Australian Government
Civil Aviation Safety Authority



ACCEPTABLE MEANS OF COMPLIANCE AND GUIDANCE MATERIAL

Australian air transport operators - certification and management

Part 119 of CASR

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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.

Inside front cover artwork: James Baban.

An Acceptable Means of Compliance (AMC) explains how one or more requirements of the Civil Aviation Safety Regulations 1998 (CASR) for the issue of a certificate, licence, approval or other authorisation, can be met by an individual or organisation applying to the Civil Aviation Safety Authority (CASA) for the authorisation.

AMC are non-binding advisory documents issued by CASA which may be used by persons and organisations to achieve compliance with CASR.

Applicants are not required to utilise an AMC to comply with a legislative requirement but if they do, CASA will issue the authorisation to which the AMC relates.

AMC do not articulate the only way compliance can be achieved. Individuals and operators may, on their own initiative, propose other ways of meeting the requirements of CASR; however, any such proposal will be subject to separate assessment by CASA to determine whether the proposed methods are likely to produce the required legislative outcome.

Guidance material (GM) is non-binding material issued by CASA which helps to illustrate the meaning of a requirement or specification in CASR. It provides explanations of the CASR and sometimes an amplification of the policy intention underpinning the applicable provision of CASR, rather than a means of complying with it. GM should be read in conjunction with the applicable provision of CASR and AMC. GM is identified by grey shaded text.

Audience

This acceptable means of compliance and guidance material (AMC and GM) applies to:

- current and future Air Operator's Certificate (AOC) holders who are, or wish to be, authorised to conduct Australian air transport operations
- commercial and air transport pilots operating aircraft for AOC holders conducting Australian air transport operations
- operational personnel who are members of an operator of Australian air transport operations
- current and future Part 142 of the *Civil Aviation Safety Regulations 1998* (CASR) operators conducting training and checking for Australian air transport operators
- current and future aerodrome operators and designers of facilities where Australian air transport operations will be carried out.

Purpose

This AMC and GM provides advice in the form of Guidance Material (GM) and, where relevant, suggest Acceptable Means of Compliance (AMC) for Part 119 of the *Civil Aviation Safety Regulations 1998* (CASR). The intention is to translate the requirements of the regulations into language that is easily understood and, where necessary, expand the information to ensure the intent of the legislation is clear.

It is recommended that this AMC and GM be read in conjunction with Part 119 of CASR, and any future Part 119 Manual of Standards (MOS)[1], to ensure maximum understanding. Any AMC outlined will allow an AOC holder to satisfy the Civil Aviation Safety Authority (CASA) of the regulatory requirement if they choose to use and follow the AMC material; however, AOC holders may also propose alternative means of compliance to the AMC if they so desire. The alternative means will need to be assessed and found acceptable by CASA.

For further information

For further information or to provide feedback on this AMC and GM, visit CASA's contact us page.

[1] At the time of publishing v2.7 of this AMC/GM document, no Part 119 MOS has been published.

Status

This version of the AMC and GM is approved by the National Manager, Flight Standards Branch.

Note: Changes made in the current version are annotated with change bars.

Table 1: Status

Version	Date	Details
v2.7	July 2026	Notable changes: • editorial changes have been made to better highlight applicable exemptions and directions for relevant individual regulations • updated guidance material related to CASA EX73/24 and CASA notification of transitional exemptions ceasing on 1 December 2026 • added information relating to the enduring new exemptions published in April 2026 relating to safety management systems, micro-operators and key personnel; and the clarification of the scope of the human factors and non-technical skills training and assessment program regulation • immediately below the Subpart 119.A, the incorrect words limiting the exemption for certain operations to not hold an AOC to operators of a kind before 2 December 2021 were removed • in GM 119.065, new guidance for existing flight training operators intending to apply for an Australian air transport AOC about the use of existing key personnel and procedures, and what additional matters they should review before submitting an application.
v2.6	July 2025	Included guidance content in the Definitions section and GM 119.010 entry associated with the creation of a new 4th kind of aerial work operation titled a 'fireground personnel carriage operation'. Other minor editorial changes were undertaken.
v2.5	May 2025	Notable changes: • numerous new definitions added to encompass defined terms used in this document • new content added to GM 119.010 relating to aircraft carrying passengers in circumstances that could be interpreted as being for hire or reward operating under foreign special certificates of airworthiness • new content relating to alternate key personnel guidance in GM 119.020, GM 119.080, GM 119.090, GM 119.110 and GM 119.115 • additional text relating to paragraph 119.020(b) (one of the elements of the definition of significant change) • added information regarding conflict zone risk management in GM 119.080 • removal of information relating to training and checking systems in GM 119.170 due to this content being moved into AC 119-11 • added information on the exemption to regulation 119.235 • new CASA style template applied to AMC/GM document.
v2.4	November 2023	Added a third AMC for 119.040 relating to operators listing in their exposition the non-CASR, non-MOS legal instruments they rely upon when writing their exposition. Added a second AMC to 119.205 to link to the new AMC for 119.040. Added a third AMC to 119.205 relating to the recording of individual aircraft used during short term leasing or cross-hiring arrangements.

Version	Date	Details
v2.3	September 2023	Added information regarding the instruments which determine that training and checking events completed prior to the commencement of Parts 119, 121, 133 and 135 are taken to have met certain new training and checking requirements. Included advice that approval requirements in exemptions or directions are significant changes and should be applied for via the relevant form. Added information into GM 119.010 on medical transport operations. Added forms information into GM 119.025. Added new AMC 119.040 content and modified GM 119.040. Modified wording of guidance on alternate key personnel for clarity. Modified wording of the HOTC GM entries for increased clarity. Included information on an exemption permitting certain flights where passengers are carried without charge to not hold an AOC, and an exemption permitting certain air transport operations to cross-hire aircraft without CASA's approval.
v2.2	December 2021	Added references to additional exemptions incorporated into EX82/21 by EX147/21, and into EX87/21 by EX145/21. Updated the links to CASA's guidance material.
v2.1	November 2021	Amendments to GM 119.010 in relation to the explanation of 'reward', additional information related to alternate key persons in GM 119.090 and GM 119.115, added information regarding applicable exemptions and directions
v2.0	September 2021	Significant additions to GM 119.010 and other editorial amendments.
v1.0	November 2020	Initial AMC/GM.

Contents

1	**Reference material**	**7**
1.1	Acronyms	7
1.2	Definitions	8
1.3	References	18
1.4	Forms	22
2	**Subpart 119.A—General**	**23**
3	**Subpart 119.B—Australian air transport AOCs**	**35**
4	**Subpart 119.C—Changes relating to Australian air transport operators**	**41**
5	**Subpart 119.D—Organisation and personnel**	**44**
6	**Subpart 119.E—Training and checking for operational safety-critical personnel**	**64**
7	**Subpart 119.F—Safety management**	**69**
8	**Subpart 119.G—Personnel fatigue management**	**73**
9	**Subpart 119.H—Expositions for Australian air transport operators**	**74**
10	**Subpart 119.J—Records and documents**	**77**
11	**Subpart 119.K—Miscellaneous offences**	**80**

1 Reference material

1.1 Acronyms

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

Table 2: Acronyms

Acronym	Description
AIP	Aeronautical Information Publication
AMC	acceptable means of compliance
AOC	Air Operator's Certificate
the Act	*Civil Aviation Act 1988*
CAR	*Civil Aviation Regulations 1988*
CASA	Civil Aviation Safety Authority
CASR	*Civil Aviation Safety Regulations 1998*
CEO	Chief Executive Officer
CVR	cockpit voice recorder
FDAP	flight data analysis program
FDR	flight data recorder
FSTD	flight simulator training device
GM	guidance material
HF	human factors
HOFO	Head of Flying Operations
HOTC	Head of Training and Checking
MTOW	maximum take-off weight
NTS	non-technical skills
PIC	pilot in command
SM	Safety Manager
SMS	safety management system

1.2 Definitions

Terms that have specific meaning within this AMC and GM 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 AMC and GM and the civil aviation legislation, the definition in the legislation prevails.

Table 3: Definitions

Term	Definition
aerial work certificate	means a certificate issued under regulation 138.040.
aerial work operation	1. An aerial work operation means one or more of the following (and each of the following is a kind of aerial work operation): a. an external load operation; b. a dispensing operation; c. a task specialist operation; d. an operation of a kind prescribed by the Part 138 Manual of Standards for the purposes of this paragraph. **Note:** A *fireground personnel carriage operation* is prescribed to be a kind of aerial work operation in section 3.01AA of the Part 138 MOS. 2. Despite subregulation (1), an aerial work operation does not include the following: a. a medical transport operation; b. an external load operation involving winching a person, if the operation is conducted as part of an air transport operation; c. glider towing; d. a person undertaking a parachute descent; e. an aerial application operation (including any external load operation undertaken as part of that operation) to apply fire retardants (including water), or oil or chemical dispersants, if the operation is conducted by a person holding a civil aviation authorisation under Part 137 to undertake the operation; f. any other aerial application operation; g. any other operation of a kind prescribed by the Part 138 Manual of Standards for the purposes of this paragraph. **Note:** Multiple operations are prescribed to not be an aerial work operation in section 3.01 of the Part 138 MOS. These operations include an aircraft towing a thing where the requirement in paragraph 91.210(2)(a) of CASR is met, the flight test of an experimental aircraft conducted under an experimental certificate, a maintenance test flight, a thing dropped by a person undertaking a parachute descent under Part 105 of CASR, and aerial spotting carried out in a weight-shift-controlled aeroplane type certificated in the primary category where the operation is administered by a sport aviation body.
aerial work operator	means the holder of an aerial work certificate.
aerodrome operator	means: a. for a certified aerodrome—the person who holds the aerodrome certificate for the aerodrome; or b. otherwise—the person who is responsible for the operation and maintenance of the aerodrome.

Term	Definition
AIP	has the same meaning as in the Air Services Regulations 2019.
air crew member	means a crew member for a flight of an aircraft (other than a flight crew member) who carries out a function during the flight relating to the safety of the operation of the aircraft, or the safety of the use of the aircraft.
air transport operation	1. An air transport operation is a passenger transport operation, a cargo transport operation or a medical transport operation, that: a. is conducted for hire or reward; or b. is prescribed by an instrument issued under regulation 201.025. 2. Despite subclause (1), an air transport operation does not include an aerial work operation or a balloon transport operation. **Note:** As of publishing v2.7 of this AMC/GM document, no instrument under regulation 201.025 for the purposes of this definition had been created.
AOC	means an Air Operator's Certificate issued under Division 2 of Part III of the Civil Aviation Act 1988.
Australian air transport AOC	an AOC that authorises the operation of an aeroplane or rotorcraft for an Australian air transport operation.
Australian air transport operator	a person who holds an Australian air transport AOC.
Australian air transport operation	1. An operation is an Australian air transport operation if the operation is any of the following: a. an air transport operation conducted by an Australian operator using a registered aeroplane or rotorcraft; b. an air transport operation: i that is a flight into or out of Australian territory or an operation in Australian territory; and ii that is conducted by an Australian operator using an aeroplane or rotorcraft that is a foreign registered aircraft; c. an air transport operation: i that is conducted by an Australian operator using an aeroplane or rotorcraft; and ii that is provided for under the ANZA mutual recognition agreements; d. an air transport operation conducted by a foreign operator: i using an aeroplane or rotorcraft that is a foreign registered aircraft; and ii undertaken wholly within Australia; and iii not undertaken as part of a flight into or out of Australian territory; e. an operation, conducted using an aeroplane or rotorcraft, of a kind prescribed by the Part 119 Manual of Standards for the purposes of this paragraph. 2. However, each of the following is not an Australian air transport operation: a. the operation of an aeroplane or rotorcraft under a permission under: i section 25 (non-scheduled flights by foreign registered aircraft) of the Act; or ii section 27A (permission for operation of foreign registered aircraft

Term	Definition
	without AOC) of the Act; b. an air transport operation authorised by a New Zealand AOC with ANZA privileges that is in force for Australia; c. an operation of an aircraft to which Part 129 (foreign air transport operations) of these Regulations applies; d. an operation, conducted using an aeroplane or rotorcraft, of a kind prescribed by the Part 119 Manual of Standards for the purposes of this paragraph. **Note:** See Part 129 for provisions relating to foreign operators conducting flights into or out of Australian territory, or flights wholly within Australian territory that are conducted as part of flights into or out of Australian territory. **Note:** As of publishing v2.7 of this AMC/GM document, no Part 119 MOS provisions for the purposes of this definition had been created.
Australian operator	means an operator whose principal place of business, or whose place of permanent residence, is in Australian territory.
Australian territory	means: a. the territory of Australia and of every external Territory; b. the territorial sea of Australia and of every external Territory; and c. the air space over any such territory or sea.
cabin crew member	means a crew member who performs, in the interests of the safety of an aircraft's passengers, duties assigned by the operator or the pilot in command of the aircraft, but is not a flight crew member.
cargo	means things other than persons carried, or to be carried, on an aircraft.
cargo transport operation	a. means an operation of an aircraft that involves the carriage of cargo and crew only; but b. does not include the following: i an operation conducted for the carriage of the possessions of the operator or the pilot in command for the purpose of business or trade; ii a medical transport operation.
Chicago Convention	means: a. the Convention on International Civil Aviation done at Chicago on 7 December 1944, whose English text is set out in Schedule 1 to the Air Navigation Act 1920; b. the Protocols amending that Convention, being the Protocols referred to in subsection 3A(2) of that Act, whose English texts are set out in Schedules to that Act; and c. the Annexes to that Convention relating to international standards and recommended practices, being Annexes adopted in accordance with that Convention.
Contracting State	means a foreign country that is a party to the Chicago Convention.
Council	means the Council of the International Civil Aviation Organization.
cost-sharing flight	if:

Term	Definition
	a. the flight is conducted using an aircraft with a maximum seat configuration of not more than 6, including the pilot's seat; and b. the pilot in command is not remunerated for the flight; and c. the pilot in command pays an amount of the direct costs of the flight that is at least equal to the amount that would be paid by each person if the direct costs were evenly divided between all persons on board; and d. the flight is not advertised to the general public. Example 1: For paragraph (c), if the direct costs of a flight are $3,000 and the flight has 5 persons on board, including the pilot, the pilot must pay at least $600 towards the direct costs. Example 2: For paragraph (d): (a) an advertisement in a daily national newspaper is an advertisement to the general public; and (b) an advertisement in a flying club newsletter is not an advertisement to the general public.
crew member	a person is a crew member of an aircraft if the person is carried on the aircraft and is: a. a person: i who is authorised by the operator of the aircraft to carry out a specified function during flight time relating to the operation, maintenance, use or safety of the aircraft, the safety of the aircraft's passengers or the care or security of any cargo which may affect the safety of the aircraft or its occupants; and ii who has been trained to carry out that function; or b. a person who is on board the aircraft for the purpose of: i giving or receiving instruction in a function mentioned in subparagraph (a)(i); or ii being tested for a qualification associated with a function mentioned in subparagraph (a)(i); or c. a person authorised by CASA under these Regulations, or by the operator, to carry out an audit, check, examination, inspection or test of a person mentioned in paragraph (a) or (b).
direct costs	the direct costs of a flight are the costs actually and necessarily incurred in connection with the flight without a view to making a profit. Example 1: If the aircraft is hired for the flight, the direct costs of the flight include the following: (a) the cost of hiring the aircraft; (b) if they are not included in the cost of hiring the aircraft—the cost of the fuel and oil consumed by the aircraft for the flight and the airway and aerodrome fees (if any) for the flight. Example 2: If the aircraft is not hired for the flight, the direct costs of the flight include the cost of the following: (a) the fuel and oil consumed by the aircraft for the flight; (b) the airway and aerodrome fees (if any) for the flight. Note: The amount of the direct costs of a flight that is paid by the pilot in command is relevant to whether the flight is a cost-sharing flight.
excluded personnel	in relation to an Australian air transport operator, means a member of the operator's operational safety-critical personnel who is not either:

Term	Definition
	a. a crew member for Australian air transport operations conducted by the operator; or b. a person employed by the operator under a contract of service (that is, as a direct employee).
exempted transport operation	means one of the following: a. the operation or use of an aircraft by a company, a partnership, or a sole trader (the ***business***): i for the carriage of passengers, or goods (not being goods for sale or exchange); and ii where the predominant purpose of the carriage is to facilitate the conduct of the operator's business; and iii where the facilitation is merely ancillary to conducting the business; and iv where no passenger gives any reward for the carriage of themselves, or otherwise shares in the costs of the carriage; and v where the carriage of any passenger, or the passenger's notional share of the costs of the carriage, is not rewarded by anyone else; and vi where the aircraft is flown by a pilot who is a related pilot, or a professional pilot employed by the business to fly the aircraft; and vii where the aircraft used has a maximum certificated passenger seating capacity that is not greater than 19; a. the operation of an aircraft directly by a government organisation (the ***government organisation***): i for the carriage of passengers, or goods (not being goods for sale or exchange); and ii where the predominant purpose of the carriage is to facilitate the conduct of the government organisation's official activities; and iii where the facilitation is merely ancillary to conducting those activities; and iv where no passenger gives any reward for the carriage of themselves, or otherwise shares in the costs of the carriage; and v where the carriage of any passenger, or the passenger's notional share of the costs of the carriage, is not rewarded by anyone else; and vi where the aircraft is flown by a pilot who is a professional pilot employed by the government organisation to fly the aircraft; and vii where the aircraft used has a maximum certificated passenger seating capacity that is not greater than 19; b. the operation of an aircraft for the transportation of any of the following: i the owner of the aircraft (the owner); ii a passenger directly associated with the owner; provided that: iii the owner is not given any reward for the transportation; and iv the aircraft is flown by the owner, or by a professional pilot; and v the passenger is being transported for recreational purposes.
exposition	c. for an Australian air transport operator, means: i the set of documents approved by CASA under regulation 119.075

Term	Definition
	in relation to the operator; and ii if the set of documents is changed under regulation 119.085, 119.095 or 119.105, or in accordance with the process mentioned in regulation 119.100—the set of documents as changed; or d. for an ASAO, means: i the set of documents approved by CASA under regulation 149.080 in relation to the ASAO; or ii if the set of documents is changed under regulation 149.115 or 149.120, or in accordance with the process mentioned in paragraph 149.340(i)—the set of documents as changed; or e. for a balloon transport operator: i the set of documents approved by CASA under regulation 131.085; or ii if the set of documents is changed under regulation 131.095, 131.105 or 131.115—the set of documents as changed.
fireground personnel carriage operation	means an operation: a. conducted by an aerial work certificate holder, for hire or reward, which is tasked by a fireground emergency organisation to carry passengers in a helicopter for the operation: i from a fire helibase in the vicinity of a relevant fireground to the fireground, or from one part of a relevant fireground to another part of the fireground, to carry out a relevant ground activity; or ii from a relevant fireground to a fire helibase in the vicinity of the fireground, after carrying out a relevant ground activity; and b. that involves carrying passengers in a helicopter, for the operation, in accordance with the task mentioned in paragraph (a); and c. unless an exemption under Part 11 of CASR is applicable to, and being used by, the holder — for which the holder meets the requirements stated in paragraphs 4.02(1)(f) and 5.02(1)(a), and Chapter 17A. Note 1 The passengers are aerial work passengers under section 2.02. *[sic - of the Part 138 MOS]* Note 2 An effect of this definition is that if any of the elements of the definition are not met, then the transport of the passengers is either a private operation but only if the aerial work certificate holder is not conducting the operation for hire or reward, or a Part 133 operation, with its attendant obligations, if the holder is conducting the operation for hire or reward. Note 3 Another effect of this definition is that a fireground personnel carriage operation cannot be conducted by a limited aerial work operator. **Explanatory Note (not part of the definition):** The references in this definition to paragraphs and a Chapter are references to elements of the Part 138 MOS. The MOS is not specifically mentioned in the definition because the definition is contained in the MOS. This definition incorporates the use of multiple other defined terms, including *fireground emergency organisation*, *fire helibase*, *fireground* and *relevant ground activity*. These supporting definitions are also contained in the Part 138 MOS.
flight crew member	means a crew member who is a pilot or flight engineer assigned to carry out duties essential to the operation of an aircraft during flight time.

