Part 141 operator and Part 142 operator, whether they will have alternate key personnel. CASA's guidance material explains the implications for an operator if they decide NOT to have an alternate key person and the primary key person unexpectedly cannot carry out their responsibilities.

Note: These proposed exposition or operations manual content regulation changes were already in put in place in 2020 for aerial work certificate holders under regulation 138.155 of CASR.

The exemptions contained in the legal instrument sections mentioned above corrected these errors on a temporary basis.

The amendments will incorporate the effect of these exemptions into the CASR by amending regulations 119.205, 131.195, 141.260 and 142.340.

2.1.3 Exemption relating to aircraft type and model significant changes

CASA EX68/24 - section 7

Regulation 119.020 of CASR defines what changes constitute a significant change for Part 119 and affected operators. Significant changes are those changes made by an operator that require the operator to obtain CASA's approval of the change before it is implemented. This requires the operator to submit an application form with the technical details of the proposed change and their proposed exposition procedures supporting

the change to CASA, and pay a fee, before CASA evaluates the application and decides whether to approve it.

Other operator changes, referred to in CASA's forms and guidance materials as non-significant changes, must be assessed by the operator using their change management process. If the change remains assessed by the operator as a non-significant change, they can implement the change without CASA's pre-approval and notify CASA of the change in accordance with their change management process. This notification can occur well after the change has been implemented.

Before Part 119 of CASR commenced, aviation participants provided feedback to CASA that paragraph 119.020(a)(viii), which defined any change to the aircraft types or models (except ceasing to use a type or model) used by an operator to be a significant change, was too restrictive and burdensome.

CASA agreed with this feedback and modified the effect of paragraph 119.020(a)(viii) by exempting Australian air transport operators from compliance with this paragraph and substituting alternative aircraft related changes that would require these operators to obtain CASA's pre-approval. These alternative criteria are currently specified in CASA EX68/24 section 7.

The amendments incorporate the effect of this exemption into the CASR by amending regulation 119.020.

2.1.4 Directions relating to first use of NVIS in an NVIS operation

CASA EX68/24 - section 6A

CASA EX72/24 - section 23

Regulations 119.020 and 138.012 of CASR define what changes constitute significant changes for these CASR parts and affected operators. Significant changes are those changes made by an operator that require the operator to obtain CASA's approval of the change before it is implemented. This requires the operator to submit an application form with technical details of the proposed change and their proposed exposition procedures supporting the change to CASA, and pay a fee, before CASA evaluates the application and decides whether to approve it.

Other operator changes, referred to in CASA's forms and guidance materials as non-significant changes, must be assessed by the operator using their change management process. If the change remains assessed by the operator as a non-significant change, they can implement the change without CASA's pre-approval and notify CASA of the change in accordance with their change management process. This notification can occur well after the change has been implemented.

There are several defined terms relating to night vision imaging system (NVIS). An *NVIS flight* is the overarching generic defined term which means any flight that is using NVIS, for any purpose. An *NVIS operation* is a subset of the broader NVIS flight that provides permitted operators increased operational flexibilities and rule variations.

Under the rules in force before December 2021, NVIS was only allowed to be used during a specific list of NVIS operations contained in Civil Aviation Order (CAO) 82.6. These operations could only be performed by operators who had received CASA's approval. Other pilots or operators were not allowed to use NVIS at all, even if the pilot held a Part 61 NVIS rating and endorsement and the NVIS was being used solely as an aid to situational awareness in accordance with all normal night visual flight rules (VFR) or night instrument flight rules (IFR).

When CASA consulted with the aviation industry during 2020 and 2021 regarding moving the rules contained in Civil Aviation Order (CAO) 82.6 into the CASR, the use of NVIS was broadened to allow qualified pilots with appropriately modified aircraft to use NVIS without an operational approval, provided the normal night VFR or night IFR were followed.

Operations that required alleviations from the night VFR or night IFR remained called NVIS operations, but the definition of this term depended on whether the rules being followed were those of Part 91, 133 or 138 of CASR.

During CASA's consultation with the aviation industry in 2020 and 2021 regarding moving the NVIS rules from CAO 82.6 to the new CASR parts, it was generally agreed that before any operator used NVIS for the first time in an NVIS operation, the operator should be required to apply to CASA for approval, with the application to be accompanied by appropriate documentation.

However, the Part 119 and 138 regulation definitions of *significant change* had already been locked in and they could not be amended before the new rules commenced in December 2021.

Therefore, to implement this requirement for pre-approval, CASA put in place directions to operators in the instrument sections mentioned above.

The amendments incorporate the effect of these directions into the CASR by amending regulations 119.020 and 138.012. The proposed amendments include mention of Part 121 even though no current NVIS operations are being conducted under Part 121. This is included to provide regulatory flexibility if needed in the future.

2.1.5 Exemptions and directions relating to complying with Part 121, 133, 135 and 138 rules during private operations

CASA EX69/24 - Part 3

CASA EX70/24 - Part 3

CASA EX71/24 - sections 10, 11, 12, 13, 14, 15 and 16

CASA EX72/24 - sections 11, 13 and 14

During the development of the FOR, multiple discussions were held with aviation industry representatives during TWG meetings relating to how the Part 91 rules would interrelate with the rules for operations under Parts 121, 133, 135 and 138 of CASR.

This led to the development of regulation 91.035 of CASR, which contains a table that turns off certain elements of Part 91 provided an alternative specified section of Part 121, 133, 135 or 138 is applicable to the flight.

