



**Australian Government**  
**Civil Aviation Safety Authority**

## **Annex A to Summary of consultation on PP 1918OS**



# **Transitional policies for flight operations regulations**

<b>Date</b>	December 2020
<b>Project number</b>	OS 99/08, OS 99/43, OS 99/45, OS 01/11 and OS 10/26
<b>File reference</b>	D20/410808

## Overview of transition policies

The new Flight Operations Parts 91, 103, 105, 119, 121, 131, 133, 135 and 138 of the *Civil Aviation Safety Regulations 1998* and their associated Manuals of Standards (MOS) (collectively the "Flight Operations CASR Parts") will commence on 2 December 2021.

With the exception of Part 105 of CASR, the Flight Operations CASR Parts do not in themselves contain a transition period. Aircraft operators, pilots and other crew members are required to comply with the Flight Operations CASR Parts on and from 2 December 2021.

In order to facilitate operator transition to the Flight Operations CASR Parts, related consequential, application, transitional and savings provisions in "CATS regulations" and other legislative and non-legislative instruments, need to commence at the same time or, in some cases, earlier. The policies set out in this document relate to the matters the CATS regulations and other instruments will address. Consultation on proposed transitional policies were conducted in June 2020. A Summary of Consultation (SOC) has been prepared by CASA to address issues, comments and questions raised by respondents. This document is supplemental to the SOC and sets out CASA's updated transition policies as informed by those consultations as well as by Covid-19 developments, the impacts of which are likely to impact on aircraft operators, pilots and other crew members for years to come. The thrust of the transition policy updates is to further reduce the administrative burden on operators who transition to the new Flight Operations CASR Parts.

Although the Overview section of this document is lengthy and quite detailed, it is highly recommended that the entire document is read to ensure the aviation community understands the full breadth of the transition policies for the Flight Operation CASR Parts.

Periods of time referenced in this document will be adjusted by a day or two in the CATS regulations and other instruments, to avoid deadlines for aircraft operators falling on a weekend.

### **Deferred provision concept**

Some provisions in the Flight Operations CASR Parts will be deferred in order to not "front end load" new costs for aircraft operators. These provisions relate to safety management systems (SMS), human factors and non-technical skills (HF/NTS) training programs, training and checking systems, certain rotorcraft performance requirements and certain new aircraft equipment requirements. Deferrals will be for periods of between 15 months and 3 years.

Some of the deferrals will be available only to existing air operator certificate (AOC) holders and operators deemed to be existing AOC holders. Other deferrals will be available to all operators. The deferrals, other than those of general application, will not apply to applications for new authorisations made in the last 89 days before the commencement date. CASA will establish interim implementation milestones to ensure a smooth transition to the deferred requirements for SMS, HF/NTS training programs, training and checking systems and rotorcraft performance.

CASA intends to review new regulatory requirements in the Flight Operations CASR Parts to determine whether deferrals in addition to those consulted in June 2020, should be provided. Deferral arrangements will be implemented through CASA issued legislative instruments such as exemptions and MOS provisions.

### **Applications for regulatory services before the commencement date**

A person may apply for an AOC, certificate, other authorisation or exemption under the Flight Operations CASR Parts, starting 180 days before the commencement date. The application will be assessed against the criteria of the Flight Operations CASR Parts. CASA may grant the authorisation or exemption, but the authorisation or exemption cannot take effect before the commencement date.

A person may continue to apply for a new or varied AOC or other instrument under the existing legislation in the period leading up to the commencement date. As the commencement date approaches CASA will give priority to applications under the existing legislation that give rise to exceptional circumstances such as urgent community needs and changes to enable operators to keep operating, but other applications under the existing legislation will also be assessed as resources and time permit. Authorisations and exemptions granted under the existing legislation will transition to the Flight Operations CASR Parts in accordance with the policies described in this document.

### **Transition of AOCs to the new CASR Parts**

Existing AOC holders that will operate to the Flight Operations CASR Parts will, by the CATS regulations, have their authorisations transitioned to the relevant new Parts provided certain conditions related to the submission of the operator's exposition or operations manual are met. Operators will not have to make application to CASA for this transition to take effect,

Operators whose AOC expires in the 89 days before the commencement date, or the 90 day period after the commencement date, will have the term of their AOC extended by six months, to reduce and help manage the workload for operators and CASA around the commencement date. The reissue (as it would occur after the commencement date) will be processed under the new Parts.

### **New exposition and operations manual requirements**

The CATS regulations will require existing operators to submit, prior to the commencement date, two extracts of their proposed exposition and/or operations manual. The first required extract is of the operator's exposition or operations manual change management process,<sup>1</sup> to ensure the suitability of this critical regulatory mechanism (i.e. that CASA is advised of changes to an exposition or operations manual that may have adverse safety impacts). The second required extract, if applicable, is of an operator's procedures for the carriage of aerial work passengers under Part 138 of CASR. These extracts must be submitted to CASA not less than 60 days before the commencement date.

The Flight Operations CASR Parts require operators to have an exposition (Parts 119 and 131 of CASR) or operations manual (Part 138 of CASR) that complies with the applicable requirements of the new Parts, on and from the commencement date. For a period of up to 6 months after the commencement date, or until the operator's AOC or certificate is reissued (if earlier), operators will be able to rely on their existing operations manual, supplemented by annexures that bring their document suite into compliance with the new Parts - for example, an annexure containing procedures related to new requirements and an annexure that maps

---

<sup>1</sup> CASA will develop one or more change management process templates that operators may choose to use (these will remove the need for a CASA assessment of an individual operator's process).

existing legislation references to references in the new Parts. When the operator's AOC or certificate is next reissued and by not later than 6 months after the commencement date, the operator's exposition or operations manual must be fully updated to integrate new legislative references and procedures for new requirements.

By no later than the day before the commencement date, operators are required to provide CASA with:

- their exposition or operations manual, either with annexures as indicated above or in final updated and integrated form
- a copy of any authorisation or exemption issued to the operator by CASA under the existing legislation that is continued in force by the CATS regulations and that the operator intends to apply under the Flight Operations CASR Parts.

**Note:** CASA will not require operators to submit and maintain a compliance matrix that maps requirements of the new Parts to the operator's exposition or operations manual. CASA does, however, believe there are benefits for operators to establish and maintain a compliance matrix and highly recommends that operators do this. CASA may provide a template for this purpose.

The Chief Executive Officer (CEO) of the AOC holder is required to provide, at the time of submission, a compliance statement that the exposition or operations manual meets the requirements of the Flight Operations CASR Parts, as applicable. This approach is consistent with the responsibility that operators have for ensuring that operations are conducted in compliance with regulatory requirements.