Term	Definition
flight dispatcher	means a person designated by the operator to control and supervise flight operations, including supporting, briefing and assisting pilots in command in the safe conduct of flights. Note: A flight dispatcher is also known as a flight operations officer.
foreign aircraft	has the same meaning as foreign registered aircraft. Note: However, a reference to foreign aircraft or foreign registered aircraft does not include a state aircraft of a foreign country: see subregulation 3(5) of CAR.
foreign operator	means an operator that is not an Australian operator.
foreign registered aircraft	means an aircraft registered: a. in a foreign country; or b. under a joint registration plan or an international registration plan.
government organisation	means any department, agency, body, entity or force of the Commonwealth government, or of a State or Territory government. Note: A company that provides flight services under contract to a government organisation is not a government organisation. If a company carries passengers or goods under contract for, or on behalf of, a government organisation, the exemption under section 7AA does not apply to such carriage. **Note:** This note is not part of the definition but is provided as additional explanation. This definition of *government organisation* is only used in the definition of exempted transport operation which is only used in the exemption CASA EX68/24 section 7AA.
human factors principles, or HFP	means principles concerned with the minimisation of human error and its consequences by optimising the relationships within systems between people, activities and equipment.
international operating agency	means an international operating agency referred to in Article 77 of the Chicago Convention.
international registration plan	means a plan for the registration by an international organisation of aircraft operated, or to be operated, by an international operating agency, being a plan approved by the Council by a determination made in pursuance of Article 77 of the Chicago Convention.
joint registration plan	means a plan for joint registration by Contracting States constituting an international operating agency of aircraft operated, or to be operated, by the agency, being a plan approved by the Council by a determination made in pursuance of Article 77 of the Chicago Convention.
key personnel	a. for an Australian air transport operator—means the people (however described) that hold, or carry out the responsibilities of, the following positions in the operator's organisation: i the positions mentioned in paragraphs (a), (b) and (d) of the definition of key personnel in subsection 28(3) of the Act; ii the safety manager; or b. for an aerial work operator—means the people (however described) that hold, or carry out the responsibilities of, the following positions in the operator's organisation:

Term	Definition
	i chief executive officer; ii head of operations; iii if the operator is required by regulation 138.125 to have a training and checking system—head of training and checking; iv if the operator is required by regulation 138.140 to have a safety management system—safety manager; or c. for an ASAO—means the people (however described) who hold, or carry out the responsibilities of, the following positions in the ASAO's organisation: i accountable manager; ii safety manager; iii if the ASAO's approved functions include administering aircraft—the manager of the function; iv any other position with the responsibilities prescribed by the Part 149 Manual of Standards; or d. for a balloon transport operator—means the people (however described) that hold, or carry out the responsibilities of, the positions mentioned in paragraphs (a) and (b) of the definition of key personnel in subsection 28(3) of the Act.
medical transport operation	1. A medical transport operation is an operation: a. the primary purpose of which is to transport one or more of the following: i medical patients; ii medical personnel; iii blood, tissue or organs for transfusion, grafting or transplantation; or b. of a kind prescribed by the Part 119 Manual of Standards for the purposes of this paragraph. Note: Other medical supplies (including medical equipment and medicines) might also be transported on an aircraft for a medical transport operation. 2. 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. **Note:** As of publishing v2.7 of this AMC/GM document, no Part 119 MOS provisions for the purposes of this definition had been created.
medical transport specialist	means: a. a crew member for a flight who carries out a specified function during the flight relating to a medical transport operation, and who is not: i a flight crew member for the flight; or ii an air crew member for the flight; or b. a crew member, for a flight, of a kind prescribed by the Part 119 Manual of Standards for the purposes of this paragraph. **Note:** As of publishing v2.7 of this AMC/GM document, no Part 119 MOS provisions for the purposes of this definition had been created.

Term	Definition
micro-operator	in relation to an Australian air transport operator, means an Australian air transport operator that: a. has no more than 10 operational safety-critical personnel, employed by the operator under a contract of service, who are: i reasonably likely to perform duties assigned by the operator at least 2 times every 90 days for the operator; or ii available to perform such a duty for the operator; and b. is not required by regulation 119.195 of CASR to have a flight data analysis program.
non-technical skills, or NTS	means specific human competencies, including critical decision making, team communication, situational awareness and workload management, which may minimise human error in aviation.
operational safety-critical personnel	for an Australian air transport operator, an aerial work operator or a balloon transport operator: a. means personnel carrying out, or responsible for, safety-related work, including: i personnel carrying out roles that have direct contact with the physical operation of aeroplanes, rotorcraft or Part 131 aircraft used in the operator's Australian air transport operations, aerial work operations or balloon transport operations; and ii personnel carrying out roles that have operational contact with personnel who operate aeroplanes, rotorcraft or Part 131 aircraft used in those operations; and iii personnel described as operational safety-critical personnel in the operator's exposition or operations manual; but b. does not include personnel who are employed or engaged by the operator (whether by contract or other arrangement) and are engaged in: i the provision of continuing airworthiness management services for aeroplanes, rotorcraft or Part 131 aircraft used in the operator's Australian air transport operations, aerial work operations or balloon transport operations; or ii carrying out maintenance on an aeroplane, rotorcraft, Part 131 aircraft or aeronautical product on behalf of an approved maintenance organisation.
operator	of an aircraft, means: a. if the operation of the aircraft is authorised by an AOC, a Part 141 certificate or an aerial work certificate—the holder of the AOC or certificate; or b. otherwise—the person, organisation or enterprise engaged in aircraft operations involving the aircraft.
Part 121 operation	means an operation mentioned in subregulation 121.005(1).
Part 133 operation	means an operation mentioned in regulation 133.005.
Part 135 operation	means an operation mentioned in regulation 135.005.
passenger	in relation to an aircraft, means a person: a. who:

Term	Definition
	i intends to travel on a particular flight on the aircraft; or ii is on board the aircraft for a flight; or iii has disembarked from the aircraft following a flight; and b. who is not a crew member of the aircraft for the flight.
passenger transport operation	1. 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. 2. Despite (1), an operation is not a passenger transport operation if the operation is: a. an operation of an aircraft with a special certificate of airworthiness; or b. a cost-sharing flight; or c. a medical transport operation; or d. if the registered operator of an aircraft is an individual—an operation of the aircraft: i that involves the carriage of that individual; and ii does not also involve the carriage of other passengers; or e. if the registered operator of an aircraft is an individual—an operation of the aircraft: i that involves the carriage of that individual; and ii involves the carriage of other passengers; and iii for which no payment or reward is made or given in relation to the carriage of the other passengers or cargo. **Notes:** 1. Due to the CASR Dictionary definition of the term 'special certificate of airworthiness', this term only relates to certificates issued under Part 21 of CASR and does not include foreign issued special certificates of airworthiness. For operators of aircraft under foreign special certificates of airworthiness, please review the GM 91.965 and GM 91.970 entries in this AMC/GM document, and the GM 119.010 entry in the Part 119 AMC/GM document. 2. This Note is added for consistency with other documents, but Australian air transport operators should note that aircraft operating under a special certificate of airworthiness are not permitted to be used in Part 121 operations, Part 133 operations, Part 135 operations or Subpart 121.Z operations.
personnel	a. for an Australian air transport operator, an aerial work operator or a balloon transport operator, includes any of the following persons who have duties or responsibilities that relate to the safe conduct of the operator's Australian air transport operations, aerial work operations or balloon transport operations: i an employee of the operator; ii a person engaged by the operator (whether by contract or other arrangement) to provide services to the operator; iii an employee of a person mentioned in subparagraph (ii); or b. for an ASAO, includes any of the following persons who have duties or responsibilities that relate to the safe performance of the ASAO's approved functions: i an employee of the ASAO;

Term	Definition
	ii a person engaged by the ASAO (whether by contract or other arrangement) to provide services to the ASAO; iii an employee of a person mentioned in subparagraph (ii); iv a person appointed by the ASAO to perform an approved function on behalf of the ASAO.
registered	in relation to an Australian aircraft, means: a. in the case of an aircraft to which Division 47.C.1 applies—registered under Division 47.C.1; or b. in the case of an aircraft to which Division 47.C.2 applies—registered under Division 47.C.2. Note: For the definition of foreign registered aircraft, see section 3 of the Act.
registered operator	of an aircraft, has the meaning given by regulation 47.100.
registration mark	of an aircraft, means the registration mark assigned to the aircraft under Subpart 47.G.
safety management system	for an Australian air transport operator, means the safety management system set out in the operator's exposition.
significant change	a. for an Australian air transport operator: see regulation 119.020; or b. for a balloon transport operator: see regulation 131.030; or c. for an aerial work operator: see regulation 138.012.
State	of an operator, means the country in which the operator's principal place of business is located or, if the operator does not have a principal place of business, the country in which the operator's permanent residence is located.
State of registry	for a foreign registered aircraft, means the foreign country on whose register the aircraft is entered.
Subpart 121.Z operation	means an operation mentioned in subregulation 121.005(2).

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
Part 11 of CASR	Regulatory administrative procedures
Part 119 of CASR	Australian air transport operators—certification and management
Part 121 of CASR	Australian air transport operations—larger aeroplanes

Document	Title
Part 133 of CASR	Australian air transport operations—rotorcraft
Part 135 of CASR	Australian air transport operations—smaller aeroplanes
Part 142 of CASR	Integrated and multi-crew pilot flight training, contracted recurrent training and contracted checking
CASA EX12/24	Transitional Training and Checking Requirements for Crew Members in Part 121 Operations – Exemption Instrument 2024 (No. 1)
CASA EX68/24	Part 119 of CASR - Supplementary Exemptions and Directions Instrument 2024
CASA EX69/24	Part 121 and Part 91 of CASR – Supplementary Exemptions and Directions Instrument 2024
CASA EX70/24	Part 133 and Part 91 of CASR – Supplementary Exemptions and Directions Instrument 2024
CASA EX71/24	Part 135, Subpart 121.Z and Part 91 of CASR – Supplementary Exemptions and Directions Instrument 2024
CASA EX73/24	Flight Operations Regulations - SMS, HFP&NTS and T&C Systems - Supplementary Exemptions and Directions Instrument 2024 **Note:** CASA has advised that the relevant transitional exemptions and directions in CASA EX73/24 will cease to apply to affected operators from 2 December 2026, unless CASA grants an extension.
CASA EX74/24	Part 121 – Single Pilot Aeroplane (MOPSC 10-13) Operations – Exemptions and Directions Instrument 2024
CASA EX77/24	Transitional Training and Checking Requirements for Crew Members in Part 133 Operations – Exemption Instrument 2024
CASA EX78/24	Transitional Training and Checking Requirements for Crew Members in Part 135 Operations – Exemption Instrument 2024 **Note:** This exemption also covers an operation conducted under Subpart 121.Z of CASR and CASA EX74/24.
CASA 91/21	Training and Checking (CASR Part 121) Determination 2021 **Note:** This instrument does not apply to an operator accessing the training and checking deferrals under the now repealed CASA EX87/21.
CASA 92/21	Training and Checking (CASR Part 133) Determination 2021 **Note:** This instrument does not apply to an operator accessing the training and checking deferrals under the now repealed CASA EX87/21 or the current CASA EX73/24.
CASA 93/21	Training and Checking (CASR Part 135 and Subpart 121.Z) Determination 2021 **Note:** This instrument does not apply to an operator accessing the training and checking deferrals under now repealed CASA EX87/21 or the current CASA EX73/24.

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 legislative framework
AC 1-02	Guide to the preparation of expositions and operations manuals
AC 1-03	Transitioning to the flight operations regulations
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 and 138-11	Safety management systems for air transport and aerial work operators
AC 119-04	Flight data analysis programmes (FDAP) for air transport operations
AC 119-07 and 138-03	Management of change for air transport and aerial work operators
AC 119-11 and 138-02	Training and checking systems
AC 119-12	Human factors principles and non-technical skills training and assessment for air transport operations
AC 138-01	Part 138 core concepts
	CASA Safety Management System (SMS) Evaluation Tool and Guidance **Note:** This document replaced Form 1591 for the use of persons external to CASA.
	CASR flight operations sample exposition / operations manual and associated guide **Notes:** 1. This package consists of 2 documents: the sample exposition / operations manual and the Guide to the sample exposition / operations manual. 2. These documents are available on the CASA webpage 'Industry compliance templates'.
	Drug and alcohol management plan sample manual of CASR Subpart 99.B, and associated guide **Notes:** 1. This package consists of 2 documents: the DAMP sample manual and the Guide to the sample manual. 2. These documents are available on the CASA webpage 'Industry compliance templates'.
	Emergency response plan (ERP) template for Part 119 and Part 138 safety management system manual (SMSM) **Note:** This document is available on the CASA webpage 'Industry compliance templates'.

Document	Title
	Part 42 continuing airworthiness management organisation sample exposition, and associated guide **Notes:** 1. This package consists of 2 documents: the Part 42 sample exposition and the AMC-GM Appendix A sample exposition guidance. 2. These documents are available on the CASA webpage 'Industry compliance templates'.
	Part 133, Part 135 and Part 138 sample training and checking manuals and associated guide **Notes:** 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 'Industry compliance templates'.
	Micro-operator safety management system sample manual and associated guide **Notes:** 1. This package consists of 2 documents: the micro-operator SMS sample manual and the Guide to the micro-operator sample SMS manual. 2. These documents are available on the CASA webpage 'Industry compliance templates'.
	Safety management system sample manual (SMSM) - For Part 119 and Part 138 of CASR, and associated guide **Notes:** 1. This package consists of 2 documents: the SMS sample manual and the Guide to the sample manual. 2. These documents are available on the CASA webpage 'Industry compliance templates'.
	Safety manual appendices for CAO 48.1 **Notes:** 1. This package consists of 9 documents: the sample appendices for CAO 48.1 Appendix 1 (basic limits), Appendix 2 (multi-pilot operations except flight training), Appendix 3 (multi-pilot operations except flight training and complex operations), Appendix 4 (any operation conducting single-pilot operations), Appendix 4a (ballooning operations), Appendix 4b (medical transport and emergency services), Appendix 5 (aerial work operations including flight training associated with aerial work), Appendix 5a (aerial work daylight only including helicopter mustering), and Appendix 6 (flight training). 2. These documents are available on the CASA webpage 'Industry compliance templates'.

International Civil Aviation Organization documents

International Civil Aviation Organization (ICAO) documents are available for purchase from http://store1.icao.int/

Table 6: ICAO references

Document	Title
ICAO Doc. 9683	Human Factors Training Manual
ICAO Doc. 10084	Risk Assessment Manual for Civil Aircraft Operations Over or Near Conflict Zones

Other reference material

Table 7: Other reference material

Document	Title
AIP	Australian Aeronautical Information Publication
OPS.121 protocol suite	Australian air transport operations - larger aeroplanes
OPS.133 protocol suite	Australian air transport operations - rotorcraft
OPS.135 protocol suite	Australian air transport operations - smaller aeroplanes

1.4 Forms

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

Table 8: Forms

Form number	Title
	Application - Air operator's certificate / Associated approvals (CASR Part 119) **Note:** This form is available on the Part 119 of CASR webpage under Supporting Resources. It is available as a single document or multiple documents covering each Part of the form. For an existing operator already holding an AOC that only needs to fill in a portion of the form to fulfil their purpose, please read the instructions on page 1 of the form about only submitting specific Parts of the form rather than needing to read and submit the whole thing.
	Notification - Non-significant changes (CASR Parts 119, 131 and 138)
	Notification - End of transition SMS, FDAP, HFNTS and Safety Manager - CASR Parts 119 and 138

2 Subpart 119.A—General

Exemption for certain operations to not hold an Australian air transport AOC

There is an exemption in force (section 7AA of CASA EX68/24) permitting certain flights carrying passengers without charge, which would otherwise be required to hold an Australian air transport AOC under Part 119 of CASR, to not have to hold an AOC. This exemption will continue to be extended until intended consultation between Australian industry and CASA on this general topic has been conducted.

The exemption in section 7AA defines certain operations to be *exempted transport operations*. These operations generically relate to business transport, government transport and owner-related transport. There are multiple conditions to be met within the definition for an operation to fit within each sub-category.

A person to whom section 7AA applies does not have to comply with any of Part 119 of CASR, and by extension from any of Parts 121, 133 and 135 of CASR that would have applied if Part 119 of CASR had applied, provided you comply with Part 91 of CASR and the following additional safety conditions:

- If you are using an aeroplane, you must comply with the Part 121 aeroplane performance requirements[2].

Direction relating to the use of Electronic Flight Bags

There is a Part 11 direction in force (section 5 of CASA EX68/24) in relation to the use of Electronic Flight Bags (EFB) by Australian air transport operators. The approval mentioned in the direction is taken to be a significant change due to it activating subregulation 119.020(c) of CASR. Operators apply for this approval by applying for a significant change via the Air Operator's Certificate / Associated Approvals form available on CASA's website.