Closer to the commencement of the FOR, aviation participants conducting Part 121, 133, 135 and 138 operations under an AOC or aerial work certificate requested that CASA enable them to have the option, when conducting private operations which are not Australian air transport operations or aerial work operations, of complying with certain Part 121, 133, 135 or 138 regulations instead of the Part 91 regulation covering the same topic. This would enable the operators to consistently use the same operational procedures for their crew members and other operational safety-critical personnel.

For Part 121, 133, 135 or 138 regulations where the level of aviation safety was assessed to be equivalent to, or greater than, the relevant Part 91 regulation, CASA agreed with this request and implemented this flexibility via the exemptions contained in the legal instrument sections mentioned above.

However, although these exemptions required operator expositions and operations manual (as applicable) to require operator personnel compliance with the relevant Part 121, 133, 135 or 138 requirements, there was no specific requirement, aside from the generic non-significant change notification process, to advise CASA of which exact Part 91 rules were not being complied with. Similarly, if an operator reversed their decision, this would also only be subject to the generic non-significant change notification process.

As part of the proposed amendments incorporating the effect of these exemptions into the CASR by amending regulations 91.035, 121.005, 133.055, 135.005 and 138.005, CASA is proposing that operators will need to notify CASA of their *election* to use specific Part 121, 133, 135 or 138 rules in lieu of Part 91 requirements during a private operation. This is a modification of the existing non-significant change practice which is slightly more specific than what is currently being done under the existing exemptions.

This election would be done via submission of a form to CASA, which may be a new form or an amendment to the existing non-significant change notification form. Like the current practice enabled by the existing

exemptions, there will NOT be any fee associated with an operator making this election.

2.2 Other supporting regulation changes

2.2.1 When does each regulation amendment start applying?

As flights can often be airborne across the exact time when regulation changes are introduced, the law needs to be clear on when the amended regulations begin to apply.

The proposed regulations include a new regulation 202.441 that specifies when each of the amendments applies. This new regulation would be added into Subpart 202.EAA of CASR (found in Volume 5 of the CASR).

2.2.2 Will operators need new significant change approvals where an approval was already granted under a current exemption?

No.

The proposed new regulation 202.441 specifies significant change approvals granted under the current exemption instruments is taken to be a significant change approval for the new proposed amended significant change definitions. This new regulation would be added into Subpart 202.EAA of CASR (found in Volume 5 of the CASR).

2.2.3 Will operators who have applied for a significant change under a current exemption need to re-apply if their application has not been decided when the new regulations take effect?

No.

The proposed new regulation 202.441 specifies that applications for significant change approvals under the current exemption instruments are taken to be applications for a significant change approval for the new proposed amended significant change definitions. This new regulation would be added into Subpart 202.EAA of CASR (found in Volume 5 of the CASR).

2.2.4 CASR Dictionary definitions

So that the wording of the proposed new regulations works as intended, new definitions of *NVIS operation* and *Subpart 121.Z operation* are proposed to be added to the CASR Dictionary.

The *NVIS operation* definition is proposed to cross reference to each of the Part 91, 121, 133 or 135 Manual of Standards (MOS) as applicable to the kind of operation being performed. Containing the details of the definition of NVIS operation in each MOS provides increased flexibility to the aviation industry if additional operations need to be added to these definitions in the future, as MOS amendments can be directly drafted and approved by the Director of Aviation Safety. CASA is legally required under Subpart 11.J of CASR to conduct public consultations of proposed MOS amendments unless the Director of Aviation Safety makes a determination otherwise, noting these determinations can only be made in narrow circumstances³.

2.2.5 Amendments to regulation 91.035

During the development of the FOR, multiple discussions were held with aviation industry representatives during TWG meetings relating to how the Part 91 rules would interrelate with the rules for operations under Parts 121, 133, 135 and 138 of CASR.

³ See regulation 11.275 of CASR.

This led to the development of regulation 91.035 of CASR, which contains a table that turns off certain elements of Part 91, provided an alternative specified section of Part 121, 133, 135 or 138 of CASR is applicable to the flight.

Since the rules were made, it has been identified that isolated elements of this table were not quite correct. The proposed regulations therefore include a small number of minor amendments to this table.

3 Previous consultations

Most of these amendments incorporate the effect of existing, longstanding exemptions and directions contained in instruments supporting the operation of Parts 91, 119, 121, 131, 133, 135 and 138 of CASR. These exemptions and directions originally arose due to industry feedback to CASA.

4 Impact on industry

CASA considers these amendments would have positive impact on industry by embedding the effect of long-standing exemptions and directions into the main regulations. This will reduce how often aviation participants must cross-refer to the main supporting separate exemption and direction instruments and supporting guidance material to determine how a regulation has been varied by exemption or direction.

4.1 Safety risk analysis

Safety risks were considered during the original development of the exemptions and directions which are being replaced by the amended regulations.

The amendments are expected to maintain the existing level of aviation safety for the different operations conducted under these CASR parts and not create any new or additional safety risks.

4.2 Impact analysis

CASA considers the amendments would have neutral cost and economic impact, as the amendments would incorporate long-standing exemptions and directions.

The Office of Impact Analysis (OIA) agreed that the amendments formalise existing requirements and that there are no expected changes in the regulatory requirements that apply to industry. The OIA made the assessment that an Impact Analysis was not required (OIA25-09522).

Submitting your view and what next

CASA will consider all comments received and incorporate changes as appropriate. Comments on the exposure draft should be submitted through the online response form (CASA Consultation Hub) by close of business 6 May 2026.