By no later than 6 months after the commencement date, or when the operator's AOC or certificate is reissued (if earlier), the operator must provide CASA with its fully updated and integrated exposition or operations manual, including copies of any authorisations and exemptions issued under the existing legislation that the operator is continuing to take advantage of. Special arrangements are in place regarding related requirements for CASR Part 131 balloon transport operators.

CASA will facilitate the preparation of expositions/operations manuals by identifying requirements in the Flight Operations CASR Parts that are new and in relation to which operators are likely to require new text in their exposition or operations manual. CASA will also provide operators with mapping documents that identify how provisions of the current legislation map to the provisions of the Flight Operations CASR Parts, so that operators may initially adopt the renumbering by reference to the mapping document without updating the exposition or manual itself. CASA may also provide sample expositions/operations manuals and sample text for new provisions.

A failure by an operator to provide the required materials would be handled in accordance with CASA's normal compliance policies and CASA's Regulatory Philosophy.

Apart from the early extracts required as described above and in respect of exposition and operations manual content in relation to the deferred provisions for safety management systems (SMS), human factors and non-technical skills (HF/NTS) training programs, training and checking systems and rotorcraft performance, CASA will not comprehensively assess expositions or operations manuals as part of the transition process. These will be assessed, at CASA's discretion, during post-commencement surveillance activities, or when the operator's AOC or certificate is next changed or reissued.

**Saving of existing instruments (authorisations, exemptions, etc)**

Legislative instruments (authorisations, approvals, permissions, directions, instructions, exemptions, etc) of general application (e.g. Civil Aviation Orders that apply broadly across a sector or to a type of operation, etc) made under the existing legislation will not generally be “saved” (i.e. continued in effect) by the CATS regulations. These generally applicable instruments will have been incorporated in the Flight Operations CASR Parts and MOSs, where appropriate to do so.

Instruments not of general application and issued to individuals and individual operators, as well as things done or actions taken (e.g. training completed or flying experience gained) under the existing legislation, will generally be “saved” by the CATS regulations, if the Flight Operations CASR Parts contain a provision that corresponds to the provision of the existing legislation under which the instrument was made or the thing done. If there is no corresponding provision in the Flight Operations CASR Parts due to a change in policy or because it was not considered necessary to address the subject matter in these Parts, the instrument or thing done or action taken under the existing legislation will not be saved. The CATS regulations will specify when a “saved” instrument expires.

# Contents

<b>1</b>	<b>Reference material</b>	<b>7</b>
1.1	Acronyms	7
1.2	Definitions	7
1.3	References	8
<b>2</b>	<b>Introduction</b>	<b>9</b>
2.1	Background	9
2.2	Previous consultations	10
<b>3</b>	<b>Policies</b>	<b>11</b>
3.1	General transition information for aircraft operators	11
3.2	Existing Air Operator Certificate holders	13
3.3	New AOC and operating certificate applicants and other instruments before commencement	18
3.4	Deferred provisions	18
3.5	Saving instruments and things done under old regulations where there is a corresponding new regulation	23
3.6	Flights in progress on commencement date	24
3.7	Consequential amendments	24
3.8	Impact on industry	25
3.9	Next steps	25
<b>4</b>	<b>Continuing airworthiness arrangements (for information only)</b>	<b>26</b>
4.1	Air transport	26
4.2	Private and aerial work	26

# 1 Reference material

## 1.1 Acronyms

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

<b>Acronym</b>	<b>Description</b>
AMC/GM	Acceptable means of compliance and guidance material
AOC	Air operator certificate
CAR	<i>Civil Aviation Regulations 1988</i>
CASA	Civil Aviation Safety Authority
CASR	<i>Civil Aviation Safety Regulations 1998</i>
CAO	Civil Aviation Order
CEO	Chief Executive Officer
CVR	Cockpit voice recorder
FDR	Flight data recorder
GPWS	Ground proximity warning system
HF/NTS	Human factors and non-technical skills
H-TAWS	Helicopter terrain awareness and warning system
MOS	Manual of standards
MTO	Medical transport operation
PC	Performance class
RPT	Regular public transport
SMS	Safety management system
TAWS	Terrain awareness and warning system
UMS	Usage monitoring system

## 1.2 Definitions

Terms that have specific meaning within this policy document are defined in the table below.

<b>Term</b>	<b>Definition</b>
new (Flight Operations) CASR Parts	Parts 91, 103, 105, 119, 121, 131, 133, 135 and 138 of CASR
CATS regulations	Consequential, application, transitional and savings regulations (for the 9 new Flight Operations CASR Parts)
commencement (date)	2 December 2021

## 1.3 References

### Regulations

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

Document	Title
F2018L01783	Civil Aviation Safety Amendment (Part 91) Regulations 2018
F2018L01787	Civil Aviation Safety Amendment (Part 119) Regulations 2018
F2018L01784	Civil Aviation Safety Amendment (Part 121) Regulations 2018
F2018L01788	Civil Aviation Safety Amendment (Part 133) Regulations 2018
F2018L01782	Civil Aviation Safety Amendment (Part 135) Regulations 2018
F2018L01789	Civil Aviation Safety Amendment (Part 138) Regulations 2018
F2019L01621	Civil Aviation Legislation Amendment (Parts 103, 105 and 131) Regulations 2019
F2019L00557	Civil Aviation Safety Amendment (Operations Definitions) Regulations 2019
F2020L01283	Civil Aviation Legislation Amendment (Flight Operations - Miscellaneous Amendments) Regulations 2020



## 2 Introduction

### 2.1 Background

- 2.1.1 In December 2018, a new Flight Operations suite of *Civil Aviation Safety Regulations 1998 (CASR)* was made, comprising:
- Part 91 - General operating and flight rules
  - Part 119 - Australian air transport operators - certification and management
  - Part 121 - Australian air transport operations - larger aeroplanes
  - Part 133 - Australian air transport operations - rotorcraft
  - Part 135 - Australian air transport operations - smaller aeroplanes
  - Part 138 - Aerial work operations
- 2.1.2 Three additional new CASR Parts were made in December 2019:
- Part 103 - Sport and recreational aviation operations
  - Part 105 - Parachuting from aircraft
  - Part 131 - Balloons and hot air airships
- 2.1.3 In October 2020 various administrative, technical and other amendments were made to the new Parts, to address errors, omissions and inconsistencies across the Parts, facilitate their implementation, and set the commencement date as 2 December 2021.
- 2.1.4 The Flight Operations CASR Parts (including their MOSs) will replace current CARs and CAOs, as these relate to aircraft flight operations. Some CARs and CAOs will continue to exist and apply for other subject areas for the time being, e.g. for aircraft maintenance and general administrative purposes. With very few exceptions, CAR provisions and related CAOs addressing aircraft flight operations will be repealed because they are no longer required.
- 2.1.5 The effective implementation of the Flight Operations CASR Parts, from both an operational perspective and a legal perspective, requires the making of CATS regulations and other related legislative and non-legislative instruments. In general terms, CATS regulations and instruments will address:
- what current CARs need to be repealed, because their provisions are replaced by the new CASRs and MOSs or because they are no longer needed for other reasons
  - what remaining CARs need to be amended, because the terminology and definitions they rely on, or other regulatory provisions they cross-refer to, will no longer be current
  - what current CASRs need to be amended, because the terminology and definitions they rely on, or other regulatory provisions they cross-refer to, will no longer be current
  - what actions taken and which authorisations, approvals, exemptions and other instruments made under the CARs need to be 'saved', i.e. continued in effect for a period of time.

