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Australian Government  
Civil Aviation Safety Authority

ADVISORY CIRCULAR  
AC 1-03 v5.0

# Transitioning to the flight operations regulations

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Advisory circulars are intended to provide advice and guidance to illustrate a means, but not necessarily the only means, of complying with the Regulations, or to explain certain regulatory requirements by providing informative, interpretative and explanatory material.

**Advisory circulars should always be read in conjunction with the relevant regulations.**

## Audience

This advisory circular (AC) applies to:

- operators of aircraft and their personnel conducting operations prior to the 2 December 2021 commencement of the flight operation regulations Parts 91, 119, 121, 133, 135 and 138 of the *Civil Aviation Safety Regulations 1998* (CASR), and who will conduct operations under those new regulations from 2 December 2021.

### Notes:

- This document does not discuss nor encompass transition policies for the sport aviation sector as the Part 103 Manual of Standards (MOS) for this sector has not yet been finalised.
- Transitional information for the ballooning sector can be found in AC 131-03.

## Purpose

This AC provides advice on regulations pertaining to flight operations under Parts 91, 119, 121, 133, 135 and 138 of CASR, specifically for those transitioning to these regulations on 2 December 2021.

The intention is to explain the regulations, how they interact, and how they will be implemented. This should provide Air Operator's Certificate (AOC) holders, other certificate holders and other industry participants with sufficient information to manage the transition from the old to the new regulations. Further, this AC aims to ensure the intent of the legislation is clear.

All references to existing AOC holders in this document refer to AOC holders that were conducting operations prior to 2 December 2021 and will be captured by Parts 119, 121, 133, 135 or 138 of CASR.

Mention of an existing AOC holder in this document does not encompass an AOC holder conducting aeroplane aerial application operations since these operations are conducted under Part 137 and this part had minimal amendments on 2 December 2021.

## For further information

For further information, contact CASA's Operations Standards (telephone 131 757).

Unless specified otherwise, all subregulations, regulations, Divisions, Subparts and Parts referenced in this AC are references to the *Civil Aviation Safety Regulations 1998* (CASR).

## Status

This version of the AC is approved by the National Manager, Flight Standards Branch.

**Note:** Changes made in the current version are not annotated. The document should be read in full.

**Table 1. Status**

Version	Date	Details
v5.0	March 2025	The AC has been substantially revised to: <ul style="list-style-type: none"><li>remove content that is no longer relevant</li><li>ensure the remaining content accurately reflects current policy settings</li><li>remove references to expired transitional arrangements</li><li>amend the information regarding future transitional due dates that have yet to be announced.</li></ul>
v4.5	April 2024	Section 11.3 updated to: <ul style="list-style-type: none"><li>adjust references to deferrals in light of recently announced implementation dates for the Part 133, 135 and 138 training and checking system deferral for previous non-CAR 217 operators</li><li>highlight that operators should review Multi-Part AC 119-11 and AC 138-02 for more information.</li></ul> Appendix C updated to include upcoming training and checking related critical dates.  Document updated with new internal cross-references.
v4.4	December 2023	Added a new Appendix E containing guidance regarding which kinds of regularly scheduled flights can be considered non-scheduled air transport operations. This guidance is drawn from the previous CASA policy notice CEO-PN007-2009 about closed charter operations. Other minor changes to support the introduction of the new Appendix E.
v4.3	December 2023	The following major changes have been made: <ul style="list-style-type: none"><li>The paragraph numbering for Chapters 2, 3 and 4 has been removed as the lack of subheadings in these chapters means the use of paragraph numbering does not meet contemporary web accessibility requirements.</li><li>Amended sections 11.3 and 11.10, and Appendix C, due to changes made by CASA to the transition policy for many air transport and aerial work operators relating to the introduction of training and checking systems, human factors and non-technical skills training and assessment (only for air transport operators) and safety management systems.</li><li>Added new information to Chapter 12 on the transitional treatment of old authorisations (approvals, permissions, authorisations, exemptions).</li><li>Added a new Chapter 13 about the transition of terminology and old directions or exemptions.</li></ul>

Version	Date	Details
v4.2	February 2023	Changed the date for the end of the training and checking deferral. Changed the due date for operators to submit their proposed training and checking documentation. Changed the date for the submission of an SMS Implementation Plan for operators using the deferral exemption for SMS that ends in December 2024. Added information to section 11.2 about former charter only operators desiring to commence scheduled air transport operations. Updated footnotes and hyperlinks in some locations.
v4.1	September 2022	Information included at section 11.7 providing guidance related to SMS implementation planning. Slight re-wording and re-ordering of guidance in sections 11.8 and 11.9 relating to SMS deadlines for different kinds of operators.
v4.0	August 2022	Added significant new information to Chapter 2. Added significant new information on deferred rules and requirements to existing sections 11.1, 11.3 and 11.8, plus an entirely new section 11.10. Added new Appendices B, C and D. New Appendix B contains advice to entities that may be contracting for the provision of aerial work operations, New Appendix C contains a timeline of deferred provisions that will always require a submission to CASA, and new Appendix D contains advice to Part 137 operators about overlaps between old AOCs and the new Part 137 and Part 138 regulations.
v3.2	May 2022	Minor updates to section 6.1 and chapter 7 relating to the concept of an integrated manual to align with changes in v4.0 of AC 1-02.
v3.1	March 2022	Amendment to paragraph 7.1.3 to clarify that an operator whose certificate expires between 2 December 2021 and 2 June 2022 can use an interim manual suite until 2 June 2022.
v3.0	October 2021	Updated hyperlinks, links to exemptions and directions instruments, and information regarding rotorcraft performance deferral. Addition of chapter 12.
v2.1	June 2021	Section 11.3 amended to include specific requirements for training and checking approvals in Part 121.
v2.0	May 2021	Complete rewrite of content and structure.
v1.0	December 2020	Initial AC.

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### Acknowledgement of Country

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

Artwork: James Baban.



# 1 Reference material

## 1.1 Acronyms

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

**Table 2. Acronyms**

Acronym	Description
AC	advisory circular
AMC	acceptable means of compliance
AOC	air operators certificate
AWC	aerial work certificate
CAR	<i>Civil Aviation Regulations 1988</i>
CASA	Civil Aviation Safety Authority
CAO	Civil Aviation Order
CASR	<i>Civil Aviation Safety Regulations 1998</i>
CATS	<i>Civil Aviation Legislation Amendment (Flight Operations – Consequential Amendments and Transitional Provisions) Regulations 2021</i>
FORs	flight operations regulations
HF	human factors
MOS	Manual of Standards
NTS	non-technical skills
PIC	pilot in command
RPT	regular public transport
SMS	safety management system
TP	transition policy

## 1.2 Definitions

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

**Table 3. Definitions**

Term	Definitions
aerial work operation	<p>One or more of the following (and each of the following is a kind of aerial work operation):</p> <ol style="list-style-type: none"> <li>an external load operation;</li> <li>a dispensing operation;</li> <li>a task specialist operation</li> <li>an operation of a kind prescribed by the Part 138 Manual of Standards for the purposes of this paragraph [paragraph 138.010(1)(d) of CASR].</li> </ol> <p>Explanatory notes (not in the CASR Dictionary definition):</p> <ol style="list-style-type: none"> <li>The relevant paragraph mentioned in paragraph (d) above is paragraph 138.010(1)(d) of CASR.</li> <li>At the time of publishing v5.0 of this AC, no additional operations had been prescribed in the Part 138 MOS.</li> </ol>
air transport operation	<ol style="list-style-type: none"> <li>An air transport operation is a passenger transport operation, a cargo transport operation or a medical transport operation, that: <ol style="list-style-type: none"> <li>is conducted for hire or reward; or</li> <li>is prescribed by an instrument issued under regulation 201.025.</li> </ol> </li> <li>Despite subclause (1), an air transport operation does not include an aerial work operation or a balloon transport operation.</li> </ol>
cargo transport operation	<p>cargo transport operation:</p> <ol style="list-style-type: none"> <li>means an operation of an aircraft that involves the carriage of cargo and crew only; but</li> <li>does not include the following: <ol style="list-style-type: none"> <li>an operation conducted for the carriage of the possessions of the operator or the pilot in command (PIC) for the purpose of business or trade;</li> <li>a medical transport operation.</li> </ol> </li> </ol>
medical transport operation	<ol style="list-style-type: none"> <li>A medical transport operation is an operation: <ol style="list-style-type: none"> <li>the primary purpose of which is to transport one or more of the following: <ol style="list-style-type: none"> <li>medical patients;</li> <li>medical personnel;</li> <li>blood, tissue or organs for transfusion, grafting or transplantation; or</li> </ol> </li> <li>of a kind prescribed by the Part 119 Manual of Standards for the purposes of this paragraph.</li> </ol> <p>Note: Other medical supplies (including medical equipment and medicines) might also be transported on an aircraft for a medical transport operation.</p> <ol style="list-style-type: none"> <li>Despite subclause (1), an operation is not a medical transport operation if the operation is of a kind prescribed by the Part 119 Manual of Standards for the purposes of this subclause.</li> </ol> </li></ol>