GM 119.005 What Part 119 is about

Part 119 of CASR prescribes requirements relating to the certification and management of Australian air transport operators and the Australian air transport operations conducted by these operators.

Part 119 applies to operators conducting or intending to conduct Part 121, 133 or 135 operations, or Subpart 121.Z operations, for the transport of passengers and/or cargo, and for medical transport operations.

GM 119.010 Definition of Australian air transport operation

Readers are reminded that a limited scope of flights are permitted to not hold an AOC by virtue of section 7AA of CASA EX68/24.

> **Note:** See the explanation of this exemption immediately below the Subpart 119.A heading in this document.

Regulation 119.010 of CASR defines what constitutes an Australian air transport operation and what is not an Australian air transport operation.

[2] The exemption conditions explain how to interpret the Part 121 performance rules in this circumstance.

For an operation to be an Australian air transport operation, it must first meet the criteria to be an *air transport operation*. To be an *air transport operation*, the operation must be a *passenger transport operation*, *cargo transport operation*, or *medical transport operation*, conducted for hire or reward, but it cannot be an *aerial work operation* or a *balloon transport operation*.

Definitions of *air transport operation*, *passenger transport operation*, *cargo transport operation* and *medical transport operation* are all found in the CASR Dictionary and are repeated in the definitions section of this AMC/GM document.

The definition of *aerial work operation* is found in regulation 138.010 of CASR. Both passengers and cargo can be carried for hire or reward under Part 138, provided that the flight is defined to be an aerial work operation. This term is dependent on the definitions of *dispensing operation*, *external load operation* and *task specialist operation* which are all contained in regulation 138.010 of CASR, as well as the definition of *fireground personnel carriage operation* which is found in subsection 1.04(6) of the Part 138 MOS.

The definitions of *aerial work operation* and *fireground personnel carriage operation* are repeated in the definitions section of this AMC/GM document. In mid-2025, the definition of *aerial work operation* was expanded to include a *fireground personnel carriage operation*. Before the Part 138 MOS was amended to include Chapter 17A, a *fireground personnel carriage operation* would have constituted a passenger transport operation conducted for hire or reward. Operators must be aware that, due to the definition of *air transport operation* specifically excluding aerial work operations, if an operator conducts an operation that meets all the definitional elements of a *fireground personnel carriage operation* in the Part 138 MOS, they will **not be** conducting an *Australian air transport operation* and must comply with all relevant requirements of Part 138 and the Part 138 MOS, including holding an aerial work certificate.

The definition of *balloon transport operation* is found in regulation 131.010 of CASR.

Hire or reward

The key criteria for an air transport operation is that it be conducted for hire or reward. In most cases, the concept of hire will be clear, so that if the operator is receiving payment to conduct the flight, that element is met.

It can be difficult however to identify if an operation is conducted for reward, though that is a broad concept. The receipt of a reward could involve, but is not limited to, any of the following:

- where the operator receives anything of value
- goodwill in the form of current or future economic benefit.

A reward need not require a profit or profit motive or the actual payment of monies.

Examples of a reward

If an operator is evaluating whether they are conducting an air transport operation, and the flight or operation does not clearly fit under the 'hire' element of the definition of an air transport operation, then the operator will need to consider whether the operation is being conducted for a reward. It is recommended that the operator seeks independent legal advice whether the flight or the operation is being conducted for reward. Limited advice is available from CASA via the Guidance Delivery Centre, noting that, unless comprehensive information regarding the relevant operational and financial circumstances is provided, it may not be possible for CASA to provide a definitive answer.

The following list contains general examples of operational scenarios that might be considered to be conducted for 'reward'. This list does not cover all circumstances, or all variations of a listed circumstance:

- a flight or operation where the operator (which can be a sole pilot) receives a reimbursement of expenses (any operating cost such as fuel, landing charges, maintenance)

- if the operation is for the purpose of transporting employees of the operator in the context of a business enterprise

Example

A mining company 'fly-in, fly-out' operation that is not contracted to an airline but instead operated directly by the company.

Note: An operation is taken not to be an air transport operation if the registered operator of an aircraft is an individual (not a company) that is carried in the aircraft, or if the individual is carried with other passengers; for which no payment or reward is made or given in relation to their or for carriage of cargo.

- if the operation is being conducted in a commercial or business context

Example

The operator of an aircraft is a volunteer organisation that transports young persons for an 'air experience', a fee is received from these persons that contributes to the cost of the flight but the pilot does not contribute an equal share of the costs (i.e. it does not fit under the definition of *cost-sharing flight*.

- if a government entity is funded to conduct flights e.g., to carry employees of the entity or other agencies
- when a pilot is paid to conduct a flight, it is not always the case that the reward element is satisfied as this element is dependent on whether the operator (see the CASR Dictionary definition of this term) - not the pilot as an individual - is receiving a reward.

Medical transport operations

Medical transport operations (MTO) have a limited number of alleviations from the normal air transport rules. Some examples of topic areas where alleviations exist are the air transport flight planning requirements and the minimum height rules for populous areas, IFR and night VFR.

An MTO is defined as (see clause 70 of Part 2 of the CASR Dictionary) an operation for which the primary purpose is to transport one or more of the following:

- medical patients
- medical personnel
- blood, tissue or organs.

While the definition of cargo transport operation clearly excludes a passenger transport operation, when determining whether a flight is a medical transport operation, it is important that the operator considers the **primary** purpose of the aircraft operation when determining whether a medical transport operation, a passenger transport operation or a cargo transport operation is being conducted.

If an air transport operation is conducted with an aircraft carrying 300 passengers (including two medical patients and two medical personnel) and cargo, then the **primary** purpose of the flight is not a medical transport operation.

Also, it should be noted that compliance by an MTO with Parts 119, 121, 133 and 135 of CASR is only required if there is a hire or reward element to the operation. An operation not for hire or reward is not an air transport operation and therefore is not an MTO and is only required to comply, from a flight operations rules perspective, with Part 91 of CASR. Refer to earlier in this GM explanation for guidance on what constitutes hire or reward. Additionally, some operators might not be required to comply with the Australian air transport rules due to being included within the exemption in section 7AA of CASA EX68/24 (See the guidance immediately below the Subpart 91.A heading above).

The following example scenarios assume that the MTO is conducted for hire and reward and it is required to comply with the air transport rules.

Example 1

An example of a typical MTO is an operation starting at a home base that transits to an accident scene to treat and transport a medical patient from that location to a hospital and then the aircraft flies back to base.

Although in this example the medical patient is only carried on one flight, the flights to the patient and the flight back to base are considered to meet the primary purpose test—transport of a medical patient and as such all 3 of these flights are an MTO.

Using the above scenario, if the task is cancelled, either mid-flight or on arrival at the scene, and the patient is not required to be transported, then the flight returning to the home base remains an MTO as the primary purpose at the start of the operation remains unchanged.

Example 2

A further example is a task to fly to a hospital to pick up a specialist doctor (medical personnel) and transit to another hospital where the specialist doctor will accompany a medical patient back to the original hospital. In this example, the primary purpose of the first 2 flights of the operation is to transport medical personnel, and the third flight of the operation is to transport a medical patient and medical personnel to a hospital. The return flight to base is also considered, for the same reasons outlined earlier, to be part of the MTO.

Example 3

The final example is about the transport of blood, tissues or organs.

As with the previous examples, operators must consider if the carriage of blood, tissues or organs meets the primary purpose test. If the aircraft continually carries blood for the treatment of any medical patient, then the carriage of the blood may not meet the primary purpose test from a tasking perspective. However, an operation tasked to transport blood, tissues or organs between hospitals or to a hospital as part of a multi-flight delivery operation (for example the blood being transported by aeroplane between 2 major airports and then by helicopter to a local hospital) may fit within the primary purpose and transport definition of an MTO.

It is important for operators to distinguish between medical transport specialist crew members (MTS) and non-crew medical personnel. The Part 133 MOS and Part 135 MOS contain specific training and checking requirements for MTS. The key points differentiating between these persons are:

- medical personnel do not meet the training requirements of an MTS to be crew members for the operator and are carried in a passenger-only capacity. An example of medical personnel is a specialist doctor carried on the flight who has no crew function associated with the flight.

- MTS are trained crew members who carry out a specified function as described by the operator during the flight. See the definition of MTS and crew member in the CASR Dictionary.

Carriage of MTS does not meet the MTO primary purpose test as these crew members are assigned by the operator to perform a specific role on the aircraft and their transport is incidental to the operation and is not the primary purpose. The crew member functions of an MTS normally not permitted to be conducted by aircraft passengers on an air transport operation might include:

- use of a harness and wander lead
- use of NVIS
- aircraft clearance calls
- winching to an accident scene.

Australian air transport operations and foreign registered aircraft

An operator is only required to comply with Part 119 of CASR, and by extension Parts 121, 133 and 135 of CASR, if the operation being conducted is an Australian air transport operation.

Although the use of a foreign registered aircraft by a foreign operator can be an Australian air transport operation, this provision is tightly defined to include only operations that are conducted wholly in Australia and are not part of a flight into or out of Australia.

Although they may fit within the definition of air transport operation in the CASR Dictionary, the following operations using foreign registered aircraft are not Australian air transport operations and therefore do not need to comply with Parts 119, 121, 133 and 135 of CASR:

- an operation by a foreign operator using an Australian aircraft in domestic operations
- the operation of foreign registered aircraft over Australian territory, or into Australia for fuel stops only
- the operation of foreign registered aircraft in Australia based on a CASA permission issued under section 25 or section 27A of the Act.

Foreign air transport operations, which are those conducted into and out of Australia by foreign operators, are regulated under Part 129 of CASR.

Operators of foreign registered aircraft conducting operations that are Australian air transport operations and therefore must comply with Part 119 of CASR should be aware that regulation 119.260 of CASR imposes a maximum period of use of a foreign registered aircraft in Australian territory. See the GM 119.260 entry in this document for further information.

Australian air transport operations and aircraft under foreign special certificates of airworthiness

The definition of *passenger transport operation* includes an exclusion for aircraft operated under a 'special certificate of airworthiness'. However, this term is defined in the CASR Dictionary to only mean special certificates of airworthiness issued under Part 21.

Therefore, the exclusion does not apply to an aircraft being operated under a foreign issued special certificate of airworthiness. Although this was an accidental omission in the use of terms within this definition, the effect is that instead of being excluded from being a passenger transport operation and, when a passenger is carried for hire or reward, from being an air transport operation, the operation may be an Australian air transport operation and therefore the operator would be required to hold an Australian air transport AOC.

For very short duration isolated passenger carriage for hire or reward events, it may be appropriate for the operator to apply for s27A permission (under s27A of the *Civil Aviation Act 1988*) to temporarily operate without holding an Australian air transport AOC.

Example

An aircraft is operated under an experimental certificate for exhibition purposes (see subregulation 21.191(d) of CASR).

If passengers are carried during the exhibition flight, it may be interpreted that the operator is carrying the passengers for hire or reward, noting the deliberately wide breath of the concept of reward.

Without a s27A permission being held for the aircraft and the operator, the operator may be required to apply for, and hold, an Australian air transport AOC to conduct such a flight.

GM 119.015 Definitions of Australian air transport AOC and Australian air transport operator

This regulation provides that an Australian air transport AOC is an AOC that authorises the operation of an aeroplane or rotorcraft for an Australian air transport operation.

An Air Operator's Certificate (AOC) is an authorisation granted by CASA under section 27 of the Act to conduct certain prescribed aircraft operations, including Australian air transport operations (see GM 119.030 below).

All AOCs are issued for a specified term. The AOC holder must apply for, and be issued with, a new AOC in order to continue operating after the term expires.

GM 119.020 Definition of *significant change*

Exemptions and directions relevant to this regulation

There is an exemption in force (see section 7AD of CASA EX68/24) in relation to subparagraph (a)(ii) of this regulation. It enables CASA to administer safety manager key personnel nominations arising from the 2026 expiry of arrangements in CASA EX73/24 Part 2, which provides an exemption for SMS and safety manager changes to be non-significant changes, subject to conditions specified in the exemption.

There is an exemption in force (see section 7 of CASA EX68/24) in relation to subparagraph (a)(viii) of this regulation relating to the kinds of aircraft changes that will constitute a mandatory significant change. The approval mentioned in the exemption is taken to be a significant change due to it activating subregulation 119.020(c) of CASR. Operators are to apply for this approval by applying for a significant change via the Air Operator's Certificate / Associated Approvals form available on CASA's website.

There is also a direction in force (see section 6A of CASA EX68/24) in relation to Part 133 operators and the approval required before conducting an NVIS operation for the first time in a Part 133 operation. The approval mentioned in the direction is taken to be a significant change due to it activating subregulation 119.020(c) of CASR. Operators are to apply for this approval by applying for a significant change via the Air Operator's Certificate / Associated Approvals form available on CASA's website.

This regulation defines what a 'significant change' is for an Australian air transport operator.

Detailed guidance on change management processes and the different kinds of change under the legislation is contained in AC 119-07 - Management of change for aviation organisations.

All changes to the operations of an Australian air transport operator must be made using the operator's change management process. One of the outputs of implementing the change management process is a determination of whether a proposed change is significant for the purposes of Part 119. Significant changes must be approved by CASA before they are implemented by the operator. Other changes need not be pre-approved.

Part of the definition of *significant change* (paragraph 119.020(b) of CASR) refers to a change that does not maintain or improve or is not likely to maintain or improve aviation safety. This kind of change is a significant change that must be pre-approved. For most changes by an operator, it should be clear whether the change improves safety or at least maintains an acceptable level of safety.

Note: Changes to an operator's operation arising from changes in the civil aviation legislation to remove a requirement and/or apply what may be considered a lower standard are not considered by CASA to be significant changes. While CASA considers that the definition of *significant change* treats such changes as not being a significant change, amendments to the regulations are planned to put this beyond doubt.

Part of the definition of significant change (paragraph 119.020(c) of CASR) considers a change that requires approval by CASA under *these Regulations*.[3] The term *these Regulations* is defined in the CASR Dictionary and includes CAR. The scope of this term also includes approval requirements mentioned in exemptions and directions. If a legal direction instrument or a condition on an exemption requires the person to gain an approval from CASA, then that approval is considered to be a significant change due to the wording of subregulation 119.020(c) of CASR. It needs to be the subject of an application for a significant change using the Air Operator's Certificate / Associated Approvals form available on CASA's website.

Example

An example of a matter that is a significant change under paragraph 119.020(c) is when an operator seeks approval for low-visibility operations. Low-visibility operations are regulated by regulation 91.315, with approvals issued under regulation 91.045. Where an operator is seeking a new approval, or a substantive variation to an existing approval, then this would be considered a significant change under the provisions of Part 119[4].

It is not considered a significant change where the application for an approval is solely for the purpose of reissue or replacement of an instrument previously issued by CASA, and the conditions or other substantive content of the instrument remain unchanged.

Subparagraph 119.020(a)(ii) of CASR states, inter alia, that a change in relation to the operator's key personnel is a significant change. Similarly, subparagraph 119.020(a)(iii) of CASR states that a change in relation to a person authorised to carry out the responsibilities of a key person in certain circumstances (i.e., an alternate key person) is a significant change. One example of this change would be the appointment of a new individual to the alternate key person position. Refer to GM

[3] See paragraph 119.020(c).

[4] For detailed information refer to AC 119-07 - Management of change for aviation organisations.

119.115 for information on matters relating to when key personnel cannot carry out their responsibilities.

Regulation 119.090 of CASR specifies when an application must be submitted to CASA for different kinds of significant changes. Subregulation 119.090(2) of CASR outlines that an operator must apply to CASA for approval of a change that is the permanent appointment, or the acting appointment (for a period of greater than 35 days), as any of the operator's key personnel of a person previously authorised to carry out the responsibilities of the position in a circumstance mentioned in subparagraph 119.205(1)(e)(iv) of CASR [sometimes colloquially referred to as an *alternate key person*].

Regulation 119.090 of CASR does not make it categorically clear whether the acting appointment of an alternate key person to fill a key person's position for a period of 35 days or less is a significant change. An alternate key person acting in the role for which they are previously authorised to carry out the responsibilities of the position for the same operator in a circumstance mentioned in subparagraph 119.205(1)(e)(iv) of CASR **is not considered to be a significant change** at all and therefore this change does not require any approval by CASA.

Additional guidance on the definition of significant change is contained in Multi-Part AC 119-07 and 138-03 Management of Change for air transport and aerial work operators (note there are also separate Annex A and Annex B documents for this AC).

GM 119.025 Approvals by CASA for Part 119

General guidance on approvals under the flight operations regulations, which includes Part 138, is available in AC 11-04 Approvals under Parts 91, 103, 119, 121, 129, 131, 132, 133, 135, 138 and 149 of CASR (including MOS).

All approvals granted by CASA under Part 119 are subject to the procedural requirements of Part 11.

Where a provision of Part 119 makes explicit reference to a CASA approval issued under regulation 119.025, this regulation authorises CASA to issue that approval. For all approvals under regulation 119.025, except the approvals mentioned in paragraphs 119.135(3)(a) and 119.145(3)(a) of CASR (relevant to the experience levels of the Head of Flying Operations (HOFO) or Head of Training and Checking (HOTC)), the approval can only be granted if it would not be likely to have an adverse effect on the safety of air navigation. For the approvals mentioned in paragraphs 119.135(3)(a) and 119.145(3)(a) of CASR, the approval can only be granted if this preserves a level of aviation safety that is at least acceptable.

Approvals of significant changes are not made under regulation 119.025 of CASR but these approvals continue to be a kind of 'authorisation' within the meaning of this term within Part 11 of CASR. The criteria for the grant of these approvals are a combination of the criteria in regulation 119.095 and Subpart 11.BA of CASR.

For the purposes of paragraphs 11.030(1)(a) and (aa) of CASR, all applications for approvals under Part 119 are to be made using the form titled Air Operator's Certificate / Associated Approvals, which is available from CASA's website. Section E2 of the form lists the specific information required to be provided for each approval. Approval applicants are advised that under regulation 11.040 of CASR, CASA may request additional information or documents as part of assessing an application. Additionally, when evaluating approval applications, CASA will appropriately consider the matters mentioned in regulations 11.050 and 11.055 of CASR.