- what transitional provisions are required otherwise to enable the orderly and effective transition of aircraft operators from the flight operations requirements contained in the CARs and CAOs, to the requirements of the Flight Operations CASR Parts.
- 2.1.6 Some aspects of the CATS regulations are not discretionary or negotiable and need to be made as a “matter of law” to provide for the legal effectiveness of the Flight Operations CASR Parts and the remaining other CASRs and CARs.
- 2.1.7 While many of the policies described in this document need to be reflected in the CATS regulations, some of the policies, e.g. deferred commencement dates for some higher cost provisions, will be implemented by other means such as the issue of an exemption under Part 11 of CASR, or by providing for delayed commencement in a MOS, where convenient.

## **2.2 Previous consultations**

- 2.2.1 Proposed transition policies were formally consulted with the aviation community in June 2020. The Summary of Consultation document related to this consultation has been published and explains how CASA has responded to comments received. There have also been informal discussions with industry on CATS regulations matters, principally in the course of meetings held with Technical Working Groups (TWG) of the industry Aviation Safety Advisory Panel (ASAP).

## 3 Policies

### 3.1 General transition information for aircraft operators

- 3.1.1 All Flight Operations CASR Parts commence on 2 December 2021. The new Parts, other than Part 105, do not in themselves contain transition periods. Except as expressly provided (see the deferred provisions below at 3.4), aircraft operators, pilots and other crew members are required to comply with these Parts on and from 2 December 2021.
- 3.1.2 Charter and regular public transport (RPT) operations using aeroplanes and rotorcraft are called “Australian air transport operations” under the Flight Operations CASR Parts. Charter operations using balloons are called “balloon transport operations”.
- 3.1.3 For aerial work operations that will be regulated under Part 138 of CASR, aeroplane and rotorcraft operators that currently require AOCs will need an aerial work certificate under Part 138 (similar in concept to a Part 141 certificate). Aerial work operations using balloons are less complex and will no longer require any form of certificate. Instead, they will be regulated as “specialised balloon operations” and will require a CASA approval under Part 131 of CASR. Aerial work air ambulance operations will no longer be classified as aerial work and will be regulated instead as medical transport operations (MTO), which are a type of Australian air transport operation.
- 3.1.4 New Part 119 of CASR establishes a single regulatory framework for Australian air transport operators (including medical transport operators), operator certification and safety systems. This is designed to enhance the safety of Australian air transport operations using aeroplanes and rotorcraft. Part 131 of CASR includes a parallel framework for balloon transport operators and operations. Part 129 of CASR will continue to apply to and regulate foreign air transport operations.
- 3.1.5 Under the new CASR regulatory framework, AOCs will be required for the following operations:
- Australian air transport operations (Parts 119, 121, 133 and 135 of CASR)
  - foreign air transport operations (Part 129 of CASR)
  - balloon transport operations (Part 131 of CASR)
  - balloon flying training for the grant of a balloon flight crew licence or rating (CAR Part 5 and CAOs)
  - Part 142 flight training and contracted training and checking activities in an aircraft.
- 3.1.6 Certificates that are not AOCs will be required for:
- aerial work operations (using aeroplanes, rotorcraft or certain Part 103 aircraft) - under a Part 138 “aerial work certificate”
  - Part 141 of CASR flight training activities - under a “Part 141 certificate”
  - Part 142 of CASR flight training and contracted training and checking activities, in a flight simulation training device
  - subject to further amendments to the CASR that are being developed, Part 137 aerial application operations (using aeroplanes and rotorcraft) - under an “aerial

applications (Part 137) certificate”. For the purpose of the CATS regulations, Part 137 operations will continue be treated as needing an AOC.

- 3.1.7 A CASA approval will be required for specialised balloon operations under Part 131 of CASR.
- 3.1.8 The long-term regulatory shape of balloon flying training requirements has yet to be determined. At this point, CASA anticipates that the current requirement for an operator conducting balloon flying training to hold an AOC will continue beyond the 2 December 2021 commencement date of Part 131 of CASR.
- 3.1.9 The exact level of civil aviation authorisation required for local scenic flights using aeroplanes or rotorcraft has not yet been determined. CASA anticipates engaging with industry on this topic in 2021.
- 3.1.10 Substantive changes in the Flight Operations CASR Parts to the current requirements for commercial operations include:
- The removal of the regulatory distinction and treatment between RPT and charter operations for aeroplanes and rotorcraft and their replacement with the single concept of an “air transport operation”.
  - The requirement for all Australian air transport operators and certain aerial work operators to have a Safety Manager and an SMS, which previously only applied to RPT (and Part 142 of CASR) operators. These provisions will generally be deferred for 3 years for existing charter operators and relevant aerial work operators.
  - The requirement for all Australian air transport operators and certain aerial work operators to have a training and checking system for flight crew and other safety personnel (noting the key difference is that all air transport operators with aircraft <5,700kg are required under Part 119 of CASR to have a training and checking system) – this provision will be deferred for 15 months for most existing operators who are not currently required to have a training and checking organisation/system.
  - The identification in regulation of the absolute minimum qualifications and experience for key personnel, including the Chief Executive Officer, Head of (Flying) Operations, Head of Training and Checking, and the Safety Manager, as well as identification of the process of their appointment and their responsibilities and accountabilities. The prescribed minima will not be acceptable for more complex operations – additional acceptable means of compliance will be published in acceptable means of compliance and guidance material (AMC/GM) documents.
  - The requirement for Australian air transport operators and balloon transport operators to prepare, maintain and operate in accordance with an exposition.<sup>2</sup> An exposition is a document, or suite of documents, that specifies the scope of the operations and activities conducted by the operator and how the operator complies with the civil aviation legislation. It is at the discretion of the operator whether they have a singular exposition document or a suite of documents/manuals that

---

<sup>2</sup> The requirements for the content of an exposition for an Australian air transport operator are contained in CASR 119.205, which broadly replaces the requirement to maintain an operations manual under CAR 215. There are similar regulations in Part 131 (for balloon transport operator expositions) and Part 138 (for aerial work operations manuals).

collectively comprise the exposition. The exposition must include a formal change management process for changes to the operator's operations.