Term	Definitions
	<p>Explanatory notes (not in the CASR Dictionary definition)</p> <ol style="list-style-type: none"> <li>At the time of publishing v5.0 of this AC, no prescriptions of the kind permitted by this definition had been included in the Part 119 MOS.</li> <li>At the time of publishing, there was no published Part 119 MOS at all.</li> </ol>
non-scheduled air transport operation	<p>means an air transport operation that is not:</p> <ol style="list-style-type: none"> <li>a scheduled air transport operation; or</li> <li>a medical transport operation.</li> </ol> <p>Note: A non-scheduled air transport operation includes an operation for the carriage, in accordance with fixed schedules to and from fixed terminals, of passengers or cargo, or passengers and cargo, in circumstances in which the accommodation in the aircraft is not available for use by persons generally</p> <p>Explanatory notes (not in the CASR Dictionary definition):</p> <ol style="list-style-type: none"> <li>This term is used in the flight operations regulations purely for transitional purposes in the transitional rules found in Subpart 202.EAA of CASR, and in multiple transitional exemptions (see CASA EX68/24, EX69/24, EX70/24, EX71/24 and EX87/21).</li> <li>This term is used to specify which air transport operations are required to comply with Part 42 of CASR and which are not - see regulations 202.180 and 202.181 of CASR.</li> <li>More information on which kinds of fixed schedule flights are considered non-scheduled air transport operations can be found in Appendix E.</li> </ol>
passenger transport operation	<ol style="list-style-type: none"> <li>A passenger transport operation is an operation of an aircraft that involves the carriage of passengers, whether or not cargo is also carried on the aircraft.</li> <li>Despite (1), an operation is not a passenger transport operation if the operation is: <ol style="list-style-type: none"> <li>an operation of an aircraft with a special certificate of airworthiness; or</li> <li>a cost-sharing flight; or</li> <li>a medical transport operation; or</li> <li>if the registered operator of an aircraft is an individual—an operation of the aircraft: <ol style="list-style-type: none"> <li>that involves the carriage of that individual; and</li> <li>does not also involve the carriage of other passengers; or</li> </ol> </li> <li>if the registered operator of an aircraft is an individual—an operation of the aircraft: <ol style="list-style-type: none"> <li>that involves the carriage of that individual; and</li> <li>involves the carriage of other passengers; and</li> <li>for which no payment or reward is made or given in relation to the carriage of the other passengers or cargo.</li> </ol> </li> </ol> </li> </ol> <p>Explanatory note (not in the CASR Dictionary definition)</p> <ol style="list-style-type: none"> <li>At the time of publishing v5.0 of this AC, readers are reminded that the terms 'special certificate of airworthiness' and 'cost-sharing flight' used in paragraphs 2a and 2b of this definition are terms defined in the CASR Dictionary.</li> </ol>
scheduled air transport operation	<p>means an air transport operation, other than a medical transport operation, that is conducted:</p> <ol style="list-style-type: none"> <li>in accordance with fixed schedules to and from fixed terminals over specific routes with or without intermediate stopping places between terminals; and</li> <li>in circumstances in which the accommodation in the aircraft is available for use by persons generally.</li> </ol>

Term	Definitions
	<p>Explanatory notes (not in the CASR Dictionary definition):</p> <ol style="list-style-type: none"> <li>1. This term is used in the flight operations regulations purely for transitional purposes in the transitional rules found in Subpart 202.EAA of CASR, and in multiple transitional exemptions (see CASA EX68/24, EX69/24, EX70/24, EX71/24 and EX87/21).</li> <li>2. This term is used to specify which air transport operations are required to comply with Part 42 of CASR and which are not - see regulations 202.180 and 202.181 of CASR.</li> </ol>

## 1.3 References

### Legislation

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

**Table 4. Legislation references**

Document	Title
<a href="#">CASA EX56/23</a>	Implementation of Drug and Alcohol Management Plans (Micro-businesses and DAMP Organisations) Exemption 2023
<a href="#">CASA EX12/24</a>	Transitional Training and Checking Requirements for Crew Members in Part 121 Operations – Exemption Instrument 2024 (No. 1)
<a href="#">CASA EX67/24</a>	Part 91 of CASR - Supplementary Exemptions and Directions Instrument 2024
<a href="#">CASA EX68/24</a>	Part 119 of CASR - Supplementary Exemptions and Directions Instrument 2024
<a href="#">CASA EX69/24</a>	Part 121 and Part 91 of CASR - Supplementary Exemptions and Directions Instrument 2024
<a href="#">CASA EX70/24</a>	Part 133 and Part 91 of CASR – Supplementary Exemptions and Directions Instrument 2024
<a href="#">CASA EX71/24</a>	Part 135, Subpart 121.Z and Part 91 of CASR - Supplementary Exemptions and Directions Instrument 2024
<a href="#">CASA EX72/24</a>	Part 138 and Part 91 of CASR - Supplementary Exemptions and Directions Instrument 2024
<a href="#">CASA EX73/24</a>	Flight Operations Regulations - SMS, HFP&NTS and T&C Systems - Supplementary Exemptions and Directions Instrument 2024
<a href="#">CASA EX74/24</a>	Part 121 – Single Pilot Aeroplane (MOPSC 10-13) Operations – Exemptions Repeal, Remake, and Direction Instrument 2024
<a href="#">CASA EX77/24</a>	Transitional Training and Checking Requirements for Crew Members in Part 133 Operations – Exemption Instrument 2024
<a href="#">CASA EX78/24</a>	Transitional Training and Checking Requirements for Crew Members in Part 135 Operations – Exemption Instrument 2024
<a href="#">CASA EX79/24</a>	Transitional Training and Checking Requirements for Crew Members in Part 138 Operations – Exemption Instrument 2024

Document	Title
Part 91 of CASR	General operating and flight rules
Part 91 MOS	Part 91 (General Operating and Flight Rules) Manual of Standards
Part 119 of CASR	Australian air transport operators—certification and management
Part 121 of CASR	Australian air transport operations—larger aeroplanes
Part 121 MOS	Part 121 (Australian Air Transport Operations—Larger Aeroplanes) Manual of Standards 2020
Part 133 of CASR	Australian air transport operations—rotorcraft
Part 133 MOS	Part 133 (Australian Air Transport Operations—Rotorcraft) Manual of Standards 2020
Part 135 of CASR	Australian air transport operations—smaller aeroplanes
Part 135 MOS	Part 135 (Australian Air Transport Operations—Smaller Aeroplanes) Manual of Standards
Part 138 of CASR	Aerial work operations
Part 138 MOS	Part 138 (Aerial Work Operations) Manual of Standards 2020
Regulation 202.180 of CASR	Application of Part 42 <b>Note:</b> This regulation in part specifies that non-scheduled air transport operations do not have to comply with Part 42 of CASR.
Regulation 202.181 of CASR	Election that Part 42 is to apply to an aircraft. <b>Note:</b> This regulation outlines how operators can elect to have Part 42 of CASR apply to certain aircraft.
Subpart 202.EAA of CASR	Transitional provisions for Parts 91, 103, 105, 119, 121, 131, 133, 135 and 138

## Advisory material

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

**Table 5. Advisory material references**

Document	Title
AC 1-01	Understanding the legal framework
AC 1-02	Guide to the preparation of expositions and operations manuals
AC 1-04	Registered operator responsibilities for continuing airworthiness
AC 11-03	Electronically formatted certifications, records and management systems
AC 11-04	Approvals under CASR Parts 91, 103, 119, 121, 129, 131, 132, 133, 135, 138 and 149 (including MOS)
AC 119-01	Safety management systems for air transport operations

Document	Title
Multi-Part AC 119-07 and AC 138-03	Management of change for aviation organisations
Multi-Part AC 119-11 and AC 138-02	Training and checking systems
AC 119-12	Human factors principles and non-technical skills training and assessment for air transport operations
AC 131-03	Transitioning to Part 131 of CASR and MOS - A guide for commercial balloon operators
Transition policy (TP)	<a href="#">Annex A to Summary of consultation on PP 1918OS - Transitional policies for flight operations regulations</a>
Part 91 AMC/GM	Acceptable means of compliance and guidance material - General operating and flight rules
Part 119 AMC/GM	Acceptable means of compliance and guidance material - Australian air transport operators certification and management
Part 121 AMC/GM	Acceptable means of compliance and guidance material - Australian air transport operations – larger aeroplanes
Part 133 AMC/GM	Acceptable means of compliance and guidance material - Australian air transport operations – rotorcraft
Part 135 AMC/GM	Acceptable means of compliance and guidance material - Australian air transport operations – smaller aeroplanes
Part 138 AMC/GM	Acceptable means of compliance and guidance material – Aerial work operations
CASA resource kit	<a href="#">Safety behaviours: human factors for pilots</a>  <b>Note:</b> This kit consists of 10 separate booklets and multiple videos.
	<a href="#">Head of training and checking guide</a>
	Part 133, Part 135 and Part 138 sample training and checking manuals and associated guide  <b>Notes:</b> 1. This package consists of 3 documents: the Part 133, Part 135 and Part 138 sample training and checking manual (contains content relevant to multiple kinds of crew members), the Part 133/135/138 sample training and checking manual (limited to flight crew member content only) and the Guide to Part 133/135/138 sample training and checking manuals. 2. These documents are available on the CASA webpage ' <a href="#">Industry compliance templates</a> '.
	Part 138 sample operations manual template (Mustering) and associated guide  <b>Note:</b> This sample document is available on the CASA webpage ' <a href="#">Industry compliance templates</a> '.
	<a href="#">Safety manager guide</a>
	CASR Flight Operations sample exposition / operations manual and associated guide

Document	Title
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**Notes:**

1. This sample document is available on the CASA webpage '[Industry compliance templates](#)'.
2. This sample applies to Part 133, Part 135 and Part 138 operators.

## 1.4 Forms

CASA's forms are available at <http://www.casa.gov.au/forms>

**Table 6. Forms**

Document	Title
	<a href="#">Aerial Work Operations CASR Part 138</a>
	<a href="#">Air operator's certificate and associated approvals</a>
	<a href="#">Non-significant changes CASR Parts 119, 131 and 138</a>
	<a href="#">FOR Transition - Training and checking system (Parts 119, 133, 135 and 138 of CASR)</a>

## 2 Introduction

### 2.1 Outline of AC

- 2.1.1 This AC provides guidance for industry participants that held an AOC prior to implementation of Parts 91, 119, 121, 133, 135 and 138 of CASR (referred to in this AC as the *flight operations regulations* or 'FOR') on 2 December 2021. This AC should be read in conjunction with [Annex A to Summary of consultation on PP 1918OS - Transitional policies for flight operations regulations](https://consultation.casa.gov.au/regulatory-program/pp-1918os/results/annexa-transitionalpoliciesforflightoperationsregulations.pdf)<sup>1</sup>, the transition policy (TP) which should be referred to as the definitive statement of CASA's transition policies for the FORs. Where applicable, this document will refer to specific sections of the TP.
- 2.1.2 Originally, this AC explained the necessary actions by pre-2 December 2021 AOC holders before and after 2 December 2021. In March 2025, significant changes were made to remove large amounts of expired information and instead focus on remaining AOC and aerial work certificate (AWC) holder transitional actions.
- 2.1.3 For any updates to the information in this AC, refer to the [Flight operations regulations transition webpage](https://www.casa.gov.au/rules/changing-rules/flight-operations-regulations-transition)<sup>2</sup>.

### 2.2 Summary of the FOR

- 2.2.1 The FOR migrated the operational and flight rules from the *Civil Aviation Regulations 1988* (CAR), Civil Aviation Orders (CAOs) and legal instruments into the *Civil Aviation Safety Regulations 1998* (CASR), subordinate Manuals of Standards (MOS) and supporting exemption and direction instruments. For more information on the new rules, refer to Appendix A of this AC and [Chapter 2 of the transition policy](#)<sup>3</sup>.
- 2.2.2 Industry participants should take steps to understand the new rules. CASA has published guidance materials and other documentation to assist with this and will provide training courses, webinars and other opportunities to learn and to ask questions. For updated information on these events, refer to the [CASA website](https://www.casa.gov.au/)<sup>4</sup>.
- 2.2.3 Many CARs and CAOs continue in force for other aviation safety topics such as maintenance, balloon commercial pilot licensing and training, fatigue and general administration.

