



POLICY PROPOSAL

PP 1918OS



Proposed transitional policies for flight operations regulations



Date	June 2020
Project number	OS 99/08, OS 99/43, OS 99/45, OS 01/11 and OS 10/26
File ref	D19/409177

Overview of proposed policy

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 2021¹.

With the exception of Part 105 of CASR, the Flight Operations CASR Parts do not in themselves contain a transition period. Except as provided by the deferred provisions mentioned below, 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 regulations (the CATS regulations) need to commence at the same time or, in some cases, earlier. The proposals set out in this policy proposal (PP) relate to the matters the CATS regulations would address. CASA continues to develop its detailed administrative arrangements for implementation of the Flight Operations CASR Parts, including in relation to the matters to be prescribed in the CATS regulations.

Although the Overview section of this document is several pages in length, it is highly recommended that the entire document is read to ensure consultation respondents understand the full breadth of the proposed policies.

Deferred provision concept

Some provisions in the Flight Operations CASR Parts would be deferred in order to not 'front end load' new costs to industry. These provisions relate to safety management systems (SMS), human factors and non-technical skills (HF/NTS) training programs, training and checking systems, terrain awareness and warning systems (TAWS), certain rotorcraft performance requirements and certain usage monitoring system (UMS) requirements. Deferrals would be for periods of between 1 and 3 years.

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

Applications for new regulatory services immediately before the commencement date

A person could apply for an authorisation or exemption under the Flight Operations CASR Parts, starting 180 days before the commencement date. The application would be assessed against the criteria of these Parts and may grant the authorisation or exemption, but the authorisation or exemption could not take effect before the commencement date.

A person could apply for a new AOC or similar authorisation for operations under the existing legislation until 90 days prior to the commencement date. Applications for a new AOC or similar

¹ The new Flight Operations CASR Parts were initially intended to commence on 25 March 2021. Regulatory amendments are being processed to extend the commencement date to 2 December 2021.

authorisation made in the last 89 days before the commencement date would be assessed by CASA under the Flight Operations CASR Parts.

Transition of AOCs to the new CASR Parts

Existing AOC holders that will operate to the Flight Operations CASR Parts would, by the CATS regulations, have their authorisations transitioned to the relevant new Parts. Operators would be able to change information on their AOC in accordance with the existing legislation until 90 days before the commencement date. CASA proposes that, in the last 89 days before the commencement date, a change would be processed under the existing legislation only if the change was needed to meet urgent community needs or was necessary to ensure continued operations, and only if CASA determined that the task could be completed before the commencement date.

CASA is seeking views on whether there are other classes of changes that would need to be urgently processed under the existing legislation in the last 89 days, for completion before the commencement.

Operators whose AOC expires in the 89 days before the commencement date, or the 90 day period after the commencement date, would 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) would be processed under the new Parts.

New exposition and operations manual requirements

The following paragraphs address the specific arrangements proposed for existing aeroplane and rotorcraft AOC holders. Slightly modified arrangements are in place for existing balloon AOC holders.

Prior to the commencement date, CASA proposes to require operators to submit, and for CASA to assess, only two extracts of their future exposition and/or operations manual. The first required extract is the operator's exposition or operations manual change management process,² to ensure the suitability of this critical regulatory mechanism (i.e. that CASA is advised of changes to an exposition or operations manual in an appropriate manner). The second required extract, if applicable, are the procedures for an aerial work operator relating to the carriage of aerial work passengers under Part 138 of CASR. These extracts would have to be submitted to CASA not less than 60 days before the commencement date.

On and after 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. Operators are not required to re-write their existing manual suite into a 'new format'. Operators required to have an exposition must identify which documents comprise their exposition if it is not a single document. All operators are simply required to ensure their manual suite appropriately references the new rules where this is necessary and amends existing procedures to comply with the new rules where necessary.

² 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).

By no later than the commencement date, operators would be required to provide CASA with:

- their entire exposition or operations manual
- a compliance matrix showing where each regulatory requirement of the Flight Operations CASR Parts is dealt with in the exposition or operations manual, as applicable, and
- 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 use under the Flight Operations CASR Parts.

The Chief Executive Officer of the AOC holder would be required to declare that the exposition or operations manual is compliant with 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.

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.