- The ability for passengers to be carried for hire or reward, or as volunteers, by a certificated aerial work operator as part of an aerial work operation, in limited circumstances.

3.1.11 No changes have been made in the Flight Operations CASR Parts to current Civil Aviation Order (CAO) 20.18 requirements for cockpit voice recorder (CVR) and flight data recorder (FDR) fitment. CASA had earlier consulted on proposed changes to the current rules to align them with ICAO standards. CASA has moved away from these changes after the Summary of Consultation document for Part 133 of CASR was published, to retain current CAO requirements. Subject to other regulatory priorities, CVR and FDR changes are likely to be discussed again with industry post 2021.

## 3.2 Existing Air Operator Certificate holders

### Transition of Air Operator Certificates from CAR classifications to new Flight Operations CASR Parts

3.2.1 Existing Air Operator Certificate (AOC) holders (including operators deemed to be existing AOC holders by virtue of applying for an AOC under the existing legislation before the commencement date) will not need to apply to change their AOCs only for the purpose of complying with the Flight Operations CASR Parts. Existing AOC holders will be deemed by the CATS regulations to hold an authorisation under the CASR Parts (whether an AOC, aerial work certificate or other approval) to conduct the same operations as permitted for the AOC holder under the existing legislation, as provided in the operator's AOC front page, associated schedules and operations specifications. Existing charter operators will be deemed to be authorised to conduct non-scheduled Australian air transport operations, including current "closed" charter operations. Charter operators will need to meet additional requirements before undertaking scheduled operations.

3.2.2 The specific arrangements are as follows:

#### **RPT operations (aeroplanes and rotorcraft)**

3.2.2.1 Where an operator who will be regulated as an Australian air transport operator under Part 119 of CASR currently holds an AOC that authorises RPT operations, the operator will be deemed to be authorised to conduct and have an approved exposition for comparable kinds of flights as Australian air transport operations, provided the operator submits their proposed exposition and related documents (see 3.2.13 – 3.2.17) to CASA.

#### **Charter operations (aeroplanes and rotorcraft)**

3.2.2.2 Where an operator who will be regulated as an Australian air transport operator under Part 119 of CASR currently holds an AOC that authorises charter operations, the operator will be deemed to be authorised to conduct comparable kinds of flights as non-scheduled Australian air transport operations, and to have an approved exposition for

those operations, provided the operator submits their proposed exposition and related documents (see 3.2.13 – 3.2.17) to CASA. The operator will be required to comply with the requirements of the Flight Operations CASR Parts for such operations, subject to the deferral of certain provisions (see below at 3.4). Unless they also have current RPT authorisations and other than in the “closed” charter context, existing charter AOC holders will not be authorised to undertake scheduled operations until they obtain approval of such a “significant change” under Part 119 of CASR and implement the relevant deferred provisions (see below at 3.4).

### **Air ambulance operations**

3.2.2.3 Where an operator who will be regulated as an Australian air transport operator under Part 119 of CASR currently holds an AOC that authorises aerial work - air ambulance operations, the operator will be deemed to be authorised to conduct medical transport operations (MTO) and have an approved exposition for such flights as a kind of Australian air transport operation, provided the operator submits their proposed exposition and related documents (see 3.2.13 – 3.2.17) to CASA.

### **Charter/aerial work operations (balloons)**

3.2.2.4 Where an operator who will be regulated as a balloon transport operator under Part 131 of CASR currently holds an AOC that authorises charter operations in balloons, the operator will be deemed to be authorised to conduct comparable kinds of flights as balloon transport operations and to have an approved exposition for those operations, provided the operator submits their proposed exposition and related documents (see 3.2.13 – 3.2.17) to CASA. There will be no deferrals for these operations. CASA will be developing a sample supplement to the operations manuals for existing balloon charter operators as previously discussed with industry.

3.2.2.5 Where an operator holds an AOC that authorises aerial work in balloons and will be required to have an approval under Part 131 of CASR to conduct comparable kinds of flights as a specialised balloon operation, the operator will be deemed to have the relevant approval under Part 131 of CASR.

3.2.2.6 For an AOC for aerial work that authorises balloon flying training for the grant of a balloon flight crew licence or rating there will be no change, as the flying training will continue to be regulated under the authority of an AOC in accordance with current requirements. However, balloon flying training will no longer be a “kind” of aerial work and will instead be regulated as its own kind of activity, subject to the requirements of Part 5 of CAR and Parts 91 and 131 of CASR.

### **Other aerial work operations**

3.2.2.7 Where an operator who will be required under Part 138 of CASR to hold a certificate for specified kinds of aerial work operations currently holds an AOC that authorises similar/comparable aerial work operations, the operator will be deemed to be the holder of an aerial work certificate (under Part 138) with comparable authorisations and to have an approved operations manual, provided the operator submits their proposed operations manual and related documents (see 3.2.13 – 3.2.17) to CASA.

### **Duration and conditions of deemed authorisations**

- 3.2.2.8 These various deemed authorisations will operate for the duration of the extant AOC until the AOC expires or a “significant change” under the Flight Operations CASR Parts is sought. If CASA approves the significant change, then the operator will be issued with the relevant new kind of authorisation with the expiry date determined in accordance with existing policy related to AOC variations. An operator who, prior to the commencement date, has charter but not RPT authorisations, and who applies to change their authorisation to conduct scheduled operations, will not gain the benefit of the deferred provisions, except for the deferred provisions that are available to all operators.
- 3.2.2.9 Operators with deemed authorisations and deemed approved expositions/operations manuals must comply with the new regulatory requirements for that kind of flight, including incorporating and complying with the plans, procedures and systems in their exposition or operations manual.

### **Reissue of AOCs around the commencement date**

- 3.2.3 The holder of an AOC that expires in the last 89 days before the commencement date, or the first 90 days after the commencement date, will have the term of their AOC extended by 6 months by the CATS regulations. During this period, the AOC will remain in force to provide a period for CASA to complete the reissue process, which would be undertaken on the basis of the Flight Operations CASR Parts. Consistent with current practice, CASA will only reissue an AOC affected by this transitional measure with effect from or after the extended expiry date.
- 3.2.4 The intention of these arrangements is to “deconflict” the AOC reissue process from other transition activities that may arise immediately before and after the commencement date.