In addition to the approvals of significant changes under regulation 119.095, there are several specific CASA approvals available under regulation 119.025 that are also considered to be a significant change.[5] An exception applies in relation to the reissue or replacement of an instrument previously issued by CASA in which the conditions or other substantive content of the instrument are

[5] Refer to paragraph 119.020(c).

unchanged. If operators are unsure whether the substantive content of an instrument is unchanged, contact CASA for advice. Regulation 119.025 provides for CASA approvals in the following matters:

- subparagraph 119.080(1)(g)(ii) – approval for HOFO and Safety Manager (SM) positions to be occupied by the same person for a specified period
- subparagraph 119.080(1)(h)(ii) – approval to operate an aeroplane or rotorcraft under an AOC where the operator is not the registered operator of the aeroplane or rotorcraft
- paragraph 119.080(2)(b) – in an unforeseen circumstance, approval for the same person to occupy the position combinations listed below for more than 7 consecutive days:
  - CEO and SM

  or

  - HOFO and SM.
- paragraph 119.125(2)(a) – approval for a CEO experience level which differs from that in subregulation 119.125(3)
- paragraph 119.135(3)(a) – approval for a HOFO experience level which differs from that in subregulation 119.135(4)
- paragraph 119.145(3)(a) – approval for a HOTC experience level which differs from that in subregulation 119.145(4)
- paragraph 119.255(1)(c) – approval in respect of the matters specified in regulation 119.255 'Dealings in relation to cancelled, suspended, varied, pending or refused civil aviation authorisations'
- paragraph 119.260(2)(b) – approval to use a foreign registered aircraft in Australian territory for a period greater than 90 days.

Since a regulation 119.025 approval is taken to constitute a significant change under Part 119 due to paragraph 119.020(c), in accordance with paragraph 119.090(3)(c), an application for a regulation 119.025 approval will need to be accompanied by a copy of the part of the operator's exposition affected by the regulation 119.025 approval (i.e., the significant change), clearly identifying the change.

GM 119.030 Prescribed purpose—Australian air transport operations

In accordance with subsection 27(9) of the Act, this regulation prescribes Australian air transport operations as operations that can only be conducted under the authority of an AOC.

GM 119.035 Prescribed position—safety manager

In accordance with the definition of key personnel in subsection 28(3) of the Act, this regulation provides that an Australian air transport operator must have a SM and this person is a member of the operator's key personnel.

For the required experience and responsibilities of the SM, refer to regulations 119.155 and 119.160 of CASR.

It is a condition of an operator's AOC that:

- the SM is independent and not subject to undue influence from other key personnel or anyone else[6]
- the SM is not the same person as either of the CEO or the HOFO, except for a limited time in extenuating circumstances.[7]

GM 119.036 Required position—head of training and checking

In accordance with the definition of key personnel in subsection 28(3) of the Act, this regulation provides that an Australian air transport operator must have a HOTC and this person is a member of the operator's key personnel.[8]

AMC 119.040 Required material for reference library

AMC 1 - in relation to civil aviation legislation

This acceptable means of compliance is in relation to the use by an operator of access to the Federal Register of Legislation (FRL) website as the method of maintaining a reference library of the civil aviation legislation that is relevant to the operator's Australian air transport operations.

Access to the FRL website is taken to be a readily available electronic copy provided that:

- this access is available at all locations and times that the operator's crew members require the access to perform their duties
- the operator is satisfied that the crew members are sufficiently competent to access the relevant legislation using the electronic means.

Note: The operator holds the risk of being non-compliant with the regulation if the website access becomes unavailable, whether or not the reason for the unavailability is within the operator's control. This is a risk of relying on an on-line service. An operator might instead choose to download relevant documents from the FRL website to avoid this risk however these documents may not be current after downloading. This risk could be minimised by limiting the time such a document could be used.

AMC 2 - in relation to the AIP or equivalent foreign State documentation

This acceptable means of compliance is in relation to the use by an operator of access to online versions of the AIP or the foreign State equivalent of AIP as the method of maintaining a reference library of these documents if required by paragraphs 119.040(1)(b) or (c) of CASR.

Access to the relevant websites for the specific AIP or foreign equivalent content is taken to be a readily available electronic copy provided that:

- this access is available at all locations and times that the operator's crew members require the access to perform their duties
- the operator is satisfied that the crew members are sufficiently competent to access the relevant legislation using the electronic means.

[6] Refer to subparagraph 119.130(1)(b)(v).

[7] Refer to regulation 119.080.

[8] For the HOTC qualifications, experience and responsibilities, refer to regulations 119.145 and 119.150 of CASR.

Note: The operator holds the risk of being non-compliant with the regulation if the website access becomes unavailable, whether or not the reason for the unavailability is within the operator's control. This is a risk of relying on an on-line service. An operator might instead choose to download relevant documents from the relevant website to avoid this risk however these documents may not be current after downloading. This risk could be minimised by limiting the time such a document could be used.

AMC 3 - listing certain legal instruments relied upon by an operator in their exposition

This AMC relates to exemptions and other non-CASR, non-MOS legislative instruments that an operator is relying upon when writing its exposition. Legislative instruments can be colloquially described as those instruments that apply to multiple operators and are generally applicable.

For paragraph 119.040(1)(a) of CASR, which requires the operator to include in its reference library the civil aviation legislation (which is defined in the Act to include legislative instruments) relevant to the operator's Australian air transport operations, it is an acceptable means of compliance if an operator lists in its exposition the exemptions and other non-CASR, non-MOS legislative instruments that are relied upon to write the exposition.

Note: The operator and its personnel, to fulfil their legislated obligations and responsibilities to generally comply with the civil aviation legislation need to know what legal requirements their exposition is based upon. This is the intent of listing the generally applicable exemptions and other instruments relied upon by the operator when designing their processes and procedures.

GM 119.040 Required material for reference library

Section 28BH of the Act places obligations on AOC holders in relation to maintaining and making available a reference library of documents for certain operator personnel.

Subsection 28BH(2) of the Act permits the regulations or CAOs to specify additional contents of a reference library on top of the minimum requirement for it to include 'all operational documents and material'. There is no reference library content currently specified for Australian air transport operators in any CAO.

The combination of subsection 28BH(2) of the Act and this regulation (119.040) means the following materials are required for an Australian air transport operator reference library:

- the civil aviation legislation that is relevant to the operator's Australian air transport operations
- the parts of the AIP that are relevant to the operations
- if the operator conducts operations in one or more foreign countries—the document for each of those countries that is equivalent to the AIP
- all information about the flight operations of each type and model of aeroplane or rotorcraft operated by the operator for the operations that is necessary to ensure the safe conduct of the operations
- any other publications, information or data required for the reference library by the operator's exposition.

Subregulation 119.040(2) of CASR states that electronic copies of documents are acceptable provided they are readily available. Refer to AMC 119.040 for acceptable methods of electronic access, as opposed to electronic copies, for meeting the requirement in relation to certain content of the reference library.

The HOFO is responsible for ensuring that flight crew are provided with the information and documentation necessary for them to carry out their responsibilities.[9] (refer to GM 119.140)

GM 119.045 Issue of Manual of Standards for Part 119

This provision provides CASA the authority to issue a Part 119 MOS.

At this time, there is no Part 119 MOS as none of the MOS empowering provisions in the Part 119 regulations are required to be used. CASA has no current proposals to use the Part 119 MOS powers. Any creation of a Part 119 MOS would be subject to consultation in accordance with the requirements of Subpart 11.J of CASR.

A MOS is a document that supports CASR by providing detailed technical material, such as technical specifications or standards.

A MOS is a legislative instrument and is subject to registration and disallowance under the *Legislation Act 2003*. Part 11 sets out procedural requirements for the issue, amendment or revocation of a MOS, including consultation requirements.

GM 119.050 Australian air transport AOC required

This regulation makes it an offence for a person to conduct an Australian air transport operation without an Australian air transport AOC for the operation.

GM 119.055 Compliance with Australian air transport AOCs

This regulation makes it an offence for the holder of an Australian air transport AOC to operate in contravention of their AOC.

An Australian air transport operator must hold an AOC that authorises the specific type of operation being conducted.

For example, an operator authorised under their AOC to conduct cargo transport operations cannot conduct passenger transport operations without applying for a change to their AOC to include passenger transport operations.

GM 119.060 Compliance with conditions of Australian air transport AOCs

This regulation makes it an offence for an Australian air transport operator to contravene a condition of their AOC. Regulation 119.080 of CASR outlines the ongoing conditions of an Australian air transport AOC. Conditions of general application are set out in Division 2 of Part III of the Act.

[9] Refer to paragraph 119.140(2)(b) of CASR.

3 Subpart 119.B—Australian air transport AOCs

GM 119.065 Application

This regulation and Subdivision B of Division 2 of Part III of the Act collectively set out the requirements regarding applications to conduct an Australian air transport operation.

Applications for an Australian air transport AOC are to be made using the form titled Air Operator's Certificate/Associated Approvals, which is available from CASA's website.

Information for Part 141 or 142 operators applying for an Australian air transport AOC

Part 141 certificate holders and Part 142 authorisation or AOC holders applying for an Australian air transport AOC may wish to utilise elements of their existing organisation such as key personnel and documentation in support of their application.

Example

An incumbent CEO for a Part 141 or 142 organisation may meet the requirements to be the CEO of a Part 119 organisation. Similarly, the HOO of a Part 141 or 142 organisation may meet the requirements to be the HOFO and/or the HOTC of a Part 119 organisation.

Operators are likely to need to add information to their existing operations manual/exposition covering at least the following :

- SMS manual and support for the SM position in the organisational structure
- information regarding dangerous goods (DG) training and handling, and a DG manual
- support for compliance with CAO 48.1 in relation to passenger, cargo or medical transport and information about operating across multiple CAO 48.1 appendices if required
- any elements relating to passenger, cargo or medical patient carriage
- certain elements required by Part 119 which are not mentioned in Parts 141 and 142, such as journey logs, assessment of forecasts, fuel policy and flight planning, stabilised approach etc (not a complete list)
- any other information gained by conducting a gap analysis (as described below).

It is recommended that Part 141 and 142 operators intending to extend their operations into Part 119 review the published CASA OPS protocol suite documents for Parts 121, 133 or 135, as appropriate, in particular the assessment matrices and worksheets. It is strongly recommended operators conduct a gap analysis on their existing organisation and documentation to determine the scope of additional requirements.

It is also recommended that, prior to commencing drafting or amending documentation in support of a proposed Part 119 application, operators refer to at least the latest online versions of the following CASA publications:

- Annex A to AC 1-02 - List of exposition headings and suggested content (Parts 91, 119, 121, 133, 135 and 138 of CASR)

- sample exposition content and guidance (see section 1.3 of this AC)
- key personnel assessment (OPS.10) protocol suite
- Multi-Part AC 119-11 and AC 138-02 - Training and checking systems.

Operators should be aware that CASA OPS protocol documents contain options for CASA to use abbreviated assessment pathways for key personnel nominations (see OPS.10) and exposition content where the key personnel nominees are already known to CASA and the operator has procedures encompassing topic areas that have already been assessed by CASA as part of earlier assessments.

Operators should be aware that CASA does not charge a singular standard fee for this type of AOC application and that any fee will reflect the specific level of effort required by CASA to assess an individual operator's specific AOC application. Operators may achieve reductions in assessment fees by using personnel and procedural content that has already been assessed by CASA where these prior assessments could be seen as reasonably applicable to any new AOC application.

GM 119.070 Conditions for issue

In addition to the requirements of section 28 of the Act, this regulation outlines matters about which CASA must be satisfied to issue an AOC to an applicant. These are that:

- the applicant's proposed exposition complies with regulation 119.205 of CASR
- the applicant can conduct operations safely and in accordance with their exposition and legislative/regulatory requirements
- the CEO, other key personnel, and directors of a corporate applicant each individually meet the requirements to be considered a fit and proper person
- each key person meets the stipulated qualification and experience requirements
- the applicant has suitable arrangements in place to ensure the continuing airworthiness of each aeroplane and rotorcraft proposed to operate under the applicant's AOC.

GM 119.075 Approval of exposition

This regulation provides that when CASA issues an Australian air transport AOC, the applicant's proposed exposition is taken to have been approved. This establishes the baseline document for the operator's operations. Any change to the operator's operations and exposition will be assessed as being either a significant change, or a change that is not significant, in accordance with the operator's change management process.

GM 119.080 Conditions of an Australian air transport AOC

Exemptions in force in relation to this regulation

There is an exemption in force (see section 7AB of CASA EX68/24) in relation to paragraph 119.080(1)(h) of this regulation, which would otherwise require the AOC holder to be the registered operator of every aircraft used in their Australian air transport operations or hold an approval to not be the registered operator for a specific aircraft from CASA. See AMC 119.205 for an acceptable means of recording the individual aircraft cross-hired by operators under this exemption.

There is an exemption in force (see section 7AC of CASA EX68/24) in relation to paragraph 119.080(1)(f) and (g) of this regulation, which relates to a new group of operators defined as a

micro-operator (see section 1.2 of this AC). For micro-operators, this exemption enables the CEO and safety manager positions to be occupied by the same person, or the HOFO and safety manager positions to be occupied by the same person.

This regulation specifies ongoing conditions of an Australian air transport AOC. Operators are reminded that the conditions specified in this regulation are in addition to the ongoing conditions of an AOC under section 28BA of the Act (which in turn requires compliances with sections 28BE, 28BF, 28BG and 28BH of the Act). All conditions must be complied with for the AOC to authorise operations, including subsection 28BA(2A) of the Act.

Conflict zone risk management

When conducting a flight in geographical areas experiencing armed conflict, pilots and operators will need to access resources and information relating to flights in these areas in order to fulfil their safety risk management responsibilities.

Australian air transport AOC holders are required by subsection 28BE(1) of the Act to take all reasonable steps to ensure that every activity covered by the AOC, and everything done in connection with such an activity, is done with a reasonable degree of care and diligence.

See also GM 91.215 and GM 91.245 in relation to the responsibilities of the pilot in command (PIC) and checking the safety of a route being take-off.

CASA has published information relating to flights in conflict zones on our website that provides further links to internationally available information. Additional guidance is available in ICAO Doc 10084.

Key personnel

All key personnel positions required by Part 119 of CASR have regulated responsibilities. Regulations relating to key personnel responsibilities do not include offence provisions and therefore do not carry a penalty. However, compliance of key personnel with regulations relating to their responsibilities is a condition on the operator's AOC.[10]

This regulation constrains the ability of operators to have certain combinations of key positions filled by the same person as follows:

- the CEO and SM positions can only be filled by the same person in unforeseen circumstances (i.e. the CEO cannot be the SM on an enduring routine basis), unless the operator is a micro-operator (see CASA EX68/24 section 7AC) in which case they can be filled by the same person on an enduring basis subject to CASA key personnel assessment
- the HOFO and SM positions, whilst not normally expected to be filled by the same person for conflict of interest reasons, can be filled by the same person on an enduring basis if CASA issues an approval (see later in this GM for more information on this circumstance) or if the operator is a micro-operator (see CASA EX68/24 section 7AC, remains subject to CASA key personnel assessment)
- there is no specific regulatory limitation on the HOTC and the SM being the same person.

[10] Refer to paragraph 119.080(1)(b).

Example of persons occupying the same position

This example applies to an operator who has nominated separate persons to carry out the responsibilities of the CEO and SM if the person in either position is unable to carry out their responsibilities in accordance with subparagraph 119.205(1)(e)(iv) of CASR.

In this example, the SM is the nominated 'backup person' for the CEO. The deputy SM is the nominated 'backup person' for the SM.

The CEO is unable to carry out their responsibilities for an unforeseen reason for 30 days (more than 35 days would trigger requirements to notify CASA under regulation 119.115 of CASR and to seek an approval under regulation 119.090 of CASR).

The operator immediately has the SM begin carrying out the responsibilities of the CEO position. As this is an unforeseen circumstance the SM is permitted to simultaneously occupy the CEO and SM positions for up to 7 days as per paragraphs 119.080(1)(f) and (2)(a) of CASR.

Before the 7 days lapses, the operator informs the Deputy SM that they are to carry out the responsibilities of the SM position.

In these circumstances, the SM is considered to be occupying the CEO position and the Deputy SM is considered to be occupying the SM position (the SM is not taken to be simultaneously occupying the CEO and SM positions and therefore no other approvals are required.)

Further CEO and SM information

The intent of the automatic 7 consecutive day allowance for the same person to fill the CEO and SM positions was to provide time for the operator to determine the best course of action. If a readily available backup SM is not available and was not previously authorised to fill the SM position, then the ability for CASA to approve a longer period of dual occupancy in unforeseen circumstances was to enable appropriate operators the time needed to hire a qualified SM and get them up and running in the operation (i.e. advertise, conduct hiring process, sign contracts, and complete 119.120 of CASR familiarisation training).

However, the intent of this approval, although it is not legally limited, was to enable this extra time for very small operators, such as an operator with just 1 person filling the CEO/HOFO/HOTC positions which has a second person filling the SM position (potentially as a part-time person as well).

In applying for an extended unforeseen circumstance CEO and SM approval, the operator is recommended to outline to CASA in their application:

- their plan to recruit a replacement SM (noting this is not expected to be very detailed remembering the size and scope of operator that this policy is intended to cover)
- how the CEO will fulfill the SM responsibilities for the extended temporary period (again noting and taking into account the size and scope of the intended operator for whom this approval was designed)
- outline the operator's recent safety performance as recorded by their SMS (this informs CASA about whether approving a combined CEO/SM is likely to inappropriately degrade the aviation safety of the operation).

HOFO and SM information

Where a single person assumes the roles of HOFO and SM, aspects of the management and functioning of the SMS may create a conflict of interest. It is more likely for CASA to approve the HOFO and SM positions being filled by the same person for small/non-complex operators than for large/complex operators (micro-operator circumstances are handled separate to this process). Additionally, in smaller and less complex operations, the HOTC may already have been combined with the HOFO. If this were the case, then a single person could potentially be fulfilling the responsibilities of three key personnel roles.

An example of where a conflict of interest may arise is if the HOFO and the SM were the same person and an audit or investigation found that the operational procedures were deficient. Where such circumstances occur, it may be appropriate for some operators (depending on size and complexity) to have an independent, competent person review the investigation and recommendations.

Additional SM information

As described in GM 119.110, there is no restriction on the SM being either a part-time employee, a contracted employee, or an employee also employed in another line role (noting the limitations on the doubling up of key personnel positions).

As outlined in GM 119.160, the SM has responsibility for the day-to-day functioning of the safety management system (SMS), as distinct from the safe functioning of the flying operations. It is fundamental to the SMS concept that the SM retain a level of independence that enables them to provide advice to the CEO and other key personnel on safety management matters.