<sup>1</sup> <https://consultation.casa.gov.au/regulatory-program/pp-1918os/results/annexa-transitionalpoliciesforflightoperationsregulations.pdf>.

<sup>2</sup> <https://www.casa.gov.au/rules/changing-rules/flight-operations-regulations-transition>

<sup>3</sup> <https://consultation.casa.gov.au/regulatory-program/pp-1918os/results/annexa-transitionalpoliciesforflightoperationsregulations.pdf>

<sup>4</sup> <https://www.casa.gov.au/>



**Notes:**

1. As of March 2025, numerous old and legally ineffective flight operations related CAOs and other instruments continue to be mis-labelled on the Federal Register of Legislation as 'in force' when they should be labelled as 'no longer in force'. CASA is engaging with the Commonwealth entity that administers the register to resolve this situation.
2. A list of these CAOs and instruments that do not need to be complied with can be found on this [CASA webpage](#)<sup>5</sup>.
3. For more information on legal concepts, refer to [AC 1-01 - Understanding the legal framework](#)<sup>6</sup>.

- 2.2.4 Minimising administration burdens on operators and CASA around 2 December 2021 required the temporary recognition of pre-2 December 2021 AOCs for the purposes of the FOR, and the permanent recognition of pre-existing training and checking events conducted by operator personnel. These transitional provisions can be found in Subpart 202.EAA of CASR. The temporary exemption CASA EX161/21 also supported the transition but this instrument has now expired.
- 2.2.5 All exemptions, approvals, permissions and authorisations issued under the old CAR and CAO to operators have now ceased to have legal effect. If a provision of the FOR requires an approval to be held, the relevant person mentioned in the new rule must now hold the approval as pre-FOR legal instruments on the same topic are no longer valid.
- 2.2.6 There are exemptions and direction instruments in force that defer the implementation of some new rules and fix technical errors and omissions in the FOR.
- 2.2.7 It is recommended that operators review the exemption and direction instruments that are relevant to their operations. These instruments are listed in [section 1.3 of this AC](#).

**Notes:**

1. Balloon operators and pilots should refer to [AC 131-03](#)<sup>7</sup>.
2. A transition document does yet exist for the sport aviation sector as the Part 103 MOS had not yet been published as of v5.0 of the AC.
3. This AC does not apply to persons applying for a new AOC or AWC under the new CASR parts on or after 2 December 2021. These persons are recommended to read the relevant elements of the transition policy.

## 2.3 Summary of information in the AC appendices

- 2.3.1 Appendix A summarises the major changes which occurred on 2 December 2021 in relation to private (non-sport and recreation) operations, aerial work operations, charter operations and regular public transport operations.
- 2.3.2 Appendix B contains essential information for entities contracting for aerial work services. Aerial work operators are encouraged to provide Appendix B to entities that may mistakenly require or request operators bidding for contracts to hold an aerial work AOC.

<sup>5</sup> <https://www.casa.gov.au/rules/changing-rules/flight-operations-regulations-transition/repealed-flight-operations-legislation>

<sup>6</sup> <https://www.casa.gov.au/rules-and-regulations/current-rules/advisory-circulars>

<sup>7</sup> <https://www.casa.gov.au/search-centre/advisory-circulars>

- 2.3.3 Appendix C contains a timeline of requirements with which some pre-2 December 2021 operators do not have to immediately comply. CASA often refers to these matters as the deferred provisions as compliance with them is deferred for certain operators for up to 5 years after 2 December 2021. This Appendix will be regularly updated as CASA announces the due dates for implementing the relevant deferred rule.
- 2.3.4 Appendix D contains useful information for Part 137 and Part 138 operators relating to Part 137 of CASR and CAR 206(1)(a) AOCs and the new Part 138 aerial work certificates.
- 2.3.5 Appendix E contains information for Part 119 operators intending to rely, for relief from certain rules (such as Part 42 of CASR), on keeping their operations solely confined to non-scheduled air transport operations (formerly called charter operations), yet desire to conduct fixed schedule flights within this definition (formerly called closed charter operations).

## 3 Background

### 3.1 Operating under multiple FOR CASR Parts

- 3.1.1 Many existing AOC holders will be required to comply with multiple Parts, for example, Part 135 for passenger or cargo air transport operations and Part 138 for aerial work. For clarity, everybody needs to comply with Part 91, the general operating and flight rules, and all air transport operators also need to comply with Part 119. Appendix A.4 of this AC provides further information.
- 3.1.2 Operators should benefit from understanding the parallels between different Parts and the efficiencies to be had when developing a compliant exposition. For example, CEO responsibilities under Part 119 are similar to the CEO responsibilities in Part 138. One section in an exposition could provide compliance with both regulations. [AC 1-02 - Guide to the preparation of expositions and operations manuals](#)<sup>8</sup> provides a sample content list for operations manuals and expositions that maps the different regulations. It can assist people in understanding which regulations align.
- 3.1.3 Provided an operator is compliant with the regulations, CASA does not mandate how to structure an exposition or operations manual under the CASRs. However, operators might be well served by developing a single exposition that is compliant with all applicable Parts. Doing so avoids the need for multiple operations manuals and expositions.

### 3.2 What CASR Part(s) apply to you?

Figure 2 outlines which new regulations apply to an existing AOC holder based on an operator's current authorisations.

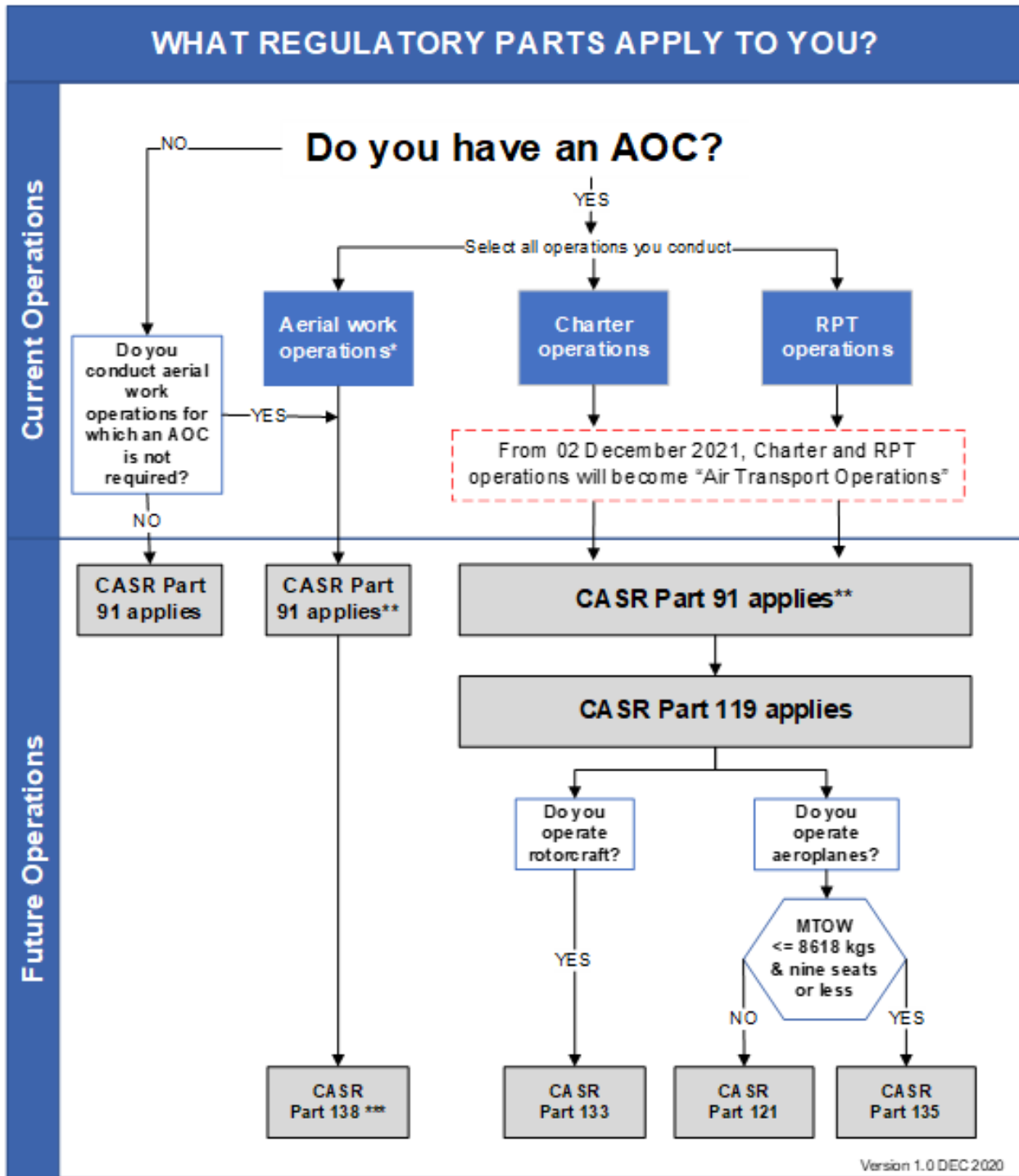
**Notes:**

1. The information in Figure 2 about the passenger seat difference between Parts 121 and 135 of CASR can be altered by some operator if they utilise the provisions of the general exemption CASA EX74/24. Refer to this [CASA webpage](#)<sup>9</sup> for more information.
2. For general transition information for aircraft operators, refer to Chapter 3 of the [Transitional policies for flight operations regulations](#)<sup>10</sup>.

<sup>8</sup> <https://www.casa.gov.au/rules-and-regulations/current-rules/advisory-circulars>

<sup>9</sup> <https://www.casa.gov.au/rules/changing-rules/flight-operations-regulations-transition/single-pilot-aeroplane-mopsc-10-13-operations>

<sup>10</sup> <https://consultation.casa.gov.au/regulatory-program/pp-1918os/results/annexa-transitionalpoliciesforflightoperationsregulations.pdf>



\*AOC holders with existing Air Ambulance functions should consider regulations applicable to both Part 119 Medical Transport & Part 138 Search and Rescue

\*\*CASR Parts 121 / 133 / 135 / 138 disapply certain CASR 91 provisions

\*\*\*Part 138 also permits some aerial work operations without a certificate; refer to 138.030.