### **Changes to AOCs immediately before the commencement date**

- 3.2.5 CASA is conscious that peak workload for CASA and industry is likely to occur in the months immediately prior to the commencement date and wants to ensure that essential regulatory services for operators are conducted in appropriate timeframes. CASA has modified its policies regarding changes to an AOC before the commencement date as set out below, in response to comments received from the June 2020 consultation.
- 3.2.6 As the commencement date approaches, CASA anticipates increasingly limited time and capacity to assess applications for new and amended authorisations, exemptions and other instruments under the existing legislation. Priority will need to be given by CASA to applications that give rise to exceptional circumstances (e.g. to meet urgent community needs) or requirements to ensure existing AOC holders can keep operating. Applications under the existing legislation otherwise will continue to be processed by CASA as resources and time permit, but it is reasonable to assume that it will not be possible to complete the assessment of applications for new AOCs and other complex applications, for example, until after the commencement date of the new Flight Operations CASR Parts. CASA will provide advice to AOC holders on the implications

of making their application under the existing legislation versus making their application under the Flight Operations CASR Parts. Applications made under the existing legislation but not assessed until after the commencement date will immediately transition to the Flight Operations CASR Parts, in accordance with the policies set out in this document, as if the changes to the AOC holder's operations had been in effect immediately before the commencement date.

- 3.2.7 An example of a change related to urgent community needs is a change that facilitates emergency firefighting activities. An example of a change that would otherwise stop operations is the approval of a replacement chief pilot.
- 3.2.8 The deferrals available to existing AOC holders from the commencement date, other than the deferrals available to all operators, would not be available to existing AOC holders who apply to change their AOC in the 89 period prior to the commencement date, where the change triggers the application of the measure that would otherwise be deferred.

### **Transitional arrangements for expositions/operations manuals**

- 3.2.9 Existing AOC holders will not be required to submit their entire exposition (for a Part 119 or Part 131 operator) or updated operations manual (for a Part 138 operator) until immediately before the commencement date. AOC holders will, however, be required by the CATS regulations, to submit early extracts of their exposition or operation manual in relation to two key requirements of the Flight Operations CASR Parts. These extracts must be provided to CASA not less than 60 days before to the commencement date (by 5 October 2021).
- 3.2.10 The two key measures for which early submission of exposition or operations manual extracts is required are:
- a. Each operator's description of their process for making changes (to their exposition / operations manual) as required by regulations 119.205(1)(m), 131.195(1)(m) or 138.155(1)(m).
  - b. For an aerial work operator that intends to carry aerial work passengers — procedures required under Part 138 and the Part 138 MOS related to the carriage of aerial work passengers.
- 3.2.11 CASA intends to assess these extracts of expositions and operations manuals for all operators. The requirement for AOC and certificate holders to have a formal change management process is new for flight operations related legislation. This process is fundamental to ensuring that changes to the holder's exposition or operations manual are managed to take appropriate account of safety matters, particularly in respect of identifying a change that is determined to be a 'significant change' that requires CASA approval prior to its implementation. The carriage of aerial work passengers under Part 138 of CASR is a matter of significant regulatory alleviation compared to current rules and it is important that the relevant operators have designed procedures to comply with the new requirements.
- 3.2.12 For the change management process, CASA will develop one or more templates and/or sample text that are an acceptable means of compliance for an identified range of



operators. Operators would be taken to have an acceptable change management process if they adopt a CASA template that is appropriate for the operator. This approach may also be possible in relation to procedures for the carriage of aerial work passengers.

- 3.2.13 As operators are required under the Flight Operations CASR Parts to have an exposition or operations manual on and from the commencement date, the CATS regulations will include a requirement for operators to submit their exposition or operations manual to CASA by no later than the day before the commencement date, i.e. 1 December 2021. This document, for each operator, constitutes the baseline document against which compliance can be assessed, including compliance with the operator's change management process. The Chief Executive Officer of the operator is required to sign a compliance statement that the exposition or operations manual complies with the applicable new requirements.
- 3.2.14 CASA will provide a range of guidance documents to assist operators to update their exposition/ operations manual. These are proposed to include:
- documents that identify new requirements in the Flight Operations CASR Parts that will likely require operators to develop new text for inclusion in their exposition/operations manual, and sample text (for some but not necessarily all new requirements)
  - sample expositions and operations manuals (including separate sample text extracts for specific new requirements, where this is appropriate)
  - other acceptable means of compliance and guidance material
  - tables of concordance (i.e. mapping documents) between the current legislation and the Flight Operations CASR Parts; operators may refer to this document as an alternative to updating regulation cross-references in their exposition/operations manual (but only until the AOC or certificate is reissued, for a maximum period of not more than 6 months after the commencement date).
- 3.2.15 In many cases, operators will be able to adopt or adapt current procedures in their operations manual for use in their new exposition or updated operations manual. New text in relation to new requirements may be fully integrated in the exposition/operations manual from the commencement date. Alternatively, for up to 6 months after the commencement date, new text for new requirements may be included in a separate part or section of the exposition/operations manual (e.g. an annexure). However, from the earlier of the next AOC reissue or the end of 6 months after commencement, operators will need to have submitted to CASA an exposition or operations manual that has been fully updated to reflect the requirements of the Flight Operations CASR Parts – i.e. with updated legislation references and properly integrated text for new requirements.
- 3.2.16 When operators submit their exposition or operations manual to CASA by the commencement date, they are also required to submit:
- A statement of compliance signed by the CEO, stating that the exposition or operations manual meets the requirements of the Flight Operations CASR Parts
  - A copy of each authorisation, approval, exemption or other instrument issued by CASA to the operator under the CARs and CAOs (and “saved” by the CATS

regulations) that the operator intends to rely upon under the Flight Operations CASR Parts (see below at 3.5).

- 3.2.17 Special arrangements are in place regarding documentation requirements and the on-going form of the exposition of a Part 131 balloon transport operator.
- 3.2.18 Apart from the early extracts required as described above and in respect of exposition and operations manual content in relation to the deferred provisions for safety management systems (SMS), human factors and non-technical skills (HF/NTS) training programs, training and checking systems and rotorcraft performance, CASA will not be undertaking a full and comprehensive entry control process for the transition of existing AOC holders to the Flight Operations CASR Parts and will not issue new AOCs or certificates for the transition. Post commencement, CASA has specific authorities under the Flight Operations CASR Parts and has generally available regulatory powers to review whether operator expositions and operations manuals are compliant with the requirements of the Flight Operations CASR Parts. All risks and non-compliances identified by CASA, including failure by an operator to provide CASA with required documentation, will be handled in accordance with CASA's Regulatory Philosophy and compliance and enforcement procedures.