In cases where an operator does not have sufficient employees with the required skills and experience to conduct all SMS functions it is acceptable to appoint an employee that satisfies the regulatory experience requirements as the SM and utilise internal/external personnel for the conduct of specialised SMS activities, such as audits or investigations. Where an operator chooses to use external provision of any SMS function, the operator should remain aware that the requirements in regulations 119.130, 119.160 and subpart 119.F of CASR remain applicable.

The size, scale and complexity of the operator and/or the operations being conducted will influence the appropriateness of part-time or contractor options. In all cases, the purpose is to achieve a sufficient level of assurance that the SM's responsibilities will be adequately fulfilled.

Requirement to be the registered operator of a registered (under Part 47 of CASR) aircraft

Under paragraph 119.080(1)(h) of CASR, noting there is an exemption in section 7AB of CASA EX68/24 applicable to this paragraph that is discussed later in this GM, an Australian air transport operator must, in relation to any registered aeroplane or rotorcraft they operate:

- be the registered operator of the aircraft

  or

- hold an approval under regulation 119.025 of CASR.

A registered aircraft is an aircraft registered under Part 47 of CASR. Therefore, paragraph 119.080(1)(h) of CASR does not apply to foreign registered aircraft.

The general intent of Part 119 of CASR is that the best way of ensuring that the continuing airworthiness responsibilities for an aircraft are fulfilled, under the current continuing airworthiness legislation, is for the operator of the aircraft to also be the registered operator of the aircraft.

However, CASA also recognises the theoretical possibility that there might be enduring circumstances where an operator cannot become the registered operator of an aircraft, or for legitimate business

reasons, desires not to be the registered operator, and it is for these reasons that the approval power in subparagraph 119.080(1)(h)(ii) of CASR was established. It must be noted that any 'legitimate business reason' does not automatically override the underlying aviation safety principle of maximising, for an air transport operation, the probability of achieving appropriate continuing airworthiness outcomes.

Separately, CASA also recognises that over many years, predating Part 119 of CASR, many non-scheduled air transport operators utilised short term leasing of aircraft (colloquially called cross-hiring) to fill short term gaps in their usual aircraft availability or to temporarily increase their pool of available aircraft to take advantage of a short term business opportunity. Noting that such gaps and opportunities often arise at short notice, within a time period where the operator would be able to obtain the CASA approval mentioned in subparagraph 119.080(1)(h)(ii), CASA has put in place an exemption in section 7AB of CASA EX68/24 to enable operators to be able to use aircraft for which they are not the registered operator on these short term and ad-hoc occasions.

However, it was not CASA's intention that long term cross-hiring of aircraft would be enabled by the exemption. Instead, operators intending to use an aircraft on a long-term basis where they are not the registered operator should develop an appropriate safety case and apply for the CASA approval mentioned in subparagraph 119.080(1)(h)(ii).

See AMC 119.205 for an acceptable means of recording the individual aircraft cross-hired by an operator under this exemption.

4 Subpart 119.C—Changes relating to Australian air transport operators

Part 119 of CASR refers to changes to an operator's organisation and operations as being either 'significant' or not. Regulation 119.020 of CASR defines a 'significant change'. Subpart 119.C of CASR establishes requirements for changes made by the operator, including the requirement for all significant changes to be approved by CASA, before they are implemented by the operator.

For guidance on the construction of a change management process, refer to Multi-Part AC 119-07 and 138-03 - Management of change for air transport and aerial work operators.

An operator may make changes that are not significant changes without prior approval from CASA. However, an operator must have a means to ensure that notification of all changes, and a copy of the exposition detailing such changes, are provided to CASA.

GM 119.085 Changes of name etc.

CASA must be notified of a change to an operator's name (including any operating or trading name), contact details or operational headquarters address (if different to the mailing address) prior to the change occurring. An operator must consider such a change against the criteria for a significant change. If it is determined not to be a significant change, the operator is still required to notify CASA prior to the change occurring.

Note: A change in the address of a main operating base is a significant change (see regulation 119.020 of CASR).

GM 119.090 Application for approval of significant changes

The matters that are deemed to be significant changes are detailed in regulation 119.020 of CASR.

The concept of significant change establishes the matters for which an operator will have to:

- seek approval from CASA before making the change
- supply documented changes to their exposition to CASA as part of their change approval process
- act in accordance with their own change management process (as defined in their exposition and satisfying the requirements of Subpart 119.C of CASR).

Key personnel changes

Some operators may have decided to initially obtain an AOC without having any standby or alternate key personnel who can perform the duties of a key person when they are absent from the position or cannot carry out the responsibilities. Standby or alternate key personnel are generally referred to in the Part 119 rules using language similar to 'a person previously authorised to carry out the responsibilities of a key position'. Such individuals are required to be listed in the exposition[11].

See GM 119.110 and GM 119.115 for additional information on these persons.

[11] Refer to subparagraph 119.205(1)(e)(iv).

If an operator who does not currently have any alternate key personnel decides, after they have been issued an AOC, that they want to have standby or alternate key personnel, then the insertion of these persons into the operator's exposition, as required by subparagraph 119.205(1)(e)(iv) of CASR, would be a significant change (see subparagraph 119.020(a)(iii) of CASR) and would require the approval of CASA (see regulation 119.090 of CASR). Similarly, changing the specific individual who is the acting key person would require changing the name of the person in the operator's exposition and this would be a significant change.

An alternate key person acting in the role for which they are previously authorised to carry out the responsibilities of the position for the same operator in a circumstance mentioned in subparagraph 119.205(1)(e)(iv) of CASR, provided it is for a period of 35 days or less, **is not considered to be a significant change** and does not require any approval by CASA.

Subregulation 119.090(2) of CASR describes the only circumstance in which an operator may change the person in a key personnel position without first receiving approval of this as a significant change. In this case, the new nominee must be identified in the exposition as a person authorised to carry out the responsibilities of that key person when the position holder is absent from the position or otherwise unable to carry out the responsibilities of the position.[12] CASA must be notified within 7 days of the change.

If an operator does not have an approved alternate person in place when a key person becomes absent from the position or cannot carry out the responsibilities, they will need to cease operations, as they would not be compliant with paragraph 119.080(1)(c) of CASR and section 28BA(2A) of the Act which require each key personnel position to be filled.

An operator is to apply for approval of a significant change using the applicable form (see GM 119.025).

Operators must clearly identify the proposed change in their exposition. Sending a new copy of the exposition to CASA without annotation of the changes is not acceptable.

Within the timeframe that is specified in the change management section of the operator's exposition, and after CASA approval of the significant change, the:

- operator would provide CASA with a new electronic copy of the entire document (exposition or subset document, such as operations manual)
- changes would be marked by change bars or otherwise be clearly identified
- document would contain the amendments marked in the amendment page
- document would advance to the next version number in accordance with the procedure specified in the change management section of the operator's exposition.

GM 119.095 Approval of significant changes

Approvals of significant changes are not made under regulation 119.025 of CASR but are made under Part 11 of CASR. The criteria for the grant of significant change approvals are a combination of the criteria in regulation 119.095 and Subpart 11.BA of CASR. Further information is in GM 119.025.

GM 119.100 Changes must be made in accordance with process in exposition

This regulation requires an operator to conduct all change management in accordance with the process documented in their exposition. Regulation 119.205 of CASR prescribes the required content of an operator's exposition. One item that must be included is the process that an operator will follow

[12] Refer to subparagraph 119.205(1)(e)(iv).

when making significant changes as well as changes that are not significant. CASA recognises that the size and complexity of organisations varies greatly, and accordingly it does not prescribe the actual process to be followed but rather requires that an exposition describe the process applicable to the operator.

All changes must be made in accordance with the change process in the operator's exposition.

Further information is available in Multi-Part AC 119-07 and 138-03 - Management of change for air transport and aerial work operators.

GM 119.105 CASA directions relating to exposition or key personnel

Under the provisions of this regulation, CASA may direct an operator to:

- remove, include or vary information, procedures or instructions in their exposition
- remove a person from a key personnel position.

In all cases, the regulation requires:

- any direction to be issued in writing
- the direction to state the time within which it must be complied with.

5 Subpart 119.D—Organisation and personnel

GM 119.110 Organisation and personnel

Part 119 of CASR prescribes matters that are only relevant to flight operations conducted under an Australian air transport AOC. If an organisation is also a Part 141 or Part 142 training organisation, other key personnel may be required. Similarly, if the operator is a Part 145 approved maintenance organisation, other specified managers for maintenance activities are required.

Where a combination of CASR Parts requires the appointment of the same position, an operator should ensure the responsibilities and accountabilities of the position documented in the exposition address the requirements of all relevant Parts.

Subregulation 119.110 (1) of CASR requires the operator to 'maintain an organisational structure that effectively manages the operator's Australian air transport operations, taking into account the size, nature and complexity of the operations'. The operator must ensure there are sufficient personnel engaged by the company (being either directly employed, contracted third party staff, or other arrangement) to ensure that:

- tasks are conducted in accordance with the operator's exposition
- operational task safety is not compromised due to a lack of resources
- only suitably experienced and qualified personnel are employed to carry out tasks
- assurance is provided that proposed services are undertaken with appropriate thought given to maintaining safety and considering the complexities of the task at hand.

Depending on the size, nature and complexity of the operations, the operator's exposition may outline requirements for the use of additional (including contracted third party or other arrangement) staff with consideration given to:

- the method by which additional staff are engaged
- any steps taken to ensure any additional staff are suitably experienced, qualified and able to perform the task(s) required.

The operator should document, in their exposition, the process it uses to regularly review and monitor the number of qualified personnel and decide whether additional staff are required to maintain safe operations. This is critical in operations with rapidly expanding services or high staff turnover.

The CASA AviationWorx system contains dedicated e-learning modules for key personnel. The modules aim to provide foundational information through a guided learning experience and assist key personnel holders and/or applicants to navigate through relevant regulations and supporting resources to help fulfil the role. The modules are on-line and self-paced with enrolment available through the AviationWorx system catalogue, 'Professional Development' section for the following roles:

- Chief Executive Officer (CEO)
- Head of Operations (HOO)
- Head of Training and Checking (HOTC)
- Head of Flying Operations (HOFO)

- Safety Manager (SM).

Safety management system and Safety Managers

The roles, responsibilities and accountabilities of the key personnel outlined on the organisational chart must be clearly articulated with respect to the operator's SMS. The CEO, who is often referred to as the 'accountable manager', is the person ultimately accountable under regulation 119.130 of CASR for the safety of the operation and for the SMS. When formalising the organisation structure, it is essential that the SM, as the designated key person, has direct access to the CEO[13]

For small, non-complex operators, there is no requirement for the SM to be employed on a full-time basis, i.e., the SM may be permanently employed but in a manner that requires less hours per week than that of a full-time employee. Alternatively, the operator may enter into an arrangement, provided it is documented, with an individual or another organisation for the provision of elements of the SMS. In this scenario, the operator is still required to nominate an individual who will be engaged by the organisation and therefore present 'in their organisation' as the key personnel position holder.

Provided that the regulatory experience requirements are satisfied, and the regulatory responsibilities can be carried out, options for filling the role of SM include (but are not limited to) the following:

- experienced line pilot
- a part-time employee
- a full-time employee performs other functions in addition to that of the SM role.

Regardless of the person filling the role of SM, it is important that the operator and the person understand the responsibilities associated with holding the position.

As the manager normally assigned day-to-day responsibility for the functioning of the SMS (as distinct from the safe functioning of the operation), the SM needs to work closely with the senior management team to meet the objectives of the SMS.

All management and supervisory positions, including the SM, are expected to show leadership and have included in their responsibilities/accountabilities a requirement to:

- actively support and promote the SMS
- ensure that they, and their staff, comply with the SMS processes and procedures
- ensure resources are made available to achieve the outcomes of the SMS
- continually monitor their area of responsibility, as outlined in the SMS manual.

Managers should ensure that sufficient resources are made available to achieve the outcomes of the SMS. To achieve this, managers should:

- ensure due processes and procedures needed for safe operations are in place
- ensure sufficient resources are in place to support the SMS
- continually monitor their areas of responsibility, as outlined in the SMS manual.

Depending on the size, nature and complexity of operations, larger organisations may have additional safety responsibilities that are explicitly defined for other senior managers. For example:

- General Manager/Chief Operating Officer

[13] This guidance relates to operators who are not micro-operators and don't have the CEO and SM positions filled by the same person.

- Head of Ground Services
- Head of Cabin Safety
- Head of Dangerous Goods and/or cargo
- Head of Operations
- Head of Operations for a particular aircraft type in the fleet, and/or
- Head of Customer Services.

Where this occurs, these additional positions should have a clear reporting mechanism that ensures any safety matters are reported to and managed by the SMS.

GM 119.115 When key personnel cannot carry out responsibilities

This regulation imposes a requirement for an operator to advise CASA of the absence or inability of any key personnel to carry out their responsibilities if this will continue (or is likely to continue) for more than 35 days. Operators should be aware that the period begins from the first day of the absence or inability of the key person to carry out their responsibilities. The requirement to advise CASA applies to both foreseen circumstances, such as a planned holiday, and unforeseen circumstances, such as an illness or injury.

Subparagraph 119.205(1)(e)(iv) of CASR requires an exposition to include a description of how the operator will manage any absence of a key person, or the inability of a key person to carry out their responsibilities. The term *absence* is not meant to be synonymous with the term *cannot carry out their responsibilities*.

Note: There is an exemption in force in relation to subparagraph 119.205(1)(e)(iv) of CASR relating to the naming, in the exposition, of a person who is authorised to carry out the responsibilities of a key person when the position holder is absent from the position or cannot carry out the responsibilities of the position. It is recommended that operators review section 16 of CASA EX68/24.

Absence (of a key person) is not a defined term in the CASR Dictionary. CASA applies this term in accordance with its ordinary meaning, i.e., not present, away or not in a certain place at a given time.

Example

A HOFO is also a flight crew member (FCM) for the operator and is required by flight and duty limitations to have an off-duty period. Since they must be off-duty if they are to fulfil the regulatory requirements as an FCM, they cannot be simultaneously ‘on-duty’ as the HOFO.

When conducting duties as an FCM, it depends on how the operator has structured the method by which the HOFO carries out their responsibilities as to whether the HOFO is absent from the position or cannot carry out their responsibilities.

If the carrying out of the HOFO responsibilities relies on the HOFO being present at a regular place of work, then they would be absent from this location during the off-duty period and the period when they are conducting duties as an FCM.

If the method by which the HOFO carries out their responsibilities requires their continuing presence, then the operator would need to have another person named in the exposition as an alternate or standby HOFO.

The key person responsibilities mentioned in regulations 119.130, 119.140, 119.150 and 119.160 of CASR require the key person to personally, or physically, carry out a task or duty, other than in relation to:

- responsibilities that require the key personnel to ensure certain things are done

  or

- a CEO's responsibilities in paragraph 119.130(1)(b) of CASR.

Example

For the responsibilities involve ensuring that tasks are carried out, that systems are managed, and that the performance of tasks are monitored by the key personnel, it is normal and permissible for key personnel to assign others to perform tasks to support or assist the key person in discharging their responsibilities.

Therefore, if operators do not have the resources to ensure a key person, or an authorised alternate (see the subheading below on alternate key persons), is always present and on duty when operations are in progress, then the operator's exposition should detail how the tasks and duties encompassed by each key persons' responsibilities are met during this period.

Example 1

Under paragraph 119.140(2)(c) of CASR, the HOFO is responsible for ensuring the proper allocation and deployment of the operator’s aeroplanes or rotorcraft, and the operator’s personnel, for use in the operator’s Australian air transport operations.

This responsibility could be met by the operator having a process to allocate an appropriate aircraft and FCM to a particular air transport flight. In practice this could be done by a person using a rostering system that uses a variety of inputs such as FCM status and flight profiles. After consideration of the relevant factors, the person and system could produce an aircraft and crew assignment that meets legislative and operator requirements and is considered "proper". However, it would be expected the HOFO would systemically review the actions of persons allocated tasks in the above process, to ensure they are being performed properly.

The HOFO does not have to be the person carrying out the process nor be present when the process occurs—the subregulation simply requires them to safely manage the operator's flying operations. Operators could design systems that function without the key person being in attendance and still provide for effective oversight.

Example 2

One of the HOFO's responsibilities is to monitor and maintain, and report to the chief executive officer on, the operator’s compliance with the provisions of the civil aviation legislation and the operator’s exposition that apply to flying operations.

The HOFO becomes aware through a CASA audit of non-compliance with the aviation legislation. The HOFO has a personal responsibility to report the non-compliance to the CEO.

One person conducting more than one key person's responsibilities

The criteria regarding one individual sharing more than one key person's responsibilities can be found in regulation 119.080 of CASR.

Alternate key person

The regulations permit certain persons to act as an alternate in the role of a key person (these kinds of persons are colloquially referred to as *alternate key persons* or *standby key persons*). The decision to include alternate key persons in the operator's exposition rests with the organisation.

> **Note:** Refer to GM 119.090 in relation to these persons and whether a significant change approval is required.

Using alternate key personnel has the potential to be beneficial as it can minimise disruption in several circumstances, such as:

- an unexpected illness of the primary person
- annual leave
- a change in the individual's circumstances leading to their inability to manage the duties and responsibilities of their position in the organisation
- sudden resignation/retirement.

Ideally, the operator would nominate a person who has the qualifications to hold the key person position, authorised by CASA to meet the circumstances of this regulation. However, **this is not a mandatory minimum requirement** as the person is not the key person. CASA will assess the circumstances of each application to determine whether the qualifications and experience of the proposed alternate person are reasonable.

The nomination of an alternate person follows the same process as the primary person. Likewise, any assessment of an alternate person will follow the process applicable to the primary person, albeit with modifications noting that it is not mandatory for the alternate person to meet the same regulatory requirements as the key person.

Any alternate key person must have received familiarisation training in relation to the substantive key person's responsibilities and accountabilities prior to carrying out the responsibilities of the position. The operator must have a means of demonstrating that this familiarisation training has been provided to alternate key persons.

Where an alternate person has been nominated, the operator's exposition is required to include the full name of each person authorised to act on behalf of each key person during any period of inability to carry out their responsibilities and describe how the alternate key person process is managed[14].