Figure 2: How new regulations apply to an existing AOC holder

## 4 Deferred provisions

### 4.1 General

- 4.1.1 Some provisions in the FORs have been deferred to not 'front end load' new costs for existing operators. Up to date information on the deferred provisions is available from the [CASA website](#)<sup>11</sup>. Background information is available in section 3.4 of the [Transitional policies for flight operations regulations](#)<sup>12</sup>.
- 4.1.2 Deferrals do not apply to every operator. Therefore, CASA strongly recommends operators review the specific wording of each legal provision establishing a deferral.
- 4.1.3 An operator who held an AOC before 2 December 2021 who is subject to a new Part 119, 121, 133, 135 or 138 rule relating to training and checking systems (TCS), human factors and non-technical skills (HFNTS) or safety management systems (SMS), and who was required before 2 December 2021 to comply with a highly similar rule, is not be able to access a deferral of the new rule.

**Note:** An exception to this principle did exist for Part 121 operators and the implementation of their new training and checking rules until Parts 7 and 7A of CASA EX87/21 ended in 2024.

- 4.1.4 Deferrals did exist for new aircraft equipment required by the FOR but these ended on 2 December 2023.
- 4.1.5 For the TCS, HFNTS and SMS deferrals, the method of implementation is generally as follows:
1. a date by which the operator must submit their proposed exposition / manual procedures and any other document required by CASA which supports their compliance with the relevant requirement.
  2. Operators are not to use their proposed procedures until advised they may do so by CASA.
  3. A date by which the operator must commence using their proposed procedures.
- 4.1.6 The specific documentation locations for each deferral are:
- [EX70/24](#)<sup>13</sup> (Part 133 related):
    - rotorcraft performance (see Part 6 of EX70/24) (It should be understood that CASA announced in 2024 that operator procedures for this matter must be provided no later than 31 March 2025 and implemented no later than 30 June 2025, unless CASA individually approves an extension for an operator.)
  - [EX73/24](#)<sup>14</sup> (Parts 119, 121, 133, 135 and 138 related):
    - flight data analysis programs (see Part 11 of EX73/24)
    - head of training and checking, training and checking systems, Part specific training and checking events and associated requirements (see Parts 8, 9 and 10 of EX73/24)

<sup>11</sup> <https://www.casa.gov.au/rules/changing-rules/flight-operations-regulations-transition>

<sup>12</sup> <https://consultation.casa.gov.au/regulatory-program/pp-1918os/results/annexa-transitionalpoliciesforflightoperationsregulations.pdf>

<sup>13</sup> <https://www.legislation.gov.au/F2024L01551/latest/text>

<sup>14</sup> <https://www.legislation.gov.au/F2024L01554/latest/text>

**Note:** This deferral ended on 28 February 2025 unless an operator holds an individual approval extend this date.

- human factors training and assessment program (see Part 6 of EX73/24)
- safety manager and safety management system (see Parts 2 and 4 of EX73/24)
- Part 121 MOS:
  - certain EDTO RFF requirements (see section 4.19 of the Part 121 MOS)
  - net take-off flight path (see section 9.04 of the Part 121 MOS).

4.1.7 Appendix C lists the document submission and implementation dates for TCS, HFNTS and SMS.

## 4.2 Changes after commencement that would end an operator's access to a deferred provision

4.2.1 Some deferred provisions only apply if an operator continues to conduct certain operations. If an operator requests to change their operations in a way that means the deferred provision would no longer apply, then the operator's application to make that change would need to also provide relating to the operator's compliance with the provisions that were originally deferred.

**Note:** When an operator implements a provision that is deferred, they may choose to apply the provision to only the part of the operation that triggers the requirement as opposed to their whole operation.

4.2.2 A common example is an Australian air transport operator who previously held only a charter AOC but not an RPT AOC and now intends to commence scheduled air transport operations. This kind of operator must note:

- The transitional AOC for this kind of operator only authorises the operator to conduct a non-scheduled air transport operation<sup>15</sup>. If the operator wishes to commence scheduled air transport operations, then they must [apply for a significant change approval from CASA](#)<sup>16</sup>.
- Such operators should note that aircraft used in a scheduled air transport operation must be used under the auspices of Parts 42 and 145 of CASR<sup>17</sup>. An operator conducting scheduled air transport operations cannot use the micro-business DAMP exemption<sup>18</sup>.
- Some fixed schedule operations were formerly conducted as closed charter operations. These can still be conducted as a non-scheduled air transport operation. Guidance relating to what kinds of fixed schedule flights would and would not be a non-scheduled air transport operation can be found in Appendix E of this AC.
- Multiple transitional exemptions applicable to previous charter only operators automatically end if an operator starts scheduled air transport operations. An operator applying to start scheduled air transport operations must include all relevant exposition content that supports

<sup>15</sup> See item 2 of the table in regulation 202.413 of CASR.

<sup>16</sup> <https://www.casa.gov.au/licences-and-certificates/air-operators/air-transport-air-operators-certificate/air-transport-air-operators-certificate-part-119>

<sup>17</sup> See regulation 202.180 of CASR.

<sup>18</sup> See CASA EX56/23 and [Micro-business exemptions from drug and alcohol management plans | Civil Aviation Safety Authority \(casa.gov.au\)](#).



the systems and requirements covered by the exemptions in their significant change approval application. The relevant exemptions include:

#### **Safety management systems (SMS)**

SMS deferral in Part 2 of [CASA EX73/24](#)<sup>19</sup> includes a condition that operators must not commence scheduled air transport operations until the operator complies with all the requirements in Part 2.

An operator must have an SMS in place for its scheduled air transport operations from when the operations begin, but the SMS will not need to cover all the operator's air transport operations until the end of the deferral if they meet the other deferral requirements (such as providing CASA with documentation at interim dates).

Further information on SMS can be found on [CASA's website](#)<sup>20</sup>.

#### **Human factors and non-technical related skills (HFNTS)**

The HFNTS deferral in Part 6 of [CASA EX73/24](#)<sup>21</sup> includes a condition that operators must not commence scheduled air transport operations until the operator complies with all the requirements in Part 6.

An operator must have a HFNTS program in place for their scheduled air transport operations from when the operations begin, but the HFNTS program will not need to cover all the operator's air transport operations until the end of the deferral if they meet the other deferral requirements (such as providing CASA with documentation at interim dates).

Further information on HFNTS can be found on [CASA's website](#)<sup>22</sup>.

#### **Training and checking systems (T&C)**

The T&C system deferrals in Parts 8 and 9 of [CASA EX73/24](#)<sup>23</sup> include a condition that operators must not commence scheduled air transport operations until the operator complies with all the requirements in Parts 8 or 9.

An operator must have a T&C system in place for their scheduled air transport operations from when the operations begin, but the T&C system will not need to cover all the operator's air transport operations until the end of the deferral if they meet the other deferral requirements (such as providing CASA with documentation at interim dates).

Further information on T&C can be found on [CASA's website](#)<sup>24</sup>.

#### **Flight data analysis program (FDAP)**

The FDAP deferral in Part 11 of [CASA EX73/24](#)<sup>25</sup> includes a condition that operators must not commence scheduled air transport operations until the operator complies with all the requirements in Part 11.

An operator must have a FDAP in place for its scheduled air transport operations (if the FDAP rule in Part 119 applies to the aircraft being used for scheduled air transport operations) from when the operations begin, but the FDAP will not need to cover all the

<sup>19</sup> <https://www.legislation.gov.au/F2024L01554/latest/text>

<sup>20</sup> <https://www.casa.gov.au/operations-safety-and-travel/safety-management-systems>

<sup>21</sup> <https://www.legislation.gov.au/F2024L01554/latest/text>

<sup>22</sup> <https://www.casa.gov.au/rules/changing-rules/flight-operations-regulations-transition/what-you-need-do-and-when>

<sup>23</sup> <https://www.legislation.gov.au/F2024L01554/latest/text>

<sup>24</sup> <https://www.casa.gov.au/operations-safety-and-travel/training-and-checking-systems>

<sup>25</sup> <https://www.legislation.gov.au/F2024L01554/latest/text>

operator's air transport operations until the end of the deferral if they meet the other deferral requirements (such as providing CASA with documentation at interim dates).

Further information on FDAP can be found in [AC 119-04 – Flight data analysis programmes for air transport operations](#)<sup>26</sup>.

#### Other matters

The Head of flying operations and Head of training and checking exemptions in [CASA EX68/24](#)<sup>27</sup> have some earlier end dates if an operator commences scheduled air transport operations.

## 4.3 Rotorcraft performance

4.3.1 The compliance dates for this deferral were communicated by CASA in 2024. They are:

- submission of proposed operator procedures: by the end of 31 March 2025, unless otherwise approved by CASA for an operator
- implementation of operator procedures: no later than the end of 30 June 2025, unless otherwise approved by CASA for an operator.

4.3.2 Part 6 of [CASA EX70/24](#)<sup>28</sup> contains exemptions and directions relating to the Part 133 rotorcraft performance code (PC). These exemptions apply to all operators, not just existing operators. There is a relatively narrow exemption for operators conducting medical transport operations that are otherwise generally complying with the PC and there is a broad exemption for all operators, from all of the PC, to provide more time to comply. The exemptions are subject to specific conditions.

#### Notes:

1. Some Part 138 operators can use the Part 133 rotorcraft performance rules as a basis for compliance with the Part 138 rotorcraft performance rules. It should be noted that the deferral explained here is only relevant to Part 133 operations. Part 138 operators have been required to comply with the Part 138 rotorcraft performance rules, using one of the methods outlined in the Part 138 MOS, since 2 December 2021.
2. For more information on the new rotorcraft performance code, refer to [AC 133-01 - Performance class operations](#) and the [CASA webpage on Part 133 rotorcraft performance standards](#)<sup>29</sup>.

## 4.4 Human factors and non-technical skills

4.4.1 Under the new rules, Australian air transport operators (i.e. those required to hold an AOC under Part 119) must have a program for training and assessing operational safety-critical personnel in human factors principles and non-technical skills (regulation 119.175 of CASR). Operators who were RPT operators prior to 2 December 2021 were already required to have this program.

<sup>26</sup> <https://www.casa.gov.au/sites/default/files/2021-10/advisory-circular-119-04-flight-data-analysis-programmes-fdap-for-air-transport-operations.pdf>

<sup>27</sup> <https://www.legislation.gov.au/F2024L01549/latest/text>

<sup>28</sup> <https://www.legislation.gov.au/F2024L01551/latest/text>

<sup>29</sup> <https://www.casa.gov.au/rules/changing-rules/flight-operations-regulations-transition/rotorcraft-performance-standards-flight-operators>

- 4.4.2 Some operators are currently permitted to not comply with this requirement. See Part 6 of [CASA EX73/24](#)<sup>30</sup>. As of v5.0 of this AC, dates for the end of these deferrals have **not** been announced.
- 4.4.3 For individuals and teams to perform effectively in safety-critical environments, they must be proficient in technical skills (such as manipulation of aircraft controls, arming aircraft doors, marshalling, loading baggage, refuelling), and non-technical skills (NTS), such as communication, decision making, effective teamwork, maintaining situation awareness and managing stress.