CASA will not comprehensively assess updated expositions, operations manuals or compliance matrices as part of the transition process. These would 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 (i.e. apply broadly across a sector or to a type of operation, etc) made under the existing legislation would not generally be 'saved' (i.e. continued in effect) by the CATS regulations because these generally applicable instruments would have been incorporated into the Flight Operations CASR Parts, 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, would 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 would not be saved. The CATS regulations would specify when a 'saved' instrument expires.

Why are we consulting?

The Flight Operations CASR Parts (including their MOSs) represent a wholesale repeal and/or rewrite of current Civil Aviation Regulations (CARs) and Civil Aviation Orders (CAOs) for flight operations. When the Flight Operations CASR Parts commence, 8 CAR Parts will be substantively repealed and another 7 CAR Parts will be significantly revised. Many CAOs made under *The Civil Aviation Act 1988 (the Act)* or the CAR Parts will be replaced by MOSs.

Over the 'life' of the flight operations CARs and CAOs, tens of thousands of approvals, permissions, directions, instructions, authorisations and exemptions have been issued to individual operators to facilitate their operations and maintain regulatory compliance. Many of these instruments will be in effect immediately prior to the commencement of the Flight Operations CASR Parts and will need to be continued in effect for operations on and from the commencement date.

CASA is committed to ensuring that the transition minimises disruption to industry, noting that CASA recognises that the scale of the changes make some disruption unavoidable. Input from the industry on CASA's proposed transition policies will assist in achieving this objective.

This PP and the present consultation process relate to matters that have been identified as requiring legislative force in the CATS regulations. The consultation process will assist CASA to set the most appropriate transition policy settings that balance impositions on industry with aviation safety considerations. Separate work is underway in relation to the detailed administrative arrangements for implementation of the Flight Operations CASR Parts that do not require specific legislative empowerment.

Contents

1	Reference material	7
1.1	Acronyms	7
1.2	Definitions	7
1.3	References	8
2	Introduction	9
2.1	Background	9
2.2	Previous consultations	10
3	Policy proposals	11
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
4	Continuing airworthiness arrangements (for information only)	26
4.1	Air transport	26
4.2	Private and Aerial Work	26
5	Closing date for comment	28

1 Reference material

1.1 Acronyms

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

Acronym	Description
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
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 proposal are defined in the table below.

Term	Definition
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

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 These Flight Operations CASR Parts (including their MOSs) will commence and take effect from 2 December 2021. They 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 would be repealed because they are no longer required.
- 2.1.4 The effective implementation of the Flight Operations CASR Parts, from both an operational perspective and a legal perspective, requires the making of CATS regulations. In general terms, CATS regulations would 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.

- 2.1.5 Some aspects of the CATS regulations are not discretionary or negotiable and will 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. Some of these may be consulted through draft CATS provisions, when they are drafted by the Office of Parliamentary Counsel.
- 2.1.6 The main aspects of the CATS regulations that will reflect policy decisions recommended to Government by the regulator relate to transition arrangements, provisions of the Flight Operations CASR Parts which should have deferred implementation dates (and for how long), and savings arrangements for actions taken and instruments made under CARs and CAOs that are being repealed. These are the matters that are the subject of this PP.
- 2.1.7 While most of the policies described in this PP would need to be reflected in the CATS regulations, some may be implemented by other legislative means (e.g. by establishing a deferred implementation date in a MOS) or by administrative means.

2.2 Previous consultations

- 2.2.1 There have been no previous formal consultations on the proposed CATS regulations, based either on proposed policies or legal text. There have, however, been informal discussions with industry on CATS matters, principally in the course of meetings held with Technical Working Groups (TWG) of the industry Aviation Safety Advisory Panel (ASAP).