In developing this content, the following matters are recommended to be considered by the operator to include in their exposition:

- when the alternate person can act in place of the primary person
- how personnel are notified of a change to the person conducting the position holder's responsibilities and the period for which the change takes effect
- detailing who is responsible for notifying CASA of a change to the person fulfilling the key position holder's responsibilities (as per the regulatory requirements) and the means of providing the notification

- an auditable register that provides a chronological record of each occasion that the alternate key person fulfils the responsibilities of the key person position
- methods of communication and a formal handover process between the primary and alternate key person.

The process must ensure that the alternate does not discharge the duties and responsibilities of a key person until they assume the role. Conversely, when the alternate assumes the role of a key person, they must perform all duties and assume full responsibility for the position.

In the interests of safety, and to be satisfied that an alternate key person is suitable to carry out the responsibilities of the key position, CASA may issue a direction for the person to undertake an assessment, as per the requirements of the key position.

Alternate key person not full time for an operator

Many small operators do not have the numbers of personnel within their company to provide alternate key personnel from within their own personnel. For larger operators, sometimes personnel are assigned responsibilities across multiple operators under a common corporate entity. Under section 28 of the Act, key personnel are required to be 'in the organisation'. In the Act, the phrase 'key personnel' includes the person the regulations regard as the alternate, i.e. someone other than the key person.

The relevance of this is that an alternate must also be 'in the organisation', but this does not mean that must be 'employed by the organisation'. Instead, it infers the need for a clear engagement of the person to fulfil their role must be in place, with this engagement making clear that at the time of fulfilling their role, the person is 'in the organisation'.

Alternate key personnel that are normally employed by a different operator can be nominated as alternate key personnel, provided that the operator nominating them as alternate key personnel outlines in their exposition how the alternate key person will be capable of fulfilling their responsibilities as a key person on short notice. This is particularly important when the person is normally familiar with a different operator's procedures and exposition.

When conducting alternate key personnel duties, the person will need to have a direct relationship with the operator (whether by contract or other arrangement). Critically, the person must have the **time, and the ability,** to discharge their key personnel duties completely and comprehensively. It is highly unlikely that this can be satisfied if a key person is trying to conduct key persons duties for multiple operators at the same time.

> **Note:** Also see the guidance provided in GM 119.020 and 119.110.

GM 119.120 Familiarisation training for key personnel

An Australian air transport operator must ensure that, before a person appointed as any of the operator's key personnel begins to carry out the responsibilities of the position, the person has completed any training that is necessary to familiarise the person with the responsibilities. An operator must describe the conduct of this training in their exposition, including details of the training syllabus and how records of achievement are documented.

GM 119.125 Chief executive officer—experience

[14] Refer to subparagraph 119.205(1)(e)(v).

The Act requires the CEO to have appropriate experience in air operations. This regulation additionally requires that the CEO has sufficient relevant experience in organisational, operational, financial and people management of air operations. The regulation makes provision for an operator to seek approval for a variation in the specified experience level. Such an application would be expected to demonstrate how this variation would not have an adverse effect on the safety of air navigation.

CEO nominees must be able to demonstrate that they have a satisfactory record in the conduct or management of air operations.

The CEO sets the tone, vision, standards and culture of their organisation.

A CEO's role will vary from one organisation to another, depending on the size, culture, corporate structure and, correspondingly, the experience level required is dependent on the size and complexity of the organisation.

In smaller and less complex operations, CEOs are often more hands-on and involved with day-to-day functions, including being close to the flight operations of the organisation. In some circumstances, any combination of the roles of CEO, HOFO and HOTC could be filled by the same individual. It would therefore be necessary for the person to have an amount of relevant aviation experience, adequate to conducting the multiple key person responsibilities in the context of the operator's size, scale and complexity.

In larger organisations, CEOs typically deal primarily with very high-level strategic decisions and those that direct the company's overall growth. This correspondingly means that they might be distanced from the day-to-day flight operations of the organisation, and therefore it may not be necessary for the CEO to have the same high amount of relevant aviation experience.

Specific provision is made for the issuance of an approval for unusual combinations of CEO experience that may warrant special consideration. In all cases, the requirements of subparagraph 28(1)(b)(iv) of the Act must be satisfied.

GM 119.130 Chief executive officer—responsibilities and accountabilities

The CEO of an Australian air transport operator has the overall responsibility and accountability for the safe conduct of the operation. The regulation prescribes that the accountabilities and responsibilities ultimately rest with the CEO but does not indicate that the CEO must perform each of these functions personally.

The safe conduct of an aviation operation depends in large part upon the experience and competence of its personnel. Part 119 regulated personnel qualifications and licences form a framework for measurement of experience and competence, but Part 119 does not regulate all personnel who may have an impact upon safety, nor all skills and experience required to conduct safe operations. While Part 119 and other CASR Parts set some minimum requirements, the CEO must ensure that all employees, regardless of their roles, are suitably trained and authorised for the tasks they perform.

An appropriate management structure for the safe conduct of an operator’s authorised air transport operations will vary enormously across the scope of the air transport industry. What is appropriate for a small air transport operation conducting non-scheduled/on-demand operations would be inappropriate for an operation conducting scheduled transcontinental or international services. The management structure may also be affected by factors outside the scope of this regulation, such as whether the operator conducts ‘low cost’ or ‘full service’ operations. Some common management structure principles are:

- for smaller organisations:
  - a non-flying CEO would require a suitably experienced HOFO
  - a CEO with suitable flying and operational experience, and suitable qualifications, could occupy all positions except SM (unless the operator is a micro-operator or an unforeseen circumstance exists)

- for larger organisations:
  - the HOFO typically reports to the CEO
  - the HOTC would normally report directly to the HOFO, with the option to report directly to the CEO.
- the CEO is not permitted to also fill the role of SM (unless permitted by regulation 119.080 or the micro-operator exemption)
- the SM should report directly to the CEO or be provided with the clear ability to directly access the CEO on safety matters[15].

Part 119 of CASR requires the CEO to ensure that the operator has suitably experienced, qualified and competent personnel with the right mix of people with the right skill sets and experience to safely conduct authorised air transport operations.

While a CEO can assign other employees to support the discharge of their legislated responsibilities, the CEO retains responsibility and accountability for the matters. The CEO cannot formally delegate their responsibilities to another person.

AMC 119.135 Head of flying operations—qualifications and experience

Reserved.

GM 119.135 Head of flying operations—qualifications and experience

Exemptions and directions in force in relation to this regulation

There is an exemption and direction in force in relation to this regulation relating to the HOFO requirements for operators that held a relevant AOC prior to 2 December 2021. It is recommended that operators review sections 8 and 9 of CASA EX68/24. The approval mentioned in section 9 is taken to be a significant change due to it activating paragraph 119.020(c) of CASR. Operators are to apply for this approval by applying for a significant change via the Air Operator's Certificate / Associated Approvals form available on CASA's website.

The HOFO must hold an amount of organisational and operational experience commensurate with the size and complexity of the organisation and its operations.

In smaller and less complex operations, the HOFO is often close to the flight operations of the organisation. In some circumstances, any combination of the roles of CEO, HOFO and HOTC can be filled by the same individual. Where this occurs, it will be necessary for the person fulfilling these combined roles to have an amount of relevant aviation experience, adequate to conducting the multiple key person responsibilities in the context of the operator's size, scale and complexity.

[15] This is not relevant to micro-operators where the CEO and SM positions are filled by the same person.

The HOFO is required to hold either a commercial pilot licence or an air transport pilot licence where operations are single-pilot operations only, or an air transport pilot licence for all other operations[16].

The HOFO must have a minimum of 500 hours flight time on an aeroplane or rotorcraft used to conduct a significant proportion of the operator's Australian air transport operations, and at least six months experience in the conduct or management of air operations. However, it should be noted that these regulatory requirements are the normal minimum for all operators (unless an approval has been granted as mentioned in paragraph 119.135(3)(a) of CASR) and operators with an organisational size and complexity greater than the simplest operation should carefully consider whether additional experience is required for a HOFO to properly conduct their regulated responsibilities to safety manage the flying operations of the operator.

Under regulation 119.165 of CASR, CASA can require, by written notice, additional qualifications and experience beyond those required by this regulation. As guidance to operators, Table 1 below contains an indication of the minimum hours and experience that operators may wish to consider when determining an appropriate number of hours or experience to include in their exposition for a HOFO, noting the size and complexity of their operation.

Table 9: Indication of the minimum HOFO hours and experience

Operator fleet type	Number in fleet	Minimum total flight time	Experience
Single-engine	1 aircraft	500 hours	6 months
Single-engine	More than 1 aircraft	500 hours	9 months
Multi-engine	1 aircraft	500 hours, including 50 hours in command of multi-engine aircraft	9 months
Multi-engine	More than 1 aircraft	1000 hours, including 200 hours in command of multi-engine aircraft	12 months
Multi-engine aircraft for which 2 or more flight crew members are required by the AFM	Any number	2000 hours, including 400 hours in command of multi-engine aircraft for which 2 or more flight crew members are required by the AFM	2 years

In nominating a candidate for the role of HOFO, operators should provide CASA with relevant information supporting their contention that the HOFO candidate has sufficient safety and regulatory knowledge in accordance with paragraph 119.135(1)(e) of CASR.

For an operator that has a diverse fleet or operation, there are scenarios where the HOFO may not be qualified on every aircraft type or in every role/function performed under the AOC. Examples of this are as follows:

- mixed categories - fixed and rotary wing
- mixed type rated aircraft (e.g., A330 and B737)

[16] Note that the exemption mentioned at the beginning of GM 119.135 temporarily alters this requirement for certain HOFOs.

- mixed classes where aircraft are included under regulation 61.062 of CASR.

In this case, the operator may elect to nominate, in the exposition, a management structure position with a nominated person identified as a role or type specialist for that function, to support the HOFO. The specialist manager would report to the HOFO to assist the HOFO in discharging their responsibilities. This does not remove the accountability or responsibility of the HOFO to continue to manage the specialised operations.

The regulation also permits CASA to require assessment of the HOFO candidate; however, CASA must give written notice to the individual if this assessment is required.

Prior to conducting an assessment, CASA will conduct a desktop review of any nomination. In some cases, CASA will not require any further information as the nominee may be well known due to significant experience, or possibly having had a recent assessment conducted which addresses key criteria for a HOFO.

For example, an individual may be performing as HOFO for an air transport operation and elects to transfer to another operator. In this case, CASA may consider several matters, such as, but not limited to:

- how recently the individual has been assessed
- the performance of an individual in any previous assessment
- similarities or differences between the previous organisation and the new organisation that the candidate is nominated for
- performance as HOFO in previous positions.

Any assessment will seek to confirm that the nominee has a suitable understanding of the complexities of aircraft/role operations applicable to the nominated position.

Flight assessments may be conducted in an aircraft or simulator, as specified in the notice of assessment.

When a candidate's nomination has been refused, the operator and the candidate will be advised in writing of the reasons.

Foreign licensed HOO and foreign registered aircraft

Paragraph 119.135(1)(b) of CASR requires the HOFO to hold the pilot type rating or class rating (within the meaning of Part 61) for the aeroplane or rotorcraft that is used to conduct the greatest proportion of the operator's Australian air transport operations.

Unlike regulation 138.090, regulation 119.135 requires a Part 119 HOFO to hold a commercial pilot licence or air transport pilot licence.

Note: Clause 36 of Part 2 of the CASR Dictionary defines a reference within the regulations to a particular kind of flight crew licence as meaning a flight crew licence of that kind that may be granted under Part 61 of CASR and which also includes a certificate of validation of an overseas flight crew licence that is equivalent to the mentioned kind of Part 61 licence.

Floatplane operation

For the purposes of this guidance material, floatplane means operations that require the PIC to hold the design feature endorsement 'floatplane', 'floating hull' or 'float alighting gear'.

Assessment of a HOFO candidate for an AOC that includes floatplane operations will verify the applicant's awareness of the unique floatplane operating environment. This could include:

- marine operations, generally including interaction with other watercraft
- the proposed local operating environment (ocean, sea, river or lake)
- the associated hazards and nature of operations, including beach operations, amphibious operations and pontoon operations
- in-depth knowledge of the organisation's water aerodromes and the use of ad-hoc landing and take-off areas.

If a candidate for a floatplane operation already holds a HOFO landplane approval, this will be considered as part of the assessment.

HOFO qualifications after appointment / non-flying HOFO

For a HOFO to properly perform the responsibilities and duties required by CASR, the HOFO would normally maintain the qualifications held when initially appointed as a HOFO.

Should a HOFO lose currency/recency, the organisation should evaluate whether effective supervision is maintained by the individual continuing in the role. While there is no regulatory requirement for the HOFO to 'fly the line', it is acknowledged that first-hand experience is often maintained by those individuals who do.

For the non-flying HOFO, organisations would be expected to demonstrate that they have sufficient senior individuals involved in daily flying operations who:

- are part of the organisational structure (this does not mean that the individuals need to be alternate key personnel)
- can provide supervision to junior members, and
- have the experience to identify items that need to be raised for attention at the HOFO or CEO level.

Remotely located HOFO

There are occasions where an operator may nominate a HOFO who will not be located at an operator's physical location(s) and instead intends to exercise the privileges of their HOFO approval remotely. Experience has shown that, in the absence of onsite key personnel, the lack of guidance can contribute to the likelihood of non-compliance with statutory requirements.

The onsite presence of a HOFO is important for an operator's day-to-day operations. The HOFO can exert considerable influence on the safety of operations and support a high standard of operational matters and compliance. Achieving these objectives is challenging for a permanently remotely located HOFO.

If operators intend to utilise such an arrangement, it is strongly recommended that the operator puts in place suitable mitigators that overcome the likely shortcomings of this arrangement.

Example

Enhanced communication and oversight mechanisms, real time monitoring of operations (if possible), and greater experience levels of onsite senior staff.

CASA would consider such mitigators on a case-by-case basis.

In any situation where the candidate has other commitments inside or outside aviation, the operator must consider whether the candidate has adequate time to discharge the duties and responsibilities of a HOFO.

Additional HOFO situations

In the case of a smaller organisation, it is possible that insufficient work is available to justify full-time employment of a HOFO. This can make the task of finding a suitably qualified and experienced candidate difficult, as many will not be prepared to accept the pay and conditions of part-time employment.

In this and other situations, an organisation may seek to employ a HOFO who is already employed in some capacity. They may be working in another flying operation, possibly even as a HOFO for another operator, or they may work in another vocation completely. While there is no regulation that prevents this occurring, organisations should be prepared to demonstrate how a suitable workload is being managed by the key person. Any such case would need to consider several factors, including (but not limited to):

- the individual's total workload
- proposed number of hours worked per week (across all employment)
- method of ensuring compliance with CAO 48.1 limitations across more than one operator
- method of confirming that the HOFO will be available when operations are being conducted and how they will supervise such operations.

If an organisation's HOFO is engaged in employment duties for another organisation at certain times then it should be considered that the key personnel position is not filled during these periods, and therefore in accordance with subsection 28BA(2A) of the Act (due to paragraph 119.080(1)(c) of CASR) flying operations cannot be conducted.

Organisations considering such arrangements should also be aware that some HOFO duties are required outside the hours of flying operations, i.e., consideration of other administrative duties is needed.

AMC 119.140 Head of flying operations— responsibilities

AMC 1 - in relation to paragraph 119.140(2)(d)

This acceptable means of compliance is in relation to the responsibilities assigned to a HOFO by paragraph 119.140(2)(d) of CASR regarding the reference library obligations on an Australian air transport operator under section 28BH of the Act.

It is an acceptable means of compliance for the operator if the relevant Part 119 provisions of CASA's CASR flight operations sample exposition / operations manual is used by the operator to comply with paragraph 119.140(2)(d) of CASR.

GM 119.140 Head of flying operations—responsibilities

The HOFO of an Australian air transport operator has overall responsibility for the flying operations of an Australian air transport operator. The responsibilities detailed in regulation 119.140 of CASR denote/specify that the responsibility ultimately rests with the HOFO, but they do not require that the HOFO perform each of these functions personally.

In a small operation, with a steep gradient of experience and expertise, it would be expected that the HOFO would be involved in many of the duties that fulfil the responsibilities set out in regulation 119.140 of CASR. However, in a large operation with a larger number of senior staff, the HOFO may assign other staff to carry out duties that assist them to discharge their responsibilities.

Where an operator establishes multiple bases or operates from geographically dispersed locations, there must be a system to manage day-to-day operational issues. Implementation of such a system must be documented in the operator's exposition. The HOFO is responsible for all operations conducted at the various locations but can assign duties to other employees, such as a senior base pilot at each additional base. In this case the exposition would contain:

- a senior base pilot position description, outlining the duties and training requirements of the position
- qualifications needed for appointment as a senior base pilot
- an organisational chart showing reporting lines
- a method of regular communication between senior base pilots and the HOFO
- the duties of the HOFO, including a plan for oversight of each additional base such as regular visits.

While the HOFO can be supported by other employees carrying out duties that assist to discharge their responsibilities, the HOFO retains responsibility and accountability for the matters. The HOFO cannot formally delegate their responsibilities to another person.

Paragraph 119.140(2)(b) – flight crew to be provided with information and documentation

It is the responsibility of the HOFO to ensure that flight crew are provided with the information and documentation necessary to properly carry out their responsibilities.

This regulation covers all required information, including:

- aircraft operational documentation and data, including the Aircraft Flight Manual
- meteorological information for operational needs
- airways documentation
- flight planning information
- aerodrome documentation
- documentation required for international operations (if any).

This responsibility includes the necessary infrastructure (including computers, telecommunications etc.) to obtain the information/data and for it to be updated.

Paragraph 119.140(2)(c) – proper allocation and deployment of aircraft and personnel

It is the responsibility of the HOFO to ensure the proper allocation and deployment of aeroplanes, rotorcraft and personnel for use in operations authorised by the AOC.

There are two facets to this regulation that require consideration:

- Can the aircraft chosen to serve this route do so safely in all likely circumstances?
- Are the crew who will serve this route sufficiently qualified and experienced to safely serve this route in all likely circumstances?

Insufficient crew or aircraft capability for the task can lead to compromises in safety or operational reliability, or both.

Matters that should be considered include whether:

- the aircraft is appropriate to the task
- the aircraft has sufficient hours available until next service
- the operator can handle the possibility of this aircraft becoming unserviceable away from base
- adequate facilities are available at the destination
- sufficient qualified crew are available
- there are any duty hours limitations or fatigue issues associated with the proposed task
- suitable rest facilities are available (if needed).

Operators could use a paper-based system, or electronic systems/appropriate software to accomplish these tasks. The details of the operation and management of such systems would need to be included in the operator's exposition due to paragraph 119.205(1)(h) of CASR.