**Notes:**

1. For more information and sample material, refer to [AC 119-12 - Human factors principles and non-technical skills training and assessment for air transport operations](#).
2. Refer to section 3.4.8.3 of the [Transitional policies for flight operations regulations](#).

## 4.5 Safety management systems and safety manager for other operators

- 4.5.1 Under the FOR, the following operators must have a safety manager and an SMS:
- air transport operations that are subject to Part 119 of CASR
  - any of the following aerial work operations, or the use of any of the following aircraft for aerial work operations, which are subject to Part 138 of CASR and where the operator holds an aerial work certificate:
    - transporting marine pilots
    - multi-engine transport category rotorcraft with a maximum take-off weight above 3,175 kg
    - multi-engine aeroplanes with a maximum take-off weight above 5,700 kg
    - turbine-engine aeroplanes other than turbine-engine propeller-driven aeroplanes.

**Note:** Unlike the training and checking systems rules for Part 138, if any one of the trigger events listed above occurs for an operator, the operator must have an SMS that encompasses ALL of their aerial work operations - not just the operations or activities listed above.

- 4.5.2 Some operators are currently permitted to not comply with this requirement. See Parts 2 and 4 of the exemption [CASA EX73/24](#)<sup>31</sup>. As of v5.0 of this AC, dates for the end of these deferrals have **not** been announced.
- 4.5.3 An SMS is a systematic approach based on managing risk through setting goals, capturing data, measuring performance and system refinement for managing safety risks. An SMS is woven into the fabric of an organisation, which enables effective risk-based decision-making processes across the business where risks are identified and continuously managed to an acceptable level.

<sup>30</sup> <https://www.legislation.gov.au/F2024L01554/latest/text>

<sup>31</sup> <https://www.legislation.gov.au/F2024L01554/latest/text>

- 4.5.4 Effective safety management goes beyond simple compliance with regulations; it is a business-like approach to safety, similar to how finances are managed. Without the wholehearted support and ownership of the accountable manager, the SMS will not be effective.

**Notes:**

1. For more information about an SMS and its implementation refer to [AC 119-01 - Safety management systems for air transport operations](#).
2. Refer to section 3.4.8.5 of the [Transitional policies for flight operations regulations](#).

## 4.6 Frequently asked questions

### Can I use my T&C system, SMS, HF/NTS or rotorcraft performance procedures early if I want to or have a contractual requirement?

- 4.6.1 An operator can use procedures developed to comply with any of these new rule requirements subject to the following conditions:
- The operator must continue to comply with all conditions of the relevant exemptions.
    - If there is a conflict between any exemption conditions or directions and the operator's desired operations, the operator must contact CASA for advice, with the likely outcome being that the operator will need to voluntarily comply with all the new rules at an earlier date than that required by the exemption.
    - Operators are to contact CASA with these queries via [for.transition.support@casa.gov.au](mailto:for.transition.support@casa.gov.au).
  - For training and checking:
    - Under Part 61 of CASR for an Australian registered aircraft or the equivalent authorisation from the relevant NAA for a foreign registered aircraft, a specific approval is required to conduct an operator proficiency check on another person unless they hold an appropriate flight examiner rating and endorsement, or a flight instructor rating and endorsement.
    - This is because the person will not meet the combination of requirements within Part 6 of EX32/24 and the directions contained in EX70/24, EX71/24 and EX72/24<sup>32</sup>. These directions require an operator whose training and checking system uses a person that does not hold relevant Part 61 (or foreign equivalent) qualifications to obtain CASA's approval of this aspect of their training and checking system.
  - For Part 133 rotorcraft performance:
    - Provided the new operator procedures also satisfy the exemption conditions and directions then there are no additional restrictions.
    - If the operator's new procedures cannot comply with the exemption conditions or directions then the operator will need to fully transition to the new Part 133 performance requirements. Operators are to contact CASA with these queries via [for.transition.support@casa.gov.au](mailto:for.transition.support@casa.gov.au).
  - For human factors and non-technical skills training:

<sup>32</sup> For Part 133 operators, refer to section 20B of CASA EX70/24. For Part 135 operators, Subpart 121.Z operators and EX74/24 MOPSC 10-13 operators, refer to section 20A of CASA EX71/24. For Part 138 operators, refer to section 17 of CASA EX72/24

- No restrictions additional to the first bullet point above.
- For SMS:
  - No restrictions additional to the first bullet point above.

4.6.2 Operators should note that voluntarily using new procedures for purposes other than compliance with the civil aviation legislation does not mean they have met the civil aviation rule requirements.

4.6.3 The nature of the transition from the old rules to the new rules, and the way CASA is delaying the implementation of some rules to ease the industry's transition, means that some operators will be restricted to the operations they were performing before 2 December 2021, and they cannot expand those operations in certain ways.

Example

Previous charter operators cannot conduct scheduled air transport operations until they have successfully implemented, to the satisfaction of CASA, multiple deferral provisions that ensure equivalent outcomes to previous RPT requirements.

4.6.4 If operators desire to initiate operations under their new procedures prior to the end date of any deferral, they must contact CASA to discuss their options via [for.transition.support@casa.gov.au](mailto:for.transition.support@casa.gov.au).

## 5 Transition of terminology and old directions or exemptions

### 5.1 Concept

- 5.1.1 Multiple transitional regulations are contained in Subpart 202.EAA of CASR that outline how matters such as old terminology or old operations references are to be legally translated into the terms used in the new regulations that are in force from 2 December 2021.

### 5.2 Specific provisions

- 5.2.1 The following list outlines some of the different topics and their associated transitional rules:

- Regulation 202.412 of CASR - this regulation states that if an old instrument referred to an old regulation, then that old regulation reference is to be read as meaning any corresponding new regulation reference.
- Subpart 202.412A of CASR - this regulation contains a table which states if an old instrument used certain listed older phrases or abbreviations, then that old phrase or abbreviation is to be taken as meaning the new phrase or abbreviation as listed in the table.
- Subpart 202.412B of CASR - this regulation contains a table stating that references to particular kinds of aircraft in old instruments to, for example an aerial work aircraft, will be taken to have a new meaning which is listed in the table.
- Subpart 202.412C of CASR - this regulation contains a table stating that references in old instruments to particular kinds of operations, for example an aerial work operation, will be taken to have a new meaning which is listed in the table.
- Regulation 202.413 of CASR - this regulation contains a table stating that old AOCs containing references to old operational descriptions will be taken to have a new meaning which is listed in the table.
- Subpart 202.416C of CASR - this regulation states that if an old exemption relates to a particular kind of activity, and there is a new regulation corresponding to this kind of activity, then the exemption is taken to mean the person is exempted from the new regulation under the same conditions.

**Note:** This regulation also contains an expiry regime for old exemptions that will, in many cases, cease the effect of the old exemption before any expiry date specified in the old exemption itself.

- 5.2.2 It is recommended that stakeholders review all of Subpart 202.EAA of CASR for other transitional provisions that may be relevant to individual circumstances. If further guidance is required, CASA can be contacted via the web-based rule enquiry portal available at [Contact us | Civil Aviation Safety Authority \(casa.gov.au\)](#).



## A.1 Overview of the Civil Aviation Safety Regulations

**SAFETY STANDARDS:**  
Safe flights use  
registered and certificated aircraft  
maintained by a qualified person  
flown by a qualified person  
in airspace controlled by  
a qualified person.

EASA Parts still outstanding are shown with dotted inner circle line

A.1.2 This appendix provides information on the following parts of the FOR:

- Definitions regulation
- Consequential, Application, Transitional and Savings ('CATS') regulations
- 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.

- A.1.3 Multiple definitions changed on 2 December 2021. Many definitions were moved from the CAR Dictionary to the CASR Dictionary, many CAR definitions were deleted, and many new definitions were added to the CASR Dictionary. The new Manuals of Standards (MOSs) also contain a significant number of new definitions.

## A.2 CATS regulations

- A.2.1 The *Civil Aviation Legislation Amendment (Flight Operations – Consequential Amendments and Transitional Provisions) Regulations 2021* (the [CATS regulations](#)) specified detailed arrangements for the smooth legal transition from the existing scheme under CAR to the new FORs. These regulations were incorporated into the CASR on 2 December 2021 as the new [Subpart 202.EAA of CASR](#) (found in Volume 5 of the CASR).
- A.2.2 The CATS Regulations, amongst other things:
- repealed old CAR provisions that were no longer required, and amended CAR provisions that were only partially required under the FORs
  - moved provisions from CAR to CASR, for example, definitions
  - ensured that existing AOCs, approvals, exemptions and other instruments for industry were given proper legal effect under the FORs, at least for a transitional period
  - ensured that crew members were legally permitted to conduct duties under the FORs by specific recognition of qualifications, authorisations or experience under the existing scheme
  - changed the interpretation of certain pre-2 December 2021 terms to mean the relevant term under the new CASR, so that the instances of these old terms still legally worked as required (e.g., references to an aerial work AOC will become an ‘aerial work certificate’)
  - changed existing charter and RPT authorisations on AOCs into air transport authorisations
  - changed existing aerial work authorisations on AOCs into a Part 138 aerial work certificate
  - set a sunset period for existing approvals, authorisations, directions, exemptions and other CASA instruments of no more than two years after implementation of the FORs, with operators after this period needing to comply with the FORs or be in receipt of a new authorisation/exemption.

**Note:** The transitional savings regime of old exemptions, approvals, permissions and authorisations issued under the old CAR and CAO has concluded. Where a new FOR requires an operator or PIC to hold a new approval, these new approvals are now required to be held, with old pre-FOR versions of these instruments no longer acceptable.

## A.3 Part 91 of CASR

- A.3.1 Part 91 of CASR covers the general flight rules for all pilots. This includes topics such as flight preparation and planning, fuel rules, basic equipment rules, loading cargo, pilot procedures and passenger safety.
- A.3.2 For pilots operating under an AOC or other certificate (or conducting defined activities such as aerial work, aerial application and many others), there will be rules that apply in their applicable CASR Parts in addition to those of Part 91 of CASR.
- A.3.3 Part 91 of CASR and its associated MOS consolidates the general operating and flight rules. It replaces a very large number of individual documents, such as regulations, orders, supporting instruments and exemptions. Essentially, it is a transfer of the existing rules. However, there is a small number of new rules designed to enhance operational flexibility, enhance safety, and

increase compliance with International Civil Aviation Organization (ICAO) standards. A summary of these follows.