3 Policy proposals

3.1 General transition information for aircraft operators

- 3.1.1 All Flight Operations CASR Parts will 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 will be 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 (helicopters, powered lift aircraft and gyroplanes) will be called 'air transport operations' under the Flight Operations CASR Parts. Charter operations using balloons will be 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 (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 air transport operation.
- 3.1.4 New Part 119 of CASR establishes a single regulatory framework for Australian air transport AOC operations (including medical transport operations), 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 operations. Part 129 of CASR will continue to apply to and regulate foreign air transport operations.
- 3.1.5 On and from the commencement date, 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:
- Part 137 of CASR aerial application operations (using aeroplanes and rotorcraft) - under an 'aerial applications (Part 137) certificate'. Amendments to Part 137 of CASR are being conducted as part of a separate project and are planned to also commence on 2 December 2021.
 - 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.
- 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 would continue beyond the 2 December 2021 commencement date of Part 131 of CASR. CASA is currently focussed on developing the Part 131 Manual of Standards to support the Part 131 regulations, in consultation with a Part 131 industry working group. Following that work, CASA has agreed to the request of the Part 131 working group that the next major regulatory element will be the development of the Part 131 balloon continuing airworthiness regulations. At an appropriate milestone of that work, CASA will commence development activities related to future regulations for balloon flying training.
- 3.1.9 The exact level of civil aviation authorisation to be required for local scenic flights using aeroplanes or rotorcraft has not yet been determined. CASA anticipates engaging with industry on this topic early in the second half of 2020.
- 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 are generally 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 would be deferred for 1 year 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 all Australian air transport operators and balloon transport operators to prepare, maintain and operate in accordance with an exposition.³ An

³ 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

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 entirely at the discretion of the operator whether they have a singular exposition document or a suite of documents that collectively comprises 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 will not need to apply to change their AOCs only for the purpose of complying with the Flight Operations CASR Parts on and from the commencement date. Existing AOC holders would be deemed by the CATS regulations to hold an authorisation under these 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. No operator action will be required for this to occur. Existing charter operators would be deemed to be authorised to conduct non-scheduled air transport operations, including current 'closed' charter operations. Charter operators would need to meet additional requirements before undertaking scheduled operations.

3.2.2 The specific proposed 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 would 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 complies with the requirements of the Flight Operations CASR Parts for such flights, subject to the deferral of certain provisions (see below at 3.4).

under CAR 215. There are similar regulations in Part 131 (for balloon transport operator expositions) and Part 138 (for aerial work operations manuals).

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 would be deemed to be authorised to conduct comparable kinds of flights as Australian air transport operations, and to have an approved exposition for those operations. The operator would 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 would 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 would 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 complies with the requirements of the Flight Operations CASR Parts for MTO, subject to the deferral of certain provisions (see below at 3.4).

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 would 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 meets the requirements of Part 91 and Part 131 of CASR, as applicable, from the commencement date. There would 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 would be required to have an approval under Part 131 of CASR to conduct comparable kinds of flights as a specialised balloon operation, the operator would 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 would 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 person complies with the applicable requirements of the Flight Operations CASR Parts, subject to the deferral of certain provisions (see below at 3.4).

Duration and conditions of deemed authorisations

- 3.2.2.8 These various deemed authorisations would operate until the earlier of 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 would be issued with the relevant new kind of authorisation with the expiry date determined in accordance with existing policy related to AOC changes. 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, would not gain the benefit of the deferred provisions, except for the deferred provisions that are available to all operators.
- 3.2.2.9 The policy intention to strike a balance between the competing benefits of: (1) moving operators to the new rules as soon as possible, including to provide a level playing field in the aviation industry, and (2) minimising disruption to industry in the transition by requiring multiple significant changes at the same time. CASA proposes to strike this balance by not continuing deferrals for operators who voluntarily make significant changes to their operations.
- 3.2.2.10 The deemed authorisations would be subject to the condition that an operator must comply with the new regulatory requirements for that kind of flight, including incorporating and complying with all necessary plans, procedures and systems, etc 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 would have the term of their AOC extended by 6 months by the CATS regulations. During this period, the AOC would 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 would reissue an AOC affected by this transitional measure with effect from after the extended expiry date.
- 3.2.4 The intention of these arrangements is to 'deconflict' the AOC reissue process from other pressing issues 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 three months prior to the commencement date and wants to ensure that essential regulatory services for operators are conducted in appropriate timeframes.