### **3.3 New AOC and operating certificate applicants and other instruments before commencement**

- 3.3.1 A person may apply for a new AOC, certificate or instrument under the Flight Operations CASR Parts, from 180 days prior to the commencement of these Parts.
- 3.3.2 CASA may issue an AOC, certificate or instrument under the Flight Operations CASR Parts in advance of the commencement of these Parts. These cannot take effect, however, until on or after the commencement date. The
- 3.3.3 In the period leading up to the commencement date, a person may apply for a new or amended AOC or other instrument under the existing legislation.
- 3.3.4 A person who applies for a new or amended AOC or other instrument 90 or more days before the commencement date and elects to be assessed against the existing legislation will gain the benefit of the deferred provisions that apply to existing AOC holders (see below at 3.4), even if the applicant is assessed under the existing legislation but has their AOC issued after the commencement date.
- 3.3.5 A person who applies for a new or amended AOC or other instrument under the existing legislation less than 90 days before the commencement date will not gain the benefit of the deferred provisions from the commencement date, other than those which are available to all operators.

### **3.4 Deferred provisions**

#### **Application of deferred provisions**

- 3.4.1 Aside from the deferred provisions described below, compliance with the Flight Operations CASR Parts is required on and from the commencement date.

- 3.4.2 In order not to “front end load” new costs to industry associated with implementation of the Flight Operations CASR Parts, the general policy intent is to defer certain requirements that are new for operators, to spread industry and regulatory effort over a 3-year period following the commencement date. Deferral arrangements will be effected through CASA-issued legislative instruments, in the form of CASR Part 11 exemptions or in MOS provisions.
- 3.4.3 Certain deferrals will only apply to existing AOC holders, including persons who apply for a new AOC or other operating authority at least 90 days before the commencement date. Other deferrals will apply to all operators, including new entrants who apply for an AOC or aerial work certificate after the commencement date.
- 3.4.4 For deferred requirements related to SMS, HF/NTS training programs, training and checking systems and rotorcraft performance, interim implementation milestones will be established to ensure a smooth transition to the deferred requirement. The milestones will take account of the level of effort required of operators and the scale of costs associated with complying with these new requirements, as well as the time required for CASA to assess and approve related amendments to the operator's exposition or operations manual.
- 3.4.5 The deferral of a requirement is subject to a condition that if an operator commences conducting an activity that would attract a deferral of the requirement, but that activity would have triggered an equivalent requirement of the existing legislation, then the deferral will not apply. For example:
- an existing charter operator that commences an air transport operation that would have been classified as RPT under the existing legislation must comply with the training and checking, HF/NTS training and SMS/Safety Manager requirements of the Flight Operations CASR Parts, even though as a “charter” operator those requirements would have been deferred. This is because RPT operators are presently subject to analogous requirements under the existing legislation.
  - an existing air transport operator or aerial work operator who only operates aircraft with a maximum take-off weight <5700 kg and then adds an aircraft type that is >5700 kg must comply with the training and checking system requirements of the Flight Operations CASR Parts, because operators of the heavier aircraft are presently subject to training and checking requirements under the existing legislation.
- 3.4.6 An existing AOC holder who, on the commencement date, is approved for operations for charter purposes (CAR 206(1)(b)) but not for RPT purposes (CAR 206(1)(c)) would not be permitted to conduct scheduled air transport operations (currently CAR 206(1)(c)) unless they are specifically authorised for these activities and have an exposition change approved by CASA that covers the requirements of the deferred provisions. The deferral arrangements, other than for the deferrals available to all operators, are not available to such an operator.
- 3.4.7 The deferrals do not apply in respect of applications for operating authorities made under the Flight Operations CASR Parts. Nor do they apply in respect of an application for a new AOC or for a change to the operating authorities of an existing AOC holder,

that is made less than 90 days before the commencement date, unless the deferral is one of general application to all operators.

3.4.8 Details of the specific deferrals are set out below.

#### **Training and checking system**

- 3.4.8.1 Where an existing AOC holder was not previously subject to CAR 217 requirements for a training and checking organisation/system, and the Flight Operations CASR Parts impose a new requirement for the operator to have a training and checking system, that new requirement and requirements in related Parts and MOSs will be deferred for 15 months (until 2 March 2023), provided that the operator does not commence operating an aircraft, or conducting a type of operation, which would previously have made them subject to CAR 217 requirements. It is expected that this deferral will be utilised primarily by existing non-RPT AOC holders operating aircraft of 5700 kg or less.
- 3.4.8.2 As an interim milestone for this deferral, operators must provide their proposed training and checking system documentation to CASA for approval, not later than 6 months prior to the deferred commencement date.

#### **Human factors and non-technical skills (HF/NTS) training program**

- 3.4.8.3 Where an existing AOC holder was not previously subject to CAO 82.3 or 82.5 requirements for an HF/NTS training program, and the Flight Operations CASR Parts impose a new requirement for the operator to conduct HF/NTS training, and to have a program for such, that new requirement will be deferred for 2 years (until 2 December 2023). It is expected that this deferral will be utilised primarily by existing non-RPT AOC holders.
- 3.4.8.4 As an interim milestone for this deferral, operators must provide their proposed HF/NTS training program documentation to CASA for approval, not later than 6 months prior to the deferred commencement date.

#### **SMS and safety manager**

- 3.4.8.5 Where an existing AOC holder was not previously subject to CAO 82.3 or 82.5 and did not already have an SMS by virtue of holding a Part 142 AOC, and the Flight Operations CASR Parts impose new requirements for the operator to have a SMS and a safety manager, compliance with these new requirements will be deferred for 3 years (until 2 December 2024). It is expected that this deferral will be utilised primarily by existing non-RPT AOC holders.
- 3.4.8.6 As interim milestones for the deferral above, operators must provide CASA an SMS implementation plan 2 years in advance of the deferred commencement date, and their proposed SMS documentation for CASA approval not later than 6 months before the deferred commencement date. These interim milestones are intended to ensure that industry takes the necessary time for a staged implementation of the SMS rules.
- 3.4.8.7 Where an existing AOC holder was not previously subject to CAO 82.3 or 82.5 but did already have an SMS by virtue of holding a Part 142 AOC, a deferral of 1 year will be provided for the Part 142 operator to expand the scope of their SMS to the remainder of

their operations. The operators expected to benefit from this deferral are a small number of existing charter or aerial work operators who have a Part 142 AOC. The regulatory burden for these operators to implement the SMS requirement across all their operations is anticipated to be considerably less than for those operators who do not currently have an SMS.

- 3.4.8.8 As an interim milestone for the deferral immediately above, operators must provide CASA with their proposed SMS documentation not later than 3 months before the deferred commencement date.