A.3.4 These rules:

- restrict the simulation of certain in-flight emergencies and who can be on board at the time
- require cabin crew when carrying 20 or more passengers on non-air transport flights
- introduce an approach ban in weather conditions consistently below landing minima at certain aerodromes
- expand the requirement to preserve flight recordings and recorders for immediately reportable matters
- provide greater discretion for the PIC to determine which portable electronic devices may be used by passengers without compromising safety
- provide greater choice in how to apply certain rules, such as the carriage of animals and firearms
- relax oxygen requirements for non-air transport operations
- permit the carriage of documents electronically.

## A.4 Part 119 of CASR

A.4.1 Part 119 of CASR covers the certification and management of Australian air transport operators. Air transport operations cover what is currently charter and RPT operations and also include medical transport operations.

A.4.2 Part 119 of CASR provides the framework for management of AOCs under the FOR, replacing existing requirements in Part 82 of the CAOs. Part 119 of CASR works with the AOC provisions of the Act. It also interacts with Parts 121, 133 and 135 of CASR.

**Note:** Part 119 does not interact with Part 138 Aerial work operations.

A.4.3 Part 119 of CASR deals with the certification and management for air transport operators and applies to all operators with an AOC for current charter, RPT or air ambulance operations.

A.4.4 The implementation of Part 119 of CASR establishes a single regulatory framework for air transport AOC applications, certification and management systems, which is designed to enhance the safety of Australia's air transport operations.

A.4.5 Changes include the removal of the distinction between the treatment of RPT and charter operations and their replacement by the single-concept air transport operations, including medical transport operations.

A.4.6 Part 119 of CASR requires Australia's air transport operators to have a safety management system (SMS), as well as a training and checking system for flight crew and other safety personnel. Organisations will also be required to operate in accordance with an exposition.

A.4.7 Key changes are:

- common standards for all air transport operators
- introduction of SMS for all air transport operators and a requirement for a key person to manage the SMS
- introduction of a requirement for all air transport operators to have a training and checking system
- introduction of a requirement for all air transport operators to have a program for training and assessment in human factors principles and non-technical skills

- introduction of the 'umbrella' term exposition that encompasses all manuals prepared by the operator to satisfy the regulatory requirements
- introduction of the use of Maximum Operational Passenger Seat Configuration (MOPSC) to determine the applicability of some requirements.

## A.5 Part 121 of CASR

A.5.1 Part 121 of CASR will apply to all operators who conduct Australian air transport operations using larger aeroplanes.

A.5.2 A major change for these operations is the introduction of a significantly different alternate aerodromes policy; however, there are multiple other significant changes particularly in relation to the specification of training and checking requirements.

## A.6 Part 133 of CASR

A.6.1 Part 133 of CASR applies to all operators who conduct Australian air transport operations using rotorcraft.

A.6.2 Part 133 of CASR encompasses the possible use of future powered-lift aircraft and introduces helicopter performance rules for the first time. The rules are consistent with contemporary technology and international standards.

## A.7 Part 135 of CASR

A.7.1 Part 135 of CASR applies to all operators who conduct Australian air transport operations using smaller aeroplanes.

A.7.2 The boundary between Part 121 and 135 of CASR is determined by the aircraft MTOW and MOPSC. Where an aircraft configuration places the aircraft into the requirements of Part 121 of CASR, operators in some cases can elect to reduce the MOPSC by physically removing seats from the aircraft. Seats do need to be physically removed under the MOPSC concept if the seat number is to be lower than the maximum certificated passenger seating capacity.

A.7.3 The merging of charter and RPT to form air transport operations is expected to provide new opportunities for operators in relation to the types of services they can offer the community. To enable this flexibility, Part 135 of CASR introduces measures to control risk through administrative (procedural) defences and also requires additional equipment, notably Terrain Awareness and Warning System (TAWS), for some aircraft.

## A.8 Part 138 of CASR

A.8.1 Part 138 of CASR regulates aerial work operations in aeroplanes and rotorcraft. Part 138 operators required to be certificated will receive an aerial work certificate (AWC) rather than an AOC. This is similar to Part 141 of CASR.

A.8.2 The AWC will remove a large amount of detail compared to the AOC, thereby decreasing the administrative overheads for industry and CASA. Operator changes will be based on the operations manual significant change procedures, and this is expected to reduce the number of interactions between the operator and CASA as only significant changes must receive CASA approval prior to the implementation.

# Appendix B

## Advice to entities contracting 'aerial work' activities from aviation operators: removal of AOC requirements for aerial work operations

### B.1 Advice to entities contracting aerial work activities from aviation operators

- B.1.1 On 2 December 2021, there were changes to the regulatory arrangements for 'aerial work' operations. These changes may affect contractual arrangements for aerial work services.
- B.1.2 Until the end of 1 December, paragraph 206(1)(a) of the Civil Aviation Regulations 1988 ('CAR': [Civil Aviation Regulations 1988 \(legislation.gov.au\)](https://www.legislation.gov.au/idx/doc/1988/01/01/1988-001)) had effect, so that persons conducting operations for the aerial work purposes listed in that paragraph (with additional guidance on what purposes were considered to be 'substantially similar' contained in the CASA publication 'Air Operator Certificate Handbook Volume 2') were required to hold an air operator's certificate (AOC) issued by CASA under the Civil Aviation Act 1988. CASA understands that some contractual arrangements include a condition related to the holding of an AOC.
- B.1.3 From 2 December 2021, aerial work operations are regulated under [Part 138 of the Civil Aviation Safety Regulations 1998 \(CASR - legislation.gov.au\)](https://www.legislation.gov.au/idx/doc/1998/01/01/1998-001) and the associated general operating rules in [Part 91 of CASR \(legislation.gov.au\)](https://www.legislation.gov.au/idx/doc/1998/01/01/1998-001).
- B.1.4 Aerial work operations (as defined in regulation 138.010 of CASR ['CASR 138.010']) will no longer require an AOC and will instead require, in almost all cases (the exceptions are noted below), need to be conducted under the authority of an 'aerial work certificate' granted under Part 138 of CASR.
- B.1.5 These new rules also update the arrangements for the carriage of persons in aerial work operations. Persons carried onboard an aircraft conducting an aerial work operation can be either a crew member or an aerial work passenger however restrictions apply to the carriage of aerial work passengers. Carriage of such persons is subject to requirements in both the Part 138 regulations and the associated [Part 138 \(Aerial Work Operations\) Manual of Standards 2020 \(legislation.gov.au\)](https://www.legislation.gov.au/idx/doc/2020/01/01/2020-001).
- B.1.6 Aerial work passengers need to have a primary involvement in the aviation aerial work operation that is being conducted, is about to be conducted or has just been conducted. If a passenger is carried in an operation that is being conducted for hire or reward, and the person cannot be classified as an aerial work passenger, then it is likely that the operation will need to be conducted as an 'air transport' operation. The 'air transport' classification substantively replaces the 'charter' and 'regular public transport' purposes that were in CAR 206 before 2 December 2021. The new rules for air transport are contained in Parts 119, 121, 133 and 135 of CASR. Operators conducting air transport operations are required to hold an AOC authorising those operations. Entities contracting aerial work services may want to form their own view as to the required aviation safety authorisation to conduct the contracted task.
- B.1.7 Guidance on the Part 138 rules can be found at [CASR Part 138 - Aerial work operations | Civil Aviation Safety Authority](https://www.casa.gov.au/casr-part-138-aerial-work-operations). Key guidance documents available from this webpage useful for entities contracting aerial work services include *Advisory Circular (AC) 138-01 Part 138 core concepts* and the *Acceptable Means of Compliance / Guidance Material (AMC/GM) Part 138 - Aerial work operations*. Information on the other new flight operations rules which applied from 2

December 2021 onwards can be accessed via [Flight operations regulations transition | Civil Aviation Safety Authority \(casa.gov.au\)](#).

- B.1.8 Arrangements are in place to ensure the smooth legal transition of aerial work AOCs to the new aerial work certificates. AOC holders who have submitted to CASA an updated manual and a signed declaration in the approved form (the 'CEO declaration') will automatically have their AOC deemed to be a Part 138 aerial work certificate by the transitional rules under [Subpart 202.EAA of CASR](#). Necessarily, the authorisations and conditions on the new Part 138 certificate will reflect those on the previous AOC.
- B.1.9 As mentioned above, there are a few cases in which an aerial work certificate will not be required for an aerial work operation. The details of these exceptions and limitations are set out in subregulations 138.030(2) and (3) of CASR and are limited to:
- spotting and photography operations where no remuneration is received by the pilot, the operator or the owner of the aircraft, or the person or organisation on whose behalf the operation is conducted
  - operations conducted over land owned by the owner or operator of the aircraft, provided that the operation is not conducted over a populous area or public gathering and is not an external load operation involving the carriage of a person as an external load.
- B.1.10 Enquiries about the new rules can be submitted at [Flight operations rules enquiries](#).



# Appendix C

## Timeline of deferred requirements with interim exposition or operations manual content submission milestones

### C.1 Timeline of certain deferred provisions

- C.1.1 The following table contains a description of the requirement, submission method and outcome for the operator in relation to the training and checking (not including Part 121 as those timelines have passed as at v5.0 of this AC), Part 133 of CASR rotorcraft performance, human factors training and assessment and safety management system deferred provisions.
- C.1.2 Where a permitted operator used the training and checking related deferral exemptions in CASA EX87/21 and/or CASA EX73/24, the operator can temporarily have certain training, checking or competency events, conducted before the end of the relevant exemption, 'count for' a new kind of training or checking event.
- C.1.3 CASA has issued the exemptions to create this outcome. Refer to EX12/24 (for Part 121 operators), EX77/24 (for Part 133 operators), EX78/24 (for Part 135 operators) and EX79/24 (for Part 138 operators).

**Note:** Table 1 below is updated at each revision of this AC to remove those requirements where the due dates have already occurred.

**Table 7. Timeline of certain deferred provisions**

Date   Year	Requirement	Submission method <sup>33</sup>	Outcome
28 February 2025	<p>(Related to transitioning applicable Part 133, 135 and 138 operators to the new CASR Part training and checking system rules)</p> <p>Parts 8, 9 and 10 of CASA EX73/24 will end, unless an operator has a specific extension from CASA.</p> <p>Refer to the CASA <a href="#">flight operations regulations training and checking webpage</a> for more information.</p>	NA	All Part 133, 135 and 138 operators will have transitioned to the new training and checking rules, unless they have a specific extension from CASA.