- 3.2.6 Accordingly, in the 89 days before the commencement date, CASA would assess an application for a change to an AOC under the existing legislation only if the change was needed to meet urgent community needs or was necessary to ensure continued operations by the operator.
- 3.2.7 An example of a change related to community needs is a change which would facilitate emergency firefighting activities. An example of a change that would otherwise stop operations would be the approval of a replacement chief pilot.
- 3.2.8 In either case, the application would still be processed under the existing legislation only if CASA determined that the change could be processed before the commencement date.
- 3.2.9 The proposed arrangement is intended to minimise workload under the existing legislation on CASA for non-essential regulatory services requested in the last 89 days before commencement. This would provide greater capacity for CASA to focus resources on assisting industry with transitioning to the Flight Operations CASR Parts and providing regulatory services associated with these Parts. Such services, when completed, would only have effect after the commencement date.
- 3.2.10 However, CASA is open to suggestions for other specific kinds of essential regulatory services that should be processed under the existing legislation to have effect before the commencement date.
- 3.2.11 If CASA decides to assess an application for a change to an AOC under the existing legislation but is ultimately unable to complete the process before the commencement date, the change would be approved and issued under the existing legislation and immediately transition for application under the Flight Operations CASR Parts, in accordance with the transition policies set out in this PP.

Transitional arrangements for expositions/operations manuals

- 3.2.12 As outlined in the Overview to this document and earlier balloon specific references, the proposed arrangements below are modified for existing balloon AOC holders.
- 3.2.13 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) before the commencement date. AOC holders would, 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 would have to be provided to CASA not less than 60 days prior to the commencement date.
- 3.2.14 The two key measures for which early submission of exposition or operations manual extracts would be 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), 138.155 [MOS 7.01(s)] or 131.195(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.

Note: A copy of the current draft of the Part 138 MOS can be found at [Consultation Draft - Part 138 \(Aerial Work Operations\) MOS 2020](#)

- 3.2.15 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 accurately comply with the new requirements.
- 3.2.16 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. A similar approach is anticipated in relation to the carriage of aerial work passengers.
- 3.2.17 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 would include a requirement for operators to submit their exposition or operations manual to CASA by no later than the commencement date. This document, for each operator, will constitute 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 would be required to declare that the exposition or operations manual complies with the applicable new requirements.
- 3.2.18 When operators submit their exposition or operations manual to CASA, it is also proposed that they also be required to submit:
- A compliance matrix that details where each regulatory requirement in the Flight Operations CASR Parts is dealt with in their exposition or operations manual. This proposal is intended to ensure that operators engage with the full list of new regulatory provisions as part of their activity to produce a compliant exposition or operations manual. As is presently the case, CASA will provide a template compliance matrix that operators can use, either when compiling their exposition/operations manual, or when they have finished that task.
 - 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).
- 3.2.19 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, would 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 would be able to 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 could not take effect, however, until on or after the commencement date.
- 3.3.3 An applicant applying 90 days or more before the commencement date may elect to be assessed against the existing legislation, or under the Flight Operations CASR Parts.
- 3.3.4 An applicant applying 90 or more days before the commencement date and who elects to be assessed against the existing legislation would be deemed to be an 'existing AOC holder' from the commencement date or the issue of the AOC, whichever is the later. Such an applicant would 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 An applicant applying 90 or more days before the commencement date who elects to be assessed against the Flight Operations CASR Parts would need to comply with the Flight Operations CASR Parts and would not gain the benefit of the deferred provisions, other than the deferrals that are available to all operators.
- 3.3.6 An applicant applying less than 90 days before the commencement date would need to comply with the requirements of the Flight Operations CASR Parts and would not gain the benefit of the deferred provisions, other than the deferrals that 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.
- 3.4.3 Certain deferrals would 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 would 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 and operator training and checking systems, interim implementation milestones would be established to ensure a smooth transition to the deferred requirement. The milestones would 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 would be 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 would 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 applications for a new AOC or a change to the operating authorities of an existing AOC holder, made under the existing legislation fewer than 90 days before the commencement date.
- 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 would be deferred for 1 year, 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. Primarily, it is expected

that this deferral would be utilised by existing non-RPT AOC holders operating aircraft of 5700 kg or less.