Paragraph 119.140(2)(d) – ensuring compliance with flight crew reference library requirements

Note: See AMC 119.040 and GM 119.040 for details of the content of a reference library.

Paragraph 119.140(2)(d) of CASR assigns the responsibility of compliance with section 28BH of the Act in relation to flight crew members to the HOFO. See AMC 119.140 for information on the use of CASA's 'CASR flight operations sample exposition / operations manual'.

There are significant similarities between the requirements of section 28BH of the Act and the obligations placed on the HOFO by paragraph 119.140(2)(b) of CASR.

Under section 28BH of the Act, the holder of an AOC must:

- maintain a reference library within the organisation, the contents of which must be readily available to all members of the operator’s flight crew
- keep the contents of the reference library up-to-date and in a readily accessible form
- keep up-to-date records of the distribution of operational documents to members of the holder’s flight crew and any other people employed in the holder’s organisation, who are employed as cabin crew, or to carry out duties associated with fuelling, loading or despatching aircraft.

Notes:

1. The definition of *operating crew* in subregulation 2 (1) of CAR states that *operating crew* means a *crew member*, with the definition of crew member being specified in the CASR Dictionary.
2. Section 28BH of the Act makes it an operator’s responsibility to also provide persons employed as cabin crew, or who carry out duties associated with fuelling, loading or despatching aircraft, with the required documentation. Part 131 of CASR does not place responsibilities in relation to these persons with the HOFO, and the CEO may assign the conduct of that responsibility under the Act as appropriate.

GM 119.145 Head of training and checking—qualifications and experience

Exemptions and directions in force in relation to this regulation

There are multiple exemptions and directions in force in relation to this regulation relating to the HOTC requirements for operators that held a relevant AOC prior to 2 December 2021. It is recommended that operators review sections 10, 11, 12 and 13 of CASA EX68/24. The approval mentioned in section 11 is taken to be a significant change due to it activating paragraph 119.020(c) of CASR. Operators are to apply for this approval by applying for a significant change via the Air Operator's Certificate / Associated Approvals form available on CASA's website.

CASA advises the industry that paragraph 119.145(6)(a) of CASR contains a minor editorial error where it refers to 'the heading of training or checking's or proposed heading of training or checking's'. This phrase should be 'the head of training and checking's or proposed head of training and checking's' and will be corrected in a future regulation amendment.

The HOTC must hold an amount of experience commensurate to the size and complexity of the organisation. In smaller and less complex operations, the HOTC is often close to the day-to-day functions of the operator's flight operations. In some circumstances, any combination of the roles of CEO, HOFO and HOTC may be filled by the same individual. In such circumstances it would be necessary for the person to have a considerable amount of relevant aviation experience.

Unless section 10 of CASA EX68/24 applies, the HOTC is required to hold either a commercial pilot licence or an air transport pilot licence where operations are single-pilot operations only, or an air transport pilot licence for all other operations.

In larger organisations, the HOTC is often located in a head office location and as such may be physically removed from the day-to-day conduct of the operator's flight operations. In considering whether the HOTC can adequately fulfil their responsibilities, one factor to consider is whether the HOTC is qualified to conduct all operations conducted by the organisation, or whether appropriately qualified additional staff are necessary to support the HOTC with subject matter expertise related to different aircraft or different operations. Under sections 12 and 13 of CASA EX68/24, the HOTC is required to possess a minimum amount of training experience.

Depending on the scale and complexity of the operator's operations, it may be appropriate for the HOTC to possess additional training and checking experience/qualifications, in addition to having sufficient aviation experience to supervise and manage the staff and functions of the organisation. For example, where an operator's training and checking system workload involves multiple events in several kinds of aircraft, or where there are several trainers and checkers operating, the HOTC needs to be able to determine if a candidate has met the standards specified in the operator's exposition and if the training and checking events are being conducted appropriately. As a result, the HOTC is likely to need a suitable amount of actual training experience and, if a significant volume of checks were being undertaken, checking experience is also likely to be appropriate.

Additionally, for operators that are not continuously carrying out training and checking events, there may be no need for the HOTC to be on duty or available when training and checking is not taking place. However, the nominated HOTC would still need to fulfil the responsibilities outlined under the Act and Regulations, whether they were present or not. The operator's exposition should outline how the HOTC fulfils their responsibilities to meet the requirements of regulation 119.205 of CASR. As part of assessing an AOC application and ongoing surveillance activities, CASA will evaluate whether there are appropriate procedures to keep the HOTC informed of the conduct of training and checking operations and to enable the HOTC to effectively exercise appropriate oversight.

Under regulation 119.165 of CASR CASA can require, by written notice, additional qualifications and experience than those required by this regulation.

For complex or large operations, it is desirable that the HOTC has the following qualifications and experience:

- extensive experience as a check pilot
- a command position for a type of aircraft that is used to conduct a significant proportion of the operator's Australian air transport operations
- a current instrument proficiency check on a type of aircraft that is used to conduct a significant proportion of the operator's Australian air transport operations
- a current command check pilot approval on a type of aircraft that is used to conduct a significant proportion of the operator's Australian air transport operations
- 1,000 hours flight time in operations substantially similar to those proposed
- 1,000 hours in command of aircraft of a type substantially similar to the type of aircraft proposed for the operator's Australian air transport operations
- 500 hours flight time as a check pilot, whilst holding approvals for activities substantially similar to those proposed for the operator's training and checking organisation. Experience as a check pilot may have been accumulated on an aircraft or approved flight simulator (but not a synthetic trainer).

The regulation does not require a HOTC to possess every Part 61 rating or endorsement relevant to the operations being conducted by the operator. Operators should note that they will need to provide CASA with relevant supporting information to show that the HOTC candidate has sufficient safety and regulatory knowledge in accordance with paragraph 119.145(1)(f) of CASR.

The regulation permits CASA to direct a HOTC, or proposed HOTC, to undertake an assessment of their suitability to be a HOTC. CASA must give written notice to the individual if an assessment is required to be undertaken.

Prior to deciding whether an assessment is required to be undertaken, CASA will conduct a desktop review of any nomination. In considering whether CASA will require an assessment to be undertaken, CASA may consider several matters, such as (but not limited to):

- whether the individual has been recently assessed, and how recently such an assessment occurred
- the performance of the individual in any previous assessment
- if the individual has previously been a HOTC for a different organisation, the similarities or differences between the previous organisation and the new organisation that the candidate is nominated for
- the performance of the individual as HOTC in previous positions (if any).

Any assessment will seek to confirm that the nominee has a suitable understanding of the complexities of aircraft/role operations, applicable to the nominated position.

Flight assessments may be conducted in an aircraft or simulator, as specified in the notice of assessment.

When a candidate's nomination has been refused, the operator and the candidate will be advised in writing of the reasons.

HOTC qualifications after appointment

For a HOTC to properly perform the responsibilities and duties required by CASR, they would normally maintain the qualifications that they held when initially appointed as HOTC. While there is no

regulatory requirement for the HOTC to regularly conduct check and training activities, it is acknowledged that first-hand knowledge and experience is maintained by those who do.

It is recommended that operators specify in their exposition whether the maintenance of currency and recency is a requirement for the HOTC. If the operator is considering not requiring currency/recency, then the operator would need to have evaluated how the HOTC continues to fulfil their responsibilities, including whether effective supervision is maintained by the individual continuing in the role. For a long term non-flying HOTC, a potential safety mitigator for operators to consider is the maintenance of sufficient senior training and checking staff who are regularly involved in regular training operations, are part of the formal organisational structure, are assigned duties relating to the supervision of junior crew members and are in regular contact with the HOTC.

GM 119.150 Head of training and checking—responsibilities

The responsibilities of the HOTC of an Australian air transport operator align very closely with some of the responsibilities of the operator's CEO. As such, the HOTC is required to regularly report to the CEO regarding the operator’s compliance with training and checking matters. The HOTC must ensure that the operator's training and checking system meets the operator and legislative requirements and is effective in the conduct of its activities. The HOTC is responsible for all flight crew training and checking activities. A CEO may also choose to appoint the HOTC as the manager for other training activities, such as for cabin crew and other safety critical personnel. In some organisations this will be beneficial, as it will promote the use of common training outcomes and standards across the organisation.

The responsibilities detailed in regulation 119.150 of CASR rest with the HOTC, but the regulation does not indicate that the HOTC must perform each of these functions personally. In a small operation, it would be expected that the HOTC would be involved in carrying out many of the duties that fulfil the responsibilities set out in regulation 119.150 of CASR. However, in a large operation with a larger number of senior staff, the HOTC may be supported by senior or other staff in discharging their responsibilities.

Where an operator carries out training and checking at geographically dispersed locations, in order to meet the requirements of regulation 119.205 of CASR, the exposition should outline how day-to-day issues are managed across the various locations. The HOTC is responsible for all training operations, regardless of location, and to ensure that the HOTC's responsibilities are fulfilled, it may be necessary for the operator to appoint a person who oversights or conducts certain duties at these locations under the direction of the HOTC (sometimes called a senior check and training pilot or similar terms). In this case, it is recommended that the exposition contain:

- a position description outlining the duties, qualifications and training and checking requirements of the supporting position
- an organisational chart showing reporting lines
- a method of regular communications with the HOTC
- a description of how the HOTC will oversee the conduct of assigned duties by the supporting person so that the HOTC remains assured that they have met their responsibilities.

For example, the HOTC could rely on compliance reports from a senior check pilot in giving their own compliance report to the HOFO, but this does not remove the ultimate accountability and responsibility imposed on the HOTC by regulation 119.150 of CASR.

Further guidance on meeting the specific requirements listed above is provided under the headings below.

Ensure that the operator is compliant with the legislative requirements in respect of qualifications, training and checking of the operator's flight crew

To ensure that flight crew qualifications, training and checking are compliant with the legislative requirements, a means must be provided for the HOTC to carry out the functions required to fulfil this responsibility. This may include, but is not limited to:

- receiving information and data from the SM and the SMS – for example, incident reporting and accident data and trending information
- collecting and reviewing information obtained during internal audits of documentation, such as training records
- ensuring that continual supervision of flight and ground training and checking staff is maintained to monitor the standard of instruction provided
- receiving regular feedback and reports in relation to compliance matters from managers, supervisors or instructors assigned responsibilities for particular flight training and checking activities
- maintaining communications with personnel located in different bases, and carrying out base inspections to ensure standardisation of instruction
- receiving and reviewing feedback from checking staff regarding checking events
- reporting to the CEO and HOFO in relation to matters such as those listed above.

To ensure the proper allocation and deployment of resources, a means must also be provided for the HOTC to:

- ensure the suitability of aircraft and/or FSTDs for each of the activities
- coordinate the timely transfer of aircraft between training bases
- ensure each training location has an appropriate number of suitable personnel, through the monitoring of course scheduling and progress.

Ensure that the HOFO is made aware of the compliance state of all crew qualifications, training and checking activities

To ensure the HOFO receives reports on compliance requirements for personnel qualifications, currency and training, a means must be provided for the HOTC to carry out the functions required to fulfil this responsibility. This may include, but is not limited to:

- recommending upgrade training or recruitment action (when necessary) to meet training and checking qualification requirements for the conduct of a particular activity
- providing evidence of the content, completion and results of the training and checks required by the internal training and checking system and exposition.

Ensure that training and checking of flight crew conducted by, or for, the operator is conducted in accordance with the operator's exposition

To ensure training and checking activities are conducted in accordance with the exposition, a means must be provided for the HOTC to carry out the functions required to fulfil this responsibility. This may include, but is not limited to:

- ensuring training and checking personnel receive, or have access to, the applicable exposition sections, and are familiar with the contents prior to conducting activities

- ensuring personnel are competent in the use of any software program which may be utilised as a tool for the training system
- providing training and guidance to personnel in the use of competency-based syllabi, and providing supervision to confirm training is conducted in accordance with the syllabi and standardised procedures of the organisation
- analysing data relating to matters such as repeated training events, time taken to achieve new qualifications/upgrades, and actual progress of trainees against the course schedule.

The HOTC must have the ability to make changes to the training system processes where required, and to recommend consequential amendments to the applicable parts of the exposition.

Using a Part 142 operator for the conduct of training or checking activities

An operator can elect to use a contracted Part 142 operator for the conduct of training or checking activities. In this case, the HOTC remains responsible for:

- ensuring that each individual engaged by a Part 142 operator to conduct training or checking is authorised under Part 61 for those applicable activities
- telling the Part 142 operator in writing of any changes to the operator's exposition relating to training and checking activities.

To ensure personnel conducting contracted training or contracted checking are authorised under Part 61 of CASR, the AOC's HOTC (and/or allocated staff) will require access to the contracted operator's exposition and a means to view the tracking functions of licences/qualifications. A means must be provided for the HOTC to carry out the functions required to fulfil this responsibility. These may include, but are not limited to:

- providing a copy of each contracting operator's exposition
- electronic access to the contractor's software systems
- use of auditing functions of the external contractor as a means of assurance
- establishing a reporting cycle and policy, which may be agreed to by each contracted operator, for communications with the HOTC, of each contracting operator (including provision of written reports)
- ensuring records of the content and results of contracted training and contracted checking are made and retained.

GM 119.155 Safety manager—experience

The conditions on an Australian air transport AOC prescribed by regulation 119.080 require the SM to be a person other than the CEO or HOFO, except in limited circumstances (see GM 119.080 for more information).

As a minimum, the nominated SM must meet the experience requirements specified in regulation 119.155 of CASR.

For further information on the experience and attributes of a SM, refer to:

- specifically in relation to Part 119: Multi-Part AC 119-01 and AC 138-11 - Safety management systems for air transport and aerial work operators
- general information on safety managers: CASA's Safety Manager Guide.

GM 119.160 Safety manager—responsibilities

The responsibilities of the SM of an Australian air transport operator align very closely with some of the responsibilities of the operator's CEO. As such, the SM will be required to report regularly to the CEO regarding the operator's compliance with safety management matters. The SM must ensure that the operator's SMS meets requirements and is effective.

For further information on the responsibilities of a SM, refer to:

- specifically in relation to Part 119: Multi-Part AC 119-01 and AC 138-11 - Safety management systems for air transport and aerial work operators
- general information on safety managers: CASA's Safety Manager Guide.

GM 119.165 Key personnel—additional qualification and experience requirements

The regulation enables CASA to issue a direction to an Australian air transport operator (or prospective operator) requiring additional qualifications or experience to that prescribed for a key personnel position under Subpart 119.D.

Because of the variation of scope of operator complexity across the breadth of Australian air transport operators, only baseline key personnel experience and qualification requirements have been placed in the regulations. For operators of above baseline size or complexity, additional key personnel experience and qualifications will be required for the operator to be capable of conducting safe operations in accordance with its exposition and for CASA to approve an exposition.

6 Subpart 119.E—Training and checking for operational safety-critical personnel

For operators with crew members who were trained and checked prior to the commencement of Parts 91, 121, 133, 135 and 138 of CASR on 2 December 2021, CASA has issued training and checking determination instruments to ensure that the previously completed training and checking of crew members is legally taken to be equivalent to the new training and checking event requirements. For Parts 119, 121, 133 and 135 of CASR, the relevant instruments are CASA 90/21 (related to Part 119 requirements), CASA 91/21 (related to Part 121 requirements), CASA 92/21 (related to Part 133 requirements) and CASA 93/21 (related to Part 135 requirements).

From 31 March 2024, all Part 121 operators were transitioned to compliance with the training and checking requirements of Parts 119 and 121 of CASR. For these operators, the exemption CASA EX12/24 provides a mix of permanent recognition of prior training events and temporary recognition of prior checking events.

From 28 February 2025, all Part 133 and 135 operators were transitioned to compliance with the training and checking requirements of Parts 119, 133 and 135 of CASR. For these operators, the exemptions CASA EX77/24 and EX78/24 provide a mix of permanent recognition of prior training events and temporary recognition of prior checking events.

Part 6 of CASA EX73/24 contains transitional and time-limited exemptions for certain Australian air transport operators from the Part 119 requirements for a program for training and assessing personnel in human factors principles and non-technical skills. CASA has notified affected operators that they must provide their HFP&NTS procedures by 1 September 2026 and have their HFP&NTS program in place by 1 December 2026. From 2 December 2026, affected operators cannot continue to operate unless they have met the applicable requirements or CASA has granted an extension.

GM 119.170 Training and checking system

Exemptions and directions relating to this regulation

See the comment regarding broad exemptions in force relating to the conduct of training and checking for Australian air transport operators at the beginning of Subpart 119.E of this AMC/GM document.

There is an exemption and direction in force in relation to subregulation 119.170(5) relating to the training and checking of operational safety-critical personnel who are not flight crew members, cabin crew members or other crew members assigned duties on board an aircraft for the flying or safety of the aircraft. It is recommended that operators review sections 14 and 15 of CASA EX68/24.

All operators conducting Australian air transport operations are required to have a training and checking system for flight crew and, if applicable, cabin crew. Certain operators are required to include operational safety-critical personnel in the training and checking system.[18]

[18] Refer to subregulations 119.170(4) and (5).

For detailed guidance on training and checking systems and their implementation within the context of Parts 121, 133 and 135 of CASR, refer to Multi-Part AC 119-11 and 138-02 - Training and checking systems.

When an operator is applying this regulation, it should not be assumed that because the specific matters mentioned in subregulation 119.170(3) (in relation to cabin crew members) are not also specifically mentioned in subregulation 119.170(2), that these requirements do not apply to flight crew member training and checking. The matters mentioned in subregulation 119.170(3) are fundamental elements of meeting the broader requirements of paragraphs 119.170(2)(a) and (2)(d) and therefore would be required to be outlined by the operator to meet the regulatory requirements for flight crew members as well. CASA has noted the potential confusion caused by the separate content of subregulation 119.170(3) of CASR and plans to adjust the regulation to remove the potential misunderstanding in a future regulation amendment.

Operators with aeroplanes or rotorcraft as specified in subregulation 119.170(6) and (7) may not use a Part 142 contractor, or an independent contractor, to conduct flight crew checks. In this case, the operator must use individuals employed by the operator to conduct any flight crew check activities.