#### **Rotorcraft performance requirements**

- 3.4.8.9 New rotorcraft performance requirements are imposed under CASR Parts 133 and 138. CASA considers that it is reasonable to expect compliance with most of these important safety requirements from the commencement date (no deferral). However, elements of the new requirements for rotorcraft conducting medical transport operations are considered appropriate for deferral, as set out below. These deferrals will apply to all operators, not only existing AOC holders.
- 3.4.8.10 The Flight Operations CASR Parts state that rotorcraft medical transport operations (MTO), at other than medical transport operating sites (i.e. the side of the road where the patient is picked up), are not to be operated in performance class (PC) 3 (the lowest of the performance classes). For some operators using single engine rotorcraft, the time available before commencement will not be sufficient to re-contract for compliant multi-engine rotorcraft. For some operators using multi-engine rotorcraft, the time before commencement will be insufficient to comply with any requirements other than en route requirements. Lastly, for operators of very capable multi-engine rotorcraft, the time may be insufficient to meet the underlying requirements to obtain an approval for PC 2 with exposure operations.
- 3.4.8.11 For a period of 2 years beyond the commencement date (until 2 December 2023), for MTO conducted by day in VMC, it is considered reasonable to enable a level playing field that operators are provided relief from the requirements of paragraphs 133.335(3)(a) and (b), provided that rotorcraft is operated at least in accordance with the requirements of PC 3. As an interim milestone for this deferral, operators must provide their proposed implementation procedures to CASA for approval, not later than 3 months prior to the deferred commencement date.
- 3.4.8.12 For a period of 2 years beyond the commencement date (by 2 December 2023), for MTO conducted below minimum height in IMC or under the VFR by night, during the take-off and take-off and initial climb stages of flight, it is considered reasonable that operators are provided relief from the requirements of paragraphs 133.335(3)(a), provided the rotorcraft is operated in accordance with conditions relating to climb performance and obstacle avoidance. CASA plans on extending the deferral to the approach and landing, or baulked landing stage of a flight, subject to appropriate conditions to be discussed with MTO operators. As an interim milestone for this deferral, operators must provide their proposed implementation procedures to CASA for approval, not later than 3 months prior to the deferred commencement date.

3.4.8.13 There are new requirements in CASR Parts 133 and 138 for certain operations over built up areas in PC3 to be subject to engine particle detection processes (among other requirements). For the majority of operators, the key piece of new equipment would be a flight deck indicator for engine / transmission particle detection systems. The basic system is commonly installed on aircraft, but the indicator is not. The requirement for the flight deck indicator will be deferred for 2 years (until 2 December 2023).

3.4.8.14 CASA is still gathering data relevant to implementation of the rotorcraft performance requirements. CASA also received comments related to these deferrals during consultation on the transition policies conducted in June 2020. CASA will assess the data and comments to determine what refinements and/or additions to the performance related deferrals would be appropriate. CASA wants to achieve the correct balance between bringing new safety requirements into effect and giving the relevant industry sector sufficient time to prepare for those requirements, including in relation to the application of the rotorcraft performance requirements to air transport operations.

#### **TAWS and GPWS equipment**

3.4.8.15 New requirements for operations to be conducted using aircraft fitted with TAWS or helicopter terrain awareness and warning system (H-TAWS) will be deferred for 2 years for all operators (until 2 December 2023). Primarily this deferral will be utilised by all helicopters (as they are not currently required to be fitted with ground proximity warning system (GPWS) under CAO 20.18) and aeroplanes between 5700 kg and 15000 kg that do not carry 10 or more passengers. During the 2-year deferral, the GPWS requirements of CAO 20.18 will be 'saved' and continue to apply.

#### **Usage monitoring system equipment**

3.4.8.16 Some arrangements for fitment of usage monitoring systems (UMS),<sup>3</sup> and other related requirements to use the data from UMS, will be deferred for 2 years from the commencement date (until 2 December 2023). Broadly, without introducing a standard that involved fitment of a UMS, the risks associated with some operations could not be appropriately ameliorated without using a multi-engine rotorcraft. The deferral will apply where, under the Flight Operations CASR Parts:

- an existing operator is subject to a requirement to fit the system for operations with no suitable forced landing area, or during marine pilot transfer operations in an aircraft with a single engine
- the operator was not previously subject to a substantially similar requirement
- in the case of marine pilot transfer operations, the operator previously had an authorisation to conduct such operations in single engine aircraft.

3.4.8.17 However, if an operator changes its operations, e.g. beginning to utilise a single engine aircraft for marine pilot transfer where it did not have an authorisation to use such an aircraft before the commencement date, then the operator would have to comply with the requirement.

---

<sup>3</sup> Usage monitoring systems (UMS) collect data about engine cycles and other usage data that are relevant to determining the condition of rotorcraft engines. It is a generic description for existing equipment known as 'health and usage monitoring system' ('HUMS') fitted to larger rotorcraft.

- 3.4.8.18 There are also new requirements in Part 138 for rotorcraft operations that are conducted outside the Part 91 rules (under specific Part 138 rules), and that are below minimum height and not under the day VFR. These operations must be conducted in a performance class. If they are conducted at night in PC3 (the lowest performance class) then UMS requirements also apply.
- 3.4.8.19 The ability to carry a passenger in an aerial work operation is also new, together with the ability to carry a passenger at night in a single engine rotorcraft. Under the current legislation such an operator requires an AOC that authorises charter and the flight at night would need to be conducted in a multi engine rotorcraft and comply with the night VFR lowest safe altitude requirements. The new rules recognise the enhanced reliability offered by UMS in permitting this activity. It is not intended to defer the UMS requirement for these operations if an operator chooses to utilise the new flexibility offered by the new rules.
- 3.4.8.20 Similar considerations apply to Class D external load operations where a person is suspended from the belly hook of the rotorcraft (e.g. crocodile egg collecting). Such operations currently require individual operator exemptions and utilise single engine piston rotorcraft (e.g. the Robinson R44). Under Part 138, these operations require a turbine powered helicopter with a certified hook and a UMS system to minimise the risk to the person carried outside the protection of the airframe. The industry has been aware of these forthcoming changes for over 5 years. This future standard has already been incorporated into exemptions that authorise the suspension of a person from a helicopter to conduct powerline maintenance operations. The UMS enables the future standard to not require the use of a multi-engine rotorcraft. Therefore, it is not intended to defer the UMS requirement associated with these operations.

#### **Additional deferrals**

- 3.4.8.21 In addition to the deferrals mentioned above, CASA will consider what other deferrals may be appropriate in relation to new requirements of the Flight Operations CASR Parts.