- 3.4.8.2 As an interim milestone for this deferral, it is proposed that operators 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 would be deferred for 2 years. Primarily it is expected that this deferral would be utilised by existing non-RPT AOC holders.
- 3.4.8.4 As an interim milestone for this deferral, it is proposed that operators 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 would be deferred for 3 years. Primarily, it is expected that this deferral would be utilised by existing non-RPT AOC holders.
- 3.4.8.6 As interim milestones for the deferral above, it is proposed that operators provide CASA with 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 would be provided for the operator to expand the scope of their SMS to incorporate the SMS and safety manager requirements of the Flight Operations CASR Parts. The operators expected to benefit from this deferral would be 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 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, it is proposed that operators 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 Parts 133 and 138 of CASR. CASA considers that it is reasonable to expect compliance with most of these

important safety requirements from the commencement date (no deferral). CASA's view is based on an understanding that the new requirements are sufficiently important to safety, or are similar to existing requirements, or are not onerous.

- 3.4.8.10 However, elements of the new requirements are considered appropriate for deferral, as set out below. These deferrals would apply to all operators, not only existing AOC holders.
- 3.4.8.11 Part 133 of CASR does not permit rotorcraft MTO, at other than medical transport operating sites (i.e. the side of the road where the patient is picked up), to be operated in performance class (PC) 3, being the lowest of the performance classes, i.e. they must be operated in a higher PC. For some operators using single engine rotorcraft, the time available before commencement would not be sufficient to re-contract for compliant multi-engine rotorcraft. For some operators using multi-engine rotorcraft, the time before commencement would 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.
- 3.4.8.12 For a period of 2 years beyond the commencement date, for MTO conducted by day under the VFR, it is considered reasonable that, to enable a level playing field, all operators should be able to operate in accordance with PC 3, i.e. the requirements of paragraphs 133.335(3)(a) and (b) of CASR would be deferred for these operations.
- 3.4.8.13 For a period of 2 years beyond the commencement date, for MTO conducted under the VFR by night or under the IFR, during the take-off and take-off and initial climb stages of flight, it is considered reasonable that all operators should be able to operate in accordance with PC 3 with an additional condition relating to climb performance, i.e. the requirements of paragraph 133.335(3)(a)⁴ would be deferred for these operations provided the additional condition was met. That condition would be that the take-off weight of the rotorcraft does not exceed the maximum weight mentioned in the rotorcraft's flight manual for the type of take-off procedure to be used, required to achieve a rate of climb once established at or above V_y of at least 150 ft per minute at 1 000 ft above the departure aerodrome for the flight, with 1 engine inoperative. CASA invites comments on this condition, and on the need to establish conditions for the approach and landing, or baulked landing, stage of the flight, when the rotorcraft is operated in PC 3.
- 3.4.8.14 In addition, there are new requirements in Parts 133 and 138 of CASR 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 the engine / transmission particle detection system. The basic system is commonly installed on rotorcraft, but the flight deck indicator is not. It is proposed that the requirement for the flight deck indicator be deferred for 2 years.
- 3.4.8.15 CASA is still gathering data relevant to implementation of the rotorcraft performance requirements. Public consultation responses on the transition policies may inform

⁴ CASA intends to amend this paragraph to include the take-off and initial climb stage of a flight.

changes to ensure achievement of 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

3.4.8.16 New requirements for operations to be conducted using aircraft fitted with TAWS or helicopter terrain awareness and warning system (H-TAWS) would be deferred for 2 years for all operators. Primarily this deferral would 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 would be 'saved' and continue to apply.

Usage monitoring system equipment

3.4.8.17 Certain requirements for fitment of usage monitoring systems(UMS)⁵, and other related requirements to use the data from UMS would be deferred for 2 years from the commencement date for existing AOC holders. The underlying reason for requiring operators to fit and use a UMS for certain operations is that, without introducing a standard that involves fitment of a UMS, the risks associated with some operations could not be appropriately ameliorated without using a multi-engine rotorcraft with the capability to operate in performance class 2 with exposure, or a higher performance class. The deferral would apply where

- an existing operator is subject to a requirement to fit the system under Part 138 as they are conducting:
 - o operations with no suitable forced landing area, or
 - o marine pilot transfer operations in a single engine rotorcraft; and
- the operator was not previously subject to a substantially similar requirement; and
- in the case of marine pilot transfer operations, the operator previously had an authorisation to conduct such operations in single engine aircraft.

3.4.8.18 However, if an operator changes its operations, for example, beginning to utilise a single engine rotorcraft for marine pilot transfer operations where it did not have authorisation to use such an aircraft before the commencement of the Flight Operations CASR Parts, then the operator would have to comply with the UMS requirement.