<sup>33</sup> Where there are technical difficulties emailing submissions (e.g., files are too large), please submit documentation via the alternative method outlined in CASA's communications to industry for each specific deferral. Regularly check CASA's [What-you-need-to-do-and-when](#) flight operations regulations transition webpage as submission methods may also be specified on this webpage.

Date   Year	Requirement	Submission method <sup>33</sup>	Outcome
31 March 2025.	<p>(Related to transitioning Part 133 operators to the new Part 133 performance code)</p> <p>Stage 1 - submission of documentation.</p> <p>Refer to the CASA <a href="#">rotorcraft performance standards webpage</a> for more information.</p>	<p>Significant change or Non-significant change notification form</p> <p>Refer to the CASA <a href="#">rotorcraft performance standards webpage</a> for more information.</p>	All relevant Part 133 operators will have provided their submission to CASA unless they have a specific extension from CASA.
1 July 2025	<p>(Related to transitioning Part 133 operators to the new Part 133 performance code)</p> <p>Stage 2 - compliance with Part 133 performance rules.</p>	NA	All Part 133 operators have transitioned to the new rotorcraft performance rules unless they have a specific extension from CASA.
Date not yet announced.	<p>(Related to the Part 119 previous charter and air ambulance HFNTS deferral in Part 6 of CASA EX73/24)</p> <p>Stage 1 - submission of documentation.</p>	To be announced.	All relevant Part 119 operators will have provided their submission to CASA unless they have a specific extension from CASA.
Date not yet announced.	<p>(Related to the Part 119 previous charter and air ambulance SMS deferral in Part 2 of CASA EX73/24)</p> <p>Stage 1 - submission of documentation.</p>	To be announced.	All relevant Part 119 operators will have provided their submission to CASA unless they have a specific extension from CASA.
Date not yet announced.	<p>(Related to the Part 138 aerial work SMS deferral in Part 4 of CASA EX73/24)</p> <p>Stage 1 - submission of documentation.</p>	To be announced.	All relevant Part 138 operators will have provided their submission to CASA unless they have a specific extension from CASA.
Date not yet announced.	<p>(Related to the Part 119 previous charter and air ambulance HFNTS deferral in Part 6 of CASA EX73/24)</p> <p>The Part 6 of CASA EX73/24 exemption will end, unless the operator has a specific extension from CASA.</p>	To be announced.	All relevant Part 119 operators have transitioned to the new HFNTS rules unless they have a specific extension from CASA.
Date not yet announced.	(Related to the Part 119 previous charter and air	To be announced.	All relevant Part 119 operators have transitioned to the new SMS rules unless

Date   Year	Requirement	Submission method <sup>33</sup>	Outcome
	<p>ambulance SMS deferral in Part 2 of CASA EX73/24)</p> <p>The Part 2 of CASA EX73/24 exemption will end, unless the operator has a specific extension from CASA.</p>		they have a specific extension from CASA.
Date not yet announced.	<p>(Related to the Part 138 SMS deferral in Part 4 of CASA EX73/24)</p> <p>The Part 4 of CASA EX73/24 exemption will end, unless the operator has a specific extension from CASA.</p>	To be announced.	All relevant Part 138 operators have transitioned to the new Part 138 SMS rules unless they have a specific extension from CASA.

# Appendix D

## Information relating to old Part 137 and CAR 206(1)(a) aerial work AOCs and new aerial work certificates

### D.1 Purpose of this Appendix

- D.1.1 The content of this Appendix is intended to explain a transitional matter associated with the commencement on 2 December 2021 of Part 138 of CASR and to identify the potential actions that may need to be completed by some operators.

### D.2 Background

- D.2.1 Parts 91, 119, 121, 133, 135 and 138 of CASR commenced on 2 December 2021.
- D.2.2 References to "you" and "your" in this Appendix are referring to an operator holding an AOC authorising Aerial application (fixed wing operations under Part 137 of CASR) operations.
- D.2.3 A new kind of certificate called an aerial work certificate (AWC) replaced the AOC for aerial work operations but did not replace the AOC for aerial application operations conducted by aeroplanes that operate under Part 137 of CASR.
- D.2.4 Helicopter aerial application/aerial agriculture operations must now be conducted in accordance with Part 138 of CASR.
- D.2.5 Depending on the specific wording of your pre-2 December 2021 AOC, in addition to continuing to hold an AOC authorising Aerial application (fixed wing operations under Part 137 of CASR) operations, you may also have been deemed, by the flight operations regulations transitional provisions in Subpart 202.EAA of CASR (found in volume 5 of the CASR), an AWC under Part 138 of CASR.
- D.2.6 However, you cannot utilise Part 138 authorisations on your AWC unless you have complied with the transitional submission requirements. If you intend to conduct some operations under Part 138 of CASR, you will need to ensure that the required transitional submissions have been provided to CASA.
- D.2.7 You may intend to operate solely within Part 137 of CASR for aerial application operations only and not require a Part 138 AWC.

### D.3 Explanation of relevant definitions and the scope of different CASR Parts

- D.3.1 The scope of aeroplane operations that can be conducted under Part 137 of CASR is broad, although all of the scope is associated with applying a material by dropping or spraying, in aeroplanes that are certified in the normal, restricted or utility categories. There are three relevant definitions in [regulation 137.010 of CASR](#) that support these operations:

*aerial application operation* a flight of an aeroplane to apply application material.

*Application material* is defined as fertiliser, trace elements, seeds, baits, water, pesticides, or other material.

*Apply* means to drop or spray the material onto the water or ground.

D.3.2 Under the pre-2 December 2021 rules, the broad scope of Part 137 aerial application operations caused this scope to overlap with other aerial work dropping activities in the previous Air Operator's Certificate Handbook, Volume 2. This factor, combined with the previous AOC application form and its long list of activity types, resulted in many aeroplane aerial application operators 'ticking' every activity type that could potentially encompass their intended operations, even if they only needed the Part 137 authorisation on their AOC.

D.3.3 Whilst many fixed wing aerial agriculture operators continue to conduct operations utilising the Part 137 AOC, some operators have been deemed to also hold additional Part 138 aerial work certificate authorisations when they do not actually need them. This is because Part 138 aerial work certificate authorisations that permit the application of material by dropping or spraying, if conducted by an aircraft permitted to be used in Part 137, can be encompassed by a single AOC entry – aerial application fixed wing and can be conducted under Part 137 of CASR.

**Example:**

Many operators conducting their operations under Part 137 of CASR have a separate authorisation on their AOC for feral and diseased animal control, even though this activity was conducted via the dropping of baits, as opposed to aerial culling/shooting, and therefore only the single 'aerial application fixed wing' entry on their AOC was actually required (since this authorisation already includes dropping).

D.3.4 The table below shows the pre-2 December 2021 AOC authorisations that can be encompassed by a single AOC entry of aerial application fixed wing (assuming the activity is conducted by dropping or spraying):

**Table 8. Pre-2 December 2021 AOC authorisations**

Pre-2 December 2021 AOC authorisation (from section 17.16 of Volume 2 of the AOCH)
Aerial application (fixed wing operations under CASR Part 137)
Aerial agriculture operations – seeding
Aerial agriculture operations – chemical or fertiliser spreading
Aerial agriculture operations – spraying
Aerial agriculture operations – pest
Dropping – water and fire retardant
Dropping – incendiaries – bushfire control
Dropping – food and fodder relief
Dropping – messages
Dropping – lifesaving (equipment / personnel)
Dropping – seeds / fertiliser – forestry purposes
Dropping – oil or chemical spill dispersal

## Pre-2 December 2021 AOC authorisation (from section 17.16 of Volume 2 of the AOCH)

### Other – feral and diseased animal control (culling)

**Note:** This is only authorised for dropping or spraying activities for feral or diseased animal control not aerial shooting.

- D.3.5 All these operations can be conducted by aeroplanes exclusively under Part 137 of CASR and do not require authorisation under Part 138 of CASR. This means that an operator who wishes to only remain under Part 137 of CASR, does not need to comply with the transitional requirements of Part 138 of CASR.
- D.3.6 Some previous Part 137 operators will be required to operate under Part 138 of CASR. These include operators who conducted dropping operations in transport category aeroplanes and which previously held exemptions to operate under Part 137 of CASR.
- D.3.7 Operators conducting a mixture of aeroplane and helicopter dropping and spraying operations may choose to conduct their dropping or spraying operations solely under Part 138 of CASR so that all operations are under one CASR Part instead of complying with Part 138 of CASR for helicopters and Part 137 of CASR for aeroplanes. Of course, operators can choose to operate under such a split-Part arrangement.

## D.4 Explanation of Part 138 Aerial Work Operations

- D.4.1 An aerial work operation is defined in regulation 138.010 of CASR as one of three kinds:
  - Dispensing operations* - dropping or releasing any substance or object from an aircraft in flight and includes training for such an operation. An example of a dispensing operation is incendiary dropping or dropping of baits.
  - External load operations* - carrying or towing a load outside an aircraft in flight and includes training for such an operation. Examples of external load operations are banner towing by an aeroplane or a helicopter sling load operation.
  - Task specialist operations* - carrying out a specialised activity using an aircraft in flight and includes training for such an activity. An example of a task specialist operation is a low-level weed survey or pipeline inspection.
- D.4.2 A useful starting point for understanding Part 138 of CASR is [AC 138-01 Part 138 Core Concepts](#). A regulation by regulation explanation of Part 138 of CASR can be found in the [Part 138 Acceptable Means of Compliance / Guidance Material \(AMC/GM\)](#) document. The [Part 138 of CASR webpage](#) is a good place to start.
- D.4.3 The 3 kinds of aerial work operations include all the previous aerial work activities under the CAR, except balloon flying training and the carriage of goods for trading purposes. Certain activities are excluded from being aerial work operations under subregulation 138.010(5) of CASR. Relevantly, these include aerial application operations using aeroplanes under Part 137 of CASR.

## D.5 What is the outcome of this situation?

- D.5.1 Aeroplanes conducting aerial agriculture and dropping operations can occur under Part 137 in normal, restricted or utility category aeroplanes. If this arrangement suits your business model, your operations can continue under Part 137 of CASR without the involvement of Part 138, and you can use the AAAA Part 137 standard operations manual and relevant schedule of differences, as the basis of your operations.
- D.5.2 Alternatively, you can simultaneously hold both an AOC authorising Part 137 aerial application fixed wing and a new Part 138 aerial work certificate, provided it is clearly described in your

operations manual which aircraft and which operations are being used under which certificate – the AOC or the aerial work certificate.