Notes:

1. According to established employment common law concepts, an 'employee' is a person who is engaged on a 'contract of service.' By contrast, an 'independent contractor' is a person (or organisation) engaged by way of a 'contract for service.' In Construction, Forestry, Maritime, Mining and Energy Union v Personnel Contracting Pty Ltd [2022] HCA 1, the High Court recently held a person engaged by a labour hire company to work for one of its construction clients, was employed by the labour-hire company and not the client. The Court focused on the contractual terms required of the parties, and found they reflected that of an employer-employee relationship, including that the worker had no control over what work he performed and how, and that he could not be said to be 'in business on his own account' but rather had promised to perform work for the benefit of the labour hire company. Operators will need to ensure that any arrangements with a person for subregulation 119.170(6) of CASR ensure that the individual is an employee of the operator.
2. Regardless of the aircraft size, payload or MOPSC, all operators are permitted to use a Part 142 operator for the provision of training activities in any aircraft.

Australian air transport operators cannot use their training and checking system for other air transport operators unless they are authorised under Part 142 for this purpose.

Subregulation 119.170(8) is intended to provide legal certainty that in the circumstance where an Australian air transport operator also holds a Part 141 or Part 142 authorisation, the requirement of regulation 119.170 does not apply to the training or checking events conducted as part of the operator's Part 141 or Part 142 activities. This additional subregulation is necessary due to the specific definitions that underpin subregulation 119.170(1).

Operational safety-critical personnel

The definition of 'operational safety-critical personnel'[19] covers a broad group of personnel which includes more than just flight and cabin crew.

Those personnel other than flight and cabin crew that an operator determines to be operational safety-critical personnel must be described within the operator's exposition or operations manuals. In

[19] Refer to the CASR Dictionary.

constructing the list of operational safety-critical personnel, operators should consider (as a minimum) any of the following for inclusion:

- rostering and scheduling staff
- personnel with functions in flight following or operations centres
- personnel that conduct the preparation of weight and balance information
- personnel with position descriptions/functions that may have an impact on the weight and balance of an aircraft
- all personnel who have direct contact with the aircraft and/or contact with flight/cabin crew
- all personnel involved in the acceptance of any passengers
- personnel responsible for the acceptance or build-up of any deadload, including baggage, dangerous goods and cargo, for an aircraft
- personnel associated with loading or unloading of an aircraft
- personnel associated with the loading/unloading of fuel onto/from an aircraft
- personnel associated with the loading of supplies/passenger amenities, including catering, onto an aircraft
- any manager/supervisor responsible for management of flight crew, cabin crew or operational safety-critical personnel
- all key personnel.

The above list should not be treated as exhaustive and each operator should consider the size, complexity and nature of their operations in determining what roles are included or excluded.

GM 119.175 Program for training and assessment in human factors principles and non-technical skills

Exemptions and directions relating to this regulation

Refer to the comment regarding transitional exemptions for human factors principles and non-technical skills (HFP&NTS) training and assessment at the beginning of Subpart 119.E of this AMC/GM document.

There is an exemption in force in relation to which personnel are required to be included in an operator's HFP&NTS training and assessment program. It is recommended that operators review section 15A of CASA EX68/24.

Note: CASA has notified affected operators that they must provide their HFP&NTS procedures by 1 September 2026 and have their HFP&NTS program in place by 1 December 2026. From 2 December 2026, affected operators cannot continue to operate unless they have met the applicable requirements or CASA has granted an extension. Operators should use CASA's end-of-transition submission process for SMS, HFP&NTS, FDAP and safety manager material.

All Australian air transport operators must have a program for training personnel in human factors (HF) principles and non-technical skills (NTS). In the same way that a SMS and a training and

checking system are scalable according to the size and complexity of the organisation, the HF and NTS training is also scalable.

For individuals and teams to perform effectively in safety-critical environments, they must be proficient in both technical skills (such as manipulation of aircraft controls, arming aircraft doors, marshalling, loading baggage, refuelling) and non-technical skills (such as communication, making decisions, maintaining situational awareness and managing stress). Non-technical skills are sometimes referred to as 'human factors'.

For additional information on HFP and NTS, refer to AC 119-12 - Non-technical skills training and assessment for air transport operations and ICAO Doc 9683. [20]

GM 119.180 Training in human factors principles and non-technical skills (HFP&NTS) for flight crew etc.

Exemptions and directions relating to this regulation

Refer to the comment regarding transitional exemptions for HFP&NTS training and assessment at the beginning of Subpart 119.E of this AMC/GM document.

There is an exemption in force in relation to which personnel are required to be included in an operator's HFP&NTS training and assessment program. It is recommended that operators review section 15A of CASA EX68/24.

Note: CASA has notified affected operators that they must provide their HFP&NTS procedures by 1 September 2026 and have their HFP&NTS program in place by 1 December 2026. From 2 December 2026, affected operators cannot continue to operate unless they have met the applicable requirements or CASA has granted an extension. Operators should use CASA's end-of-transition submission process for SMS, HFP&NTS, FDAP and safety manager material.

This regulation requires flight crew members, cabin crew members, air crew members, medical transport specialists and flight dispatchers to meet the exposition requirements for HF and NTS training before carrying out a duty of the person's position.

CASA, within the context of this regulation, interprets a duty to be those responsibilities related to the definition of operational safety-critical personnel. For example:

- safety-related work that involves direct contact with the physical operation of aircraft used in the operator's Australian air transport operations

  or

- operational contact with personnel who operate aircraft used in the operator's Australian air transport operations.

For additional information on HF and NTS, refer to AC 119-12 - Non-technical skills training and assessment for air transport operations and ICAO Doc 9683.[21]

[20] Further resources are available at https://www.casa.gov.au/safety-management/human-factors.

[21] Further resources are available at https://www.casa.gov.au/safety-management/human-factors.

GM 119.185 Training in human factors principles and non-technical skills for other operational safety-critical personnel

Exemptions and directions relating to this regulation

Refer to the comment regarding transitional exemptions for human factors principles and non-technical skills training and assessment at the beginning of Subpart 119.E of this AMC/GM document.

There is an exemption in force in relation to which personnel are required to be included in an operator's HFP&NTS training and assessment program. It is recommended that operators review section 15A of CASA EX68/24.

Note: CASA has notified affected operators that they must provide their HFP&NTS procedures by 1 September 2026 and have their HFP&NTS program in place by 1 December 2026. From 2 December 2026, affected operators cannot continue to operate unless they have met the applicable requirements or CASA has granted an extension. Operators should use CASA's end-of-transition submission process for SMS, HFP&NTS, FDAP and safety manager material.

The definition of 'operational safety-critical personnel'[22] covers a broad group of personnel which includes more than just flight and cabin crew.

The intent of this regulation is to ensure that any personnel who may have an impact on the safety of an operation are appropriately trained to manage human performance and adapt to contextual changes.

Personnel other than those outlined in subregulation 119.180(2) are required to take part in and meet the requirements for HF and NTS training specified in an operator's exposition within three months of commencing employment.

To avoid confusion, this means that personnel covered by this regulation are able to carry out their duties for up to three months without meeting the requirements of the exposition.

For more information, refer to AC 119-12 - Non-technical skills training and assessment for air transport operations.

[22] Refer to the CASR Dictionary.

7 Subpart 119.F—Safety management

There are transitional exemptions in force in relation to SMS and flight data analysis programs (FDAP). These exemptions apply to certain operators. It is recommended that operators review the relevant Parts of CASA EX73/24, including Parts 2 and 11. CASA has notified affected operators that they must provide their SMS procedures, FDAP procedures if applicable, and safety manager nomination by 1 September 2026. By 1 December 2026, affected operators must have implemented their SMS, including FDAP if applicable, and have their safety manager accepted by CASA. From 2 December 2026, affected operators cannot continue to operate unless they have met the applicable requirements or CASA has granted an extension. Operators should use CASA's end-of-transition submission process for SMS, HFP&NTS, FDAP and safety manager.

This Subpart sets out the requirement for an Australian air transport operator to have an SMS and the components and elements of the system. Operators operating certain larger aeroplanes and rotorcraft are required to incorporate a flight data analysis program into their SMS. Further information about SMS can be found in AC 119-01 - Safety management systems for air transport operations, and in the CASA publication Safety management system kit for aviation - a practical guide.

GM 119.190 Safety management system requirements

Exemptions and directions relating to this regulation

Refer to the comment regarding transitional exemptions for SMS and flight data analysis programs for Australian air transport operators at the beginning of Subpart 119.F of this AMC/GM document.

There is an exemption in force enabling operators defined as a micro-operator to have the CEO and SM, or HOFO and SM, positions filled by the same person, subject to CASA key personnel assessment. It is recommended that operators review section 7AC of CASA EX68/24.

There is a Part 11 direction in force in relation to the use of safety information by operators required to have an FDAP. It is recommended that operators review section 19 of CASA EX68/24.

Note: CASA has notified affected operators that they must provide their SMS procedures and safety manager nomination by 1 September 2026. By 1 December 2026, affected operators must have implemented their SMS and have their safety manager accepted by CASA. From 2 December 2026, affected operators cannot continue to operate unless they have met the applicable requirements or CASA has granted an extension. Operators should use CASA's end-of-transition submission process for SMS, HFP&NTS, FDAP and safety manager material. Operators should also review section 7AD of CASA EX68/24 for the limited exemption from the significant change approval requirements in subregulations 119.090(1) and (4) of CASR for adding a safety manager.

CASA advises the industry that subregulation 119.190(1) of CASR contains a minor editorial error where it refers to 'the operator's Australian transport operations'. This phrase should be 'the operator's Australian air transport operations' and will be corrected in a future regulation amendment.

All Australian air transport operators must have an SMS. In the same way that a training and checking system is scalable according to the size and complexity of the organisation, the SMS is also scalable.

A large complex operator may have a detailed SMS, a large safety management team and a robust database. Smaller, less complex operators are not required to have the same resources dedicated to their SMS.

While the four foundations of an SMS are important to every system, operators have a certain amount of freedom in terms of their construction. The foundations are the following:

- safety policy and objectives
- safety risk management
- safety assurance
- safety promotion.

CASA provides multiple resources to support the development of an SMS. Some of these resources are:

- Multi-Part AC 119-01 and AC 138-11 - Safety management systems for air transport and aerial work operators provides guidance for organisations in meeting the SMS requirements in Parts 119 and 138.
- CASA Safety Management System (SMS) Evaluation Tool and Guidance is a tool previously used by CASA to evaluate an organisation's SMS components and elements and to determine the overall level of the SMS's maturity and effectiveness. It is recommended that operator's use this tool for self-examination, either prior to or periodically after SMS implementation.
- Safety management system kit for aviation - a practical guide is a set of nine booklets outlining the structure and elements of an SMS for organisations to consider when implementing and/or updating their SMS.
- CASA's SMS sample manual materials:
  - Micro-operator safety management system sample manual and associated guide
  - Safety management system sample manual (SMSM) - For Part 119 and Part 138 of CASR, and associated guide
  - Emergency response plan (ERP) template for Part 119 and Part 138 safety management system manual (SMSM).

Organisations with existing safety management procedures and processes are encouraged to read this AC to assist in further developing their SMS (if required). Throughout the AC there are performance markers that have been taken from CASA's internal assessment tools and aligned to relevant regulations in Part 119. Further guidance can be found in Safety management system kit for aviation - a practical guide.

Organisations with a mature SMS are encouraged to use CASA Safety Management System (SMS) Evaluation Tool and Guidance to undertake a gap analysis of their existing procedures and processes to ensure they meet the requirements outlined in Part 119 of CASR. Further guidance on this, and the performance markers used in this document, can be found in the AC.

Organisations who do not currently have an SMS are encouraged to read Safety management system kit for aviation - a practical guide, in conjunction with the AC. References to relevant booklets in the kit have been included throughout the AC.

Operators who are not required to have a flight data analysis program (FDAP) are encouraged, when developing your SMS procedures, to review CASA's SMS sample manuals.

Conflict zone risk management

When conducting a flight in geographical areas experiencing armed conflict, pilots and operators will need to access resources and information relating to flights in these areas in order to fulfil their safety risk management responsibilities.

See also GM 91.215 and GM 91.245 in relation to the responsibilities of the PIC and checking the safety of a route being take-off.

CASA has published information relating to flights in conflict zones on our website that provides further links to internationally available information.

Multi-CASR Part SMS requirements

If an operator also conducts aerial work operations under Part 138 of CASR and is required to have an SMS by Part 138, the operator can choose to integrate the two SMSs. The requirements of all relevant CASR Parts must be met. The SM for such an SMS may be the same person if the regulatory requirements for both Parts are met by that person.

There is no legislative requirement for an operator to combine a Part 119 and Part 138 SMS. Regardless of whether the operator combines these functions or keeps them separated, the structure of the system and the responsibilities of the SM need to be clearly defined in the operator's documentation (whether exposition and/or operations manual).

CASA's sample SMS manuals have been designed to be compliant with the SMS requirements for both Part 119 and Part 138.

GM 119.195 Flight data analysis program requirements

Exemptions and directions relating to this regulation

Refer to the comment regarding transitional and time-limited exemptions for SMS and flight data analysis programs for Australian air transport operators at the beginning of Subpart 119.F of this AMC/GM document.

There is a Part 11 direction in force in relation to the use of safety information by operators required to have an FDAP. It is recommended that operators review section 19 of CASA EX68/24.

Note: Part 11 of CASA EX73/24 contains transitional exemptions for certain Australian air transport operators from the Part 119 flight data analysis program requirements. CASA has notified affected operators that they must provide their FDAP procedures by 1 September 2026. By 1 December 2026, affected operators must have implemented their FDAP. From 2 December 2026, affected operators cannot continue to operate unless they have met the applicable requirements or CASA has granted an extension. Operators should use CASA's end-of-transition submission process for SMS, HFP&NTS, FDAP and safety manager material.

Regulation 119.195 of CASR requires operators of certain larger aeroplanes and larger rotorcraft to have a flight data analysis program (FDAP).

FDAP equipment and permitted activities are separate to the CVR and FDR equipment requirements, including access to stored data. An FDAP does not, in any way, change the requirements applicable

to the carriage of CVR/FDR equipment and cannot interfere with the preservation requirements for CVR/FDR data (refer to Division 91.D.8 of CASR).

Where an organisation has an FDAP, regulation 119.190 requires that it is included in the SMS. An FDAP is used for the monitoring and analysis of flight operations and engineering performance data. Successful programs encourage adherence to SOPs and deter non-standard operations, consequently improving flight safety. They can also detect adverse trends in any part of the flight regime which can be mitigated by revision of SOPs, Air Traffic Control (ATC) procedures or understanding anomalies in aircraft performance.

In establishing an FDAP, the operator may consider:

- establishing agreements between the company and its workforce on how data is used and any provisions applicable to the access of that data
- appropriate data security procedures and protocols
- the capabilities of any selected equipment
- training of personnel
- how data is collected from the aircraft
- how data is analysed
- how the FDAP is used to enhance/facilitate the SMS.

For additional information, refer to AC 119-04 - Flight data analysis programmes (FDAP) for air transport operations.

8 Subpart 119.G—Personnel fatigue management

This Subpart is reserved for future use.

Flight crew fatigue is regulated under Civil Aviation Order 48.1 Instrument 2019, guidance for which is available on the CASA website. Other crew member fatigue is regulated by the outcome-based requirements of regulation 91.520 of CASR and operator obligations under the Act. Other operational safety-critical personnel fatigue is regulated by operator obligations under the Act.

CASA has published sample operations manual content for multiple CAO 48.1 appendices at section 1.3 of this AMC/GM document.

9 Subpart 119.H—Expositions for Australian air transport operators

This Subpart prescribes the:

- required content of an Australian air transport operator's exposition
- requirement for an operator to provide relevant exposition material to its personnel prior to carrying out their duties
- requirement for the operator and operator personnel to comply with the exposition.

AMC 119.205 Content of exposition

AMC 1 - use of CASA published sample expositions and manuals

It is an acceptable means of compliance with this regulation for an operator to use the content of the CASA sample expositions or manuals listed in Table 6 of this AMC/GM document (see section 1.3), subject to the following conditions:

- the operator and its operations are within the stated scope of the relevant sample
- all relevant content required by the sample to be included by the operator is added, completed or adjusted as appropriate to the content
- any changes made by the operator to the sample are subject to CASA's normal review processes for operator exposition content
- any additions made by the operator (whether entirely operator driven or required to be added by the sample document itself) to the sample are subject to CASA's normal review processes for operator exposition / manual content
- due to the relatively new nature of Parts 119, 121, 133 and 135 of CASR, CASA is more frequently updating the samples than would be anticipated for a fully mature and well understood system of rules and this may result in an operator submitting content based on a sample and CASA requesting further clarification from an operator.

AMC 2 - listing certain legal instruments relied upon by an operator in their exposition

Paragraph 119.205(1)(h) of CASR requires the operator's exposition to include details of each plan, process, procedure, program and system implemented by the operator to safely conduct and manage their Australian air transport operations in compliance with the civil aviation legislation.

> **Note:** The civil aviation legislation includes the Act, regulations and legislative instruments made under the Act or regulations, and Chapter 7 of the Criminal Code, insofar as that Chapter applies to conduct in relation to matters listed in the definition of civil aviation legislation in the Act.

As an acceptable means of compliance, AMC 3 within AMC 119.040 also applies to the acceptable interpretations of the requirement mentioned above.

AMC 3 - recording of short term leased / cross-hired aircraft in an operator exposition

Paragraph 119.205(1)(i) of CASR requires the operator's exposition to include, for aircraft registered under Part 47 of CASR (the VH register), the type, model and registration mark for each individual aircraft.

An exemption in section 7AB of CASA EX68/24 permits certain kinds of Australian air transport operations to be conducted using an aircraft for which the operator is not the registered operator. For some operators, this kind of leasing / cross-hiring occurs for a short period, ad-hoc basis, sometimes with very short notice.

In these circumstances (short term or ad-hoc), it is an acceptable means of compliance with paragraph 119.205(1)(i) of CASR if the operator uses an appendix or annex style document, which remains formally part of their exposition and should be identified as such in any exposition table of contents (or similar), to record the required details of the leased / cross-hired aircraft.

Note: It is not a requirement of this AMC that the document be titled 'appendix' or 'annex'. Operators can choose an alternative description if desired.

This appendix or annex could be hand-written or electronic, and each entry into the document would, unless the use of any specific aircraft triggered the significant change requirements, be a non-significant change.

If it was a non-significant change, the document would be provided to CASA in accordance with the operator's change management procedures.

GM 119.205 Content of exposition

Exemptions and directions relating to this regulation

There is an exemption in force in relation to subparagraph 119.205(1)(e)(iv) of CASR relating to the naming, in the exposition, of a person who is authorised to carry out the responsibilities of a key person when the position holder is absent from the position or cannot carry out the responsibilities of the position. It is recommended that operators review section 16 of CASA EX68/24.

An exposition is a document