3.4.8.19 There are also new requirements in Part 138 of CASR 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 PC 3, then UMS requirements also apply.

3.4.8.20 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 rules such an operator would require an AOC that authorises charter operations 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 proposed to defer the UMS requirement for these operations if an operator chooses to utilise the new flexibility offered by the new rules.

- 3.4.8.21 Similar considerations apply to Class D external load operations where a person is suspended from the belly hook of the rotorcraft, e.g. for crocodile egg collecting. Such operations currently require individual operator exemptions and utilise single engine piston rotorcraft such as the Robinson R44. Under Part 138 of CASR, 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 proposed to defer the UMS requirement associated with these operations.

Consultation on the deferred provisions

- 3.4.8.22 CASA recognises the impact of the Flight Operations CASR Parts on affected industry sectors. The deferral arrangements above have been developed to stagger the new arrangements, balancing the safety regulatory importance of early compliance with the need not to impose excessive additional burden on industry. Noting that the policy supporting the new requirements is settled, CASA seeks specific feedback on the practicability of the deferred commencement arrangements.

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) would 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 on the commencement date. An operator, pilot or other person would not be required to reapply or reacquire a thing under the Flight Operations CASR Parts. This policy proposal would also cover actions taken by operators and crew members (e.g. pilot training, proficiency checks, experience/recency) under the existing legislation. These would 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) would 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 would 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.

- 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 would 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 3.2.14, existing AOC holders would 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 would 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 would 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 would 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 would 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 proposed CATS regulations would include a number of consequential amendments stemming from the commencement of the Flight Operations CASR Parts. These would 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 would 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 The proposed 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.

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 of CASR will apply to an aircraft used to conduct a scheduled air transport operation under Part 121 of CASR. Aircraft not already subject to Part 42 of CASR will be subject to the existing CAR arrangements. As is the case today, any operator may elect to adopt Part 42 of CASR.
- 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 TWG for future air transport continuing airworthiness agreed with the CASA proposal that Parts 42 and Part 145 of CASR as currently applicable to RPT aircraft, with some changes, should apply to non-scheduled operations under Part 121 of CASR. CASA and the TWG also achieved a general consensus on the applicable continuing airworthiness policies that should apply to Parts 133 and 135 of CASR operations.
- 4.1.4 CASA conducted the first round of wider industry consultation on the policy proposal in November and December 2019 and is in the process of refining the policies prior to finalisation. CASA envisages that the legislation that will give effect to the finalised policies will be drafted and made in 2021. The decision as to where in the legislation the finalised policies will be reflected has not yet been made. CASA is continuing to work with industry on those issues, but the process has been delayed by COVID-19 restrictions.
- 4.1.5 CASA aims to increase clarity on this topic to affected parties at least 12 months before the commencement of the Flight Operations CASR Parts.
- 4.1.6 Commencement and transition details will be determined and settled in consultation with industry after the policies have been finalised. CASA is committed to transition strategies that minimise disruption to industry and will work in collaboration with the TWG and consult with the wider industry as appropriate.

4.2 Private and Aerial Work

- 4.2.1 CASA has proposed a new Part 43 of CASR to regulate maintenance for private and aerial work aircraft operated under CASR Parts 91, 137, 138, 141 and 142 of CASR.
- 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 Aviation Safety Advisory Panel, with advice provided accordingly to CASA.
- 4.2.3 CASA will be progressing drafting of the legislation through the second and third quarters of 2020. The legislation is expected to be made in late 2020 or early 2021.

POLICY PROPOSAL FOR PROPOSED TRANSITIONAL POLICIES
FOR FLIGHT OPERATIONS REGULATIONS

- 4.2.4 Commencement and transition details will again be determined and settled in consultation with industry.
- 4.2.5 Private and aerial work aircraft will be subject to the existing CAR arrangements until a new Part 43 of CASR commences.

5 Closing date for comment

- 5.1.1 CASA will consider all comments received as part of this consultation process and will incorporate changes to the policy and CATS regulations as appropriate. Comments on the proposed policy should be submitted through the online response form by close of business 30 June 2020. Respondents are asked to identify the policy statement (by para # or #s) to which their comments relate.
- 5.1.2 In addition to comments respondents may wish to make, the online response form sets out specific questions in respect of which CASA seeks industry advice.