- D.5.3 You can develop a single operations manual to cover both certificates utilising the guidance material available on the CASA website. [AC 1-02 Guide to expositions and operations manuals](#) contains guidance on manuals for multi-CASR Part operators. Regulation 138.155 of CASR and the Part 138 Manual of Standards (MOS) outline the requisite operations manual content required for aerial work operations under Part 138 of CASR.

## D.6 What do you need to do?

- D.6.1 If you are an operator that has the multiple authorisations on your AOC mentioned earlier, and you intend to only conduct operations permitted by Part 137 of CASR, CASA requests that you fill in the form at the end of this Appendix and return it to [regservices@casa.gov.au](mailto:regservices@casa.gov.au).
- D.6.2 CASA will action that form by amending your AOC to only list the singular 'aerial application (fixed wing under Part 137 of CASR)' entry on your AOC and provide you with a new copy of your AOC with the same expiry date as your current AOC. This may take a period of time as this request will be processed in accordance with CASA's normal prioritisation process for applications. Whilst awaiting the new certificate, you can continue operating solely under CASR Part 137 of CASR. This will allow you to continue aerial application operations, (including dropping), without being required to transition to Part 138 of CASR.
- D.6.3 If you are an operator that has the multiple authorisations on your AOC mentioned earlier, and you intend to conduct aeroplane operations under **both** Parts 137 and Part of CASR, or solely under Part 138 of CASR, you will need to comply with the flight operations regulations transitional requirements to maintain your deemed Part 138 aerial work certificate. Further details on the transitional requirements can be found earlier in this AC.

## D.7 Further information

- D.7.1 CASA is not automatically providing replacement documents such as a separate AOC and aerial work certificate until the earliest of your next requested change to the authorisations on your current certificate, your next Part 138 significant change or the renewal of the certificate.
- D.7.2 Multiple exemptions and directions related to CASR Part 137 and Part 138 operations have been moved into new instruments as follows:
- EX44/19 in relation to aerial baiting operations not requiring an aerial application rating has been moved into the main Part 61 exemptions instrument EX32/24.
  - EX136/20 in relation to incendiary dropping operations not requiring an aerial application rating has been moved into the main Part 61 exemptions instrument EX32/24.
  - EX84/20 in relation to certain Chief Pilot requirements from the old CAO 82.0 not being required if a particular Chief Pilot course is conducted – this exemption is no longer needed due to the changes to CAO 82.0 on 2 December 2021 however the effect of the exemption is being included as a new Acceptable Means of Compliance for CASR Part 137 operators (to be located in CASA's internal inspector documents) and for certain CASR Part 138 operators (in version 2.3 of the Part 138 AMC/GM document<sup>34</sup>).
  - EX129/19 in relation to maximum take-off weights under CASR Part 137 has been moved into the central CASR Part 137 exemptions and directions instrument EX92/22.

<sup>34</sup> At the time of publishing this AC, v2.3 of the Part 138 AMC/GM document had not yet been published and was due in approximately mid-August 2022.



## **D.8 Nomination form for operators intending to only conduct fixed wing aerial application operations under CASR Part 137**

See Nomination Form on the following page.

## D.9 Operators with Part 137 aerial application fixed wing AOC authorisations – Nomination form

Name of operator: \_\_\_\_\_

ARN: \_\_\_\_\_

I certify that [insert name of operator listed on existing AOC Certificate]

\_\_\_\_\_

is conducting CASR Part 137 fixed wing aerial application operations only.

I request that the AOC issued to the above listed operator be amended to include the single authorisation “aerial application (fixed wing operations under CASR Part 137)” and remove all other authorisations.

I understand that this single entry will permit the conduct of the activities, if conducted by aeroplanes permitted to be operated under CASR Part 137, listed in the following table:

Part 137 AOC authorisations
Aerial application (fixed wing operations under CASR Part 137)
Aerial agriculture operations – seeding
Aerial agriculture operations – chemical or fertiliser spreading
Aerial agriculture operations – spraying
Aerial agriculture operations – pest
Dropping – water and fire retardant
Dropping – incendiaries – bushfire control
Dropping – food and fodder relief
Dropping – messages
Dropping – lifesaving (equipment / personnel)
Dropping – seeds / fertiliser – forestry purposes
Dropping – oil or chemical spill dispersal
Other – feral and diseased animal control (culling) Limited to dropping or spraying activities for feral or diseased animal control not aerial shooting.

I understand that this will not permit the operator to perform any aerial work operations under CASR Part 138.

I declare that I am a person authorised to make the above request to CASA on behalf of the operator listed above.

Signature: \_\_\_\_\_

Position: \_\_\_\_\_

Date: \_\_\_\_\_

# Appendix E

## Policies related to fixed schedule flights as non-scheduled air transport operations (formerly closed charter operations)

### E.1 The relevant legislation

- E.1.1 The term *closed charter* is not used in the civil aviation legislation but has been popularly adopted in practice by reason of the requirement under the former CAR 206 that was in place before 2 December 2021. That regulation previously prescribed the purposes for which an AOC was required and, relevant to this Appendix, the circumstances applicable to RPT and charter flights.
- E.1.2 Flights conducted in accordance with fixed schedules to and from fixed terminals, carrying passengers and/or cargo in circumstances in which the accommodation in the aircraft was **not available** for use by persons generally, was considered a *closed charter*. Under the legislation in place from 2 December 2021, these flights would be considered a *non-scheduled air transport operation*. It should be noted that the term *non-scheduled air transport operation* is only intended to be used as part of the flight operations rules during the period when the exemptions within EX73/24 are active, and only more broadly in the CASR until the CAR maintenance rules are moved into Parts 42 and 43 of CASR.
- E.1.3 The requirements for Australian *air transport* operations, whether scheduled or non-scheduled, are prescribed in Part 119 of CASR. This Part requires an operator conducting an Australian air transport operation in an aeroplane or rotorcraft under any of Parts 121, 135 or 133 of CASR to hold an AOC.

### E.2 Closed charter and the flight operations regulations

- E.2.1 Operators conducting closed charter flights (non-scheduled air transport) should review Chapter 5 of this AC. This chapter provides information on the regulations in force from 2 December 2021 that apply to AOC holders and how an operators' AOC that was in force before 2 December 2021 transitions to these regulations.
- E.2.2 Some requirements of the post-2 December 2021 regulations are deferred for operators who were not required to meet a similar requirement under the pre-2 December 2021 rules. Restrictions apply for operators utilising the deferred provisions. Further information is available in Chapter 11 of this AC.
- E.2.3 Operators must continue to comply with any direction given by CASA under the CAR in relation to their closed charter operations, as carried across by the transitional regulations in Subpart 202.EAA of CASR (refer also to Chapters 12 and 13 of this AC), when conducting non-scheduled air transport operations under the post-2 December 2021 regulations. See Chapter 13 for information about the transitional translation of terminology used before 2 December 2021 into the terminology used from 2 December 2021.

### E.3 Scheduled and non-scheduled air transport

- E.3.1 The definitions of *scheduled air transport operation* and *non-scheduled air transport operation* are in section 1.2 of this AC. These two definitions do not have enduring relevance to the post-2

December 2021 flight operations related regulations such as Parts 91, 119, 121, 133 and 135 of CASR. However, they are relevant for:

- certain deferrals of post-2 December 2021 regulatory requirements for operators whose AOCs were in force before 2 December 2021
- the application of Part 42 of CASR *Continuing airworthiness requirements for aircraft and aeronautical products*.

- E.3.2 Operators utilising some deferred provisions are restricted to non-scheduled air transport operations.
- E.3.3 Operators who do not conduct their aeroplane maintenance in accordance with Part 42 of CASR are restricted to non-scheduled air transport operations.
- E.3.4 The deferred provisions and applicability of Part 42 of CASR require operators that are restricted to non-scheduled air transport operations, and operators who elect to conduct only non-scheduled air transport operations due to maintenance requirements, to be familiar with the how the definition of these types of operations applies to their operation.
- E.3.5 Operators restricted to non-scheduled services must ensure the passengers and/or cargo capacity on their aircraft is not made available to the public generally, either through an agent or directly with the operator, where the services involve fixed schedules to and from fixed terminals over specific routes with or without intermediate stopping places.
- E.3.6 The carriage of passengers and/or cargo where an entity related to the passengers travelling, hires the aircraft from the operator or operator's agent (one contract of sale), and the passenger or cargo capacity is only made available to the hirers related group or organisation who are travelling together for a common purpose, and no space on the aircraft is available to any other person, would be considered a *non-scheduled air transport operation*. Some examples of non-scheduled air transport operations would include:
- A church group travelling to a retreat where the cost of hiring the aircraft is included in the total cost of the retreat package
  - An alumni group travelling on an outback safari study tour where the cost of the flights is included in the total tour package of accommodation, transfers, and meals
  - The carriage of employees and cargo to a remote workplace where the employer meets the cost of the hire of the aircraft.
- E.3.7 In the examples above, there is one contract of sale with the operator or operator's agent for the flights, the passengers are part of a defined group and the capacity in the aircraft is not available for use by persons generally. Membership of such groups is determined by some enduring and normally pre-existing common characteristic (employment by a particular employer, membership of a club or association, personal relations, religious association or affiliation, etc).
- E.3.8 The carriage of passengers and/or cargo, where a travel agent or non-related entity hires an aircraft and makes the capacity available by advertising and selling individual seats and/or consignments of cargo to persons generally, is a *scheduled air transport operation*. Some examples of scheduled air transport operations include:
- the carriage of persons living within a defined geographical area where the group is large and unrelated (e.g., residents of the Torres Strait Islands, Norfolk Island or Lord Howe Island)
  - the carriage of persons for whom capacity on the aircraft is made available on the basis of non-discriminatory membership in a larger group, entry into which is not governed by considerations other than an ability to pay the cost of the flight
  - the carriage of a person on a flight that is subject to a fixed schedule, where the aircraft is hired by a particular organisation for employee travel, and the person is not an employee and the carriage of the person is unrelated to the organisation (such as a family member or friend of an employee visiting the employee's remote location).

- E.3.9 Having regard to CASA's responsibilities regarding aviation safety, if a flight claimed to be conducted as a non-scheduled air transport operation could reasonably be seen to have the practical characteristics of a scheduled air transport operation, then:
- CASA will take such steps as may be necessary to ensure that those operations are properly categorised as a scheduled air transport operation
  - the operator would be required to obtain the appropriate authorisations for such an operation
  - the operator would not be able to access deferral provisions for post-2 December 2021 rules that are limited to non-scheduled air transport operations.