### **3.5 Saving instruments and things done under old regulations where there is a corresponding new regulation**

- 3.5.1 Something done under the existing legislation that has a corresponding provision under the Flight Operations CASR Parts (and that would otherwise have continued in effect under the existing regulation but for the Flight Operations CASR Parts) will be taken to have been done under the Flight Operations CASR Parts. This covers instruments issued by CASA to individuals and individual operators and in force on the commencement date, and applications made but not determined by the commencement date. An operator, pilot or other person will not be required to reapply or reacquire a thing under the Flight Operations CASR Parts. This policy will also cover actions taken by operators and crew members (e.g. pilot training, proficiency checks, experience/recency) under the existing legislation. These will be recognised for the purpose of the Flight Operations CASR Parts.

- 3.5.2 Instruments of general application (i.e. not issued to an individual or individual operator) will generally not be saved, as the policy of these instruments would have been transferred to the Flight Operations CASR Parts, as appropriate. Instruments issued to individuals and individual operators will not be saved if there is no corresponding provision in the Flight Operations CASR Parts. The absence of a corresponding provision in these Parts may be because current CAR and CAO requirements are no longer considered necessary, or because these Parts adopt a different policy approach to regulating an activity. Some of these instruments may require their own separate transitional arrangements.
- 3.5.3 Where the arrangements under a saved instrument are less onerous than under the new legislation (i.e. the instrument and new law are inconsistent), the person to whom the instrument was issued should generally be allowed to continue to receive the benefit of the instrument. This will be achieved by treating such saved instruments as exemptions under regulation 11.160 of CASR in respect of the relevant inconsistent new requirement, subject to the terms and conditions of the saved instrument.
- 3.5.4 As stated above at 3.2.16, existing AOC holders will be required to annex to their exposition or operations manual a copy of every instrument issued under the existing legislation that the holder intends to rely upon for operations under the Flight Operations CASR Parts. This provides a means to acknowledge and validate reliance on such instruments.
- 3.5.5 Saved instruments will not endure indefinitely. In order to provide a reasonably staggered expiry enabling the workload of any review and potential reissue of an instrument to be staggered, the expiry date of a saved instrument will be earlier of the following:
- the expiry and reissue of an operator’s AOC, Part 141 certificate or aerial work certificate (noting that aerial work certificates will be deemed to exist based on the previous AOC authorising an aerial work operation and therefore will have the same expiry as that AOC)
  - the expiry date on the instrument
  - the date the instrument is cancelled by CASA
  - the second anniversary of the date the instrument was made after the commencement date (e.g. an instrument made on 1 May 2018 and expressed to expire in 2025 would expire on the 2nd occurrence of that date after the commencement date in December 2021, i.e. on 1 May 2023).

## **3.6 Flights in progress on commencement date**

- 3.6.1 Flights that commence on 1 December 2021 and conclude on 2 December 2021 will be regulated in accordance with the legislation as it existed on 1 December 2021.



## 3.7 Consequential amendments

- 3.7.1 In addition to including transitional arrangements and savings provisions, the CATS regulations will include a number of consequential amendments stemming from the commencement of the Flight Operations CASR Parts. These include:
- consequential amendments to the CARs, especially the repeal of superseded CAR provisions, as well as updates to terminology and cross-references
  - consequential amendments to the CASRs, to reflect changes in terminology, updates to cross-references, etc
  - consequential amendments to other Commonwealth legislation, where the legislation uses terms and definitions that are being replaced in the Flight Operations CASR Parts, or that cross-refer to CARs, CASRs and CAOs being amended or repealed.
- 3.7.2 In relation to repeals of CAR provisions, the policy intent is that provisions of the CARs that have been superseded by the amendments to the CASRs will be repealed. This may include where:
- a corresponding/related provision(s) is included in the CASRs  
or
  - a policy decision has been made to remove and not replace the substance of a CAR provision.

## 3.8 Impact on industry

- 3.8.1 CASA's transition policies are intended to minimise immediate and short-term administrative and operational impacts on aircraft operators and preserve in CASA sufficient capacity to continue to meet industry demand for regulatory services during the transition period.

## 3.9 Next steps

- 3.9.1 The transition policies set out in this document are incorporated in the CATS regulations, and will be incorporated into other legislative instruments and non-legislative instruments, as appropriate. Implementation issues that arise after publication of this document and before (or after) the commencement date, may require adjustments to these policies.

## **4 Continuing airworthiness arrangements (for information only)**

### **4.1 Air transport**

- 4.1.1 CASA is seeking to maintain the current continuing airworthiness arrangements until after the Flight Operations CASR Parts commence. Accordingly, Part 42 will apply to an aircraft used to conduct a scheduled air transport operation under CASR Part 121. Aircraft not already subject to Part 42 will be subject to the existing CAR arrangements. As is the case today, any operator may elect to adopt Part 42 now.
- 4.1.2 CASA is actively conducting the policy and legislative drafting work associated with defining a future continuing airworthiness scheme for air transport operations, including for aircraft used in current charter operations.
- 4.1.3 In October 2019 the industry Technical Working Group (TWG) for future air transport continuing airworthiness agreed with the CASA proposal that Part 42 and Part 145 as currently applicable to RPT aircraft, with some changes, should apply to non-scheduled Part 121 operations.
- 4.1.4 CASA and the TWG also achieved a general consensus on the applicable continuing airworthiness policies that should apply to Part 133 and 135 operations. No decision has been made as to whether Part 42 and 145 should apply, or whether a different set of regulations should apply.
- 4.1.5 CASA conducted the first round of industry consultation on the policy proposal in November and December 2019 and is in the process of refining the policies prior to finalisation. That work has been delayed by Covid-19 restrictions, but CASA envisages that legislation that will give effect to the finalised policies will be drafted in 2021, subject to the availability of legislative drafting resources.
- 4.1.6 CASA remains committed to transition strategies that minimise disruption to industry and will work in collaboration with the Aviation Safety Advisory Panel (ASAP) and consult with the wider industry as appropriate.
- 4.1.7 CASA acknowledges the effect of Covid-19 and will work with industry and the ASAP to ensure the final transition arrangements and timeframes, are appropriate in the circumstances.

### **4.2 Private and aerial work**

- 4.2.1 CASA has proposed a new CASR Part 43 to regulate maintenance for private and aerial work aircraft operated under CASR Parts 91, 137 and 138.
- 4.2.2 In August 2019, the TWG for private and aerial work continuing airworthiness achieved general consensus on the policy and this was subsequently supported by the ASAP, with advice provided accordingly to CASA.

- 4.2.3 Drafting of the Part 43 legislation has been temporarily delayed due to the need to prioritise drafting of regulations to amend and support the Flight Operations CASR Parts.
- 4.2.4 Commencement and transition details will again be determined and settled in consultation with industry, as described in section 4.1.6.
- 4.2.5 Private and aerial work aircraft will be subject to the existing CAR arrangements until Part 43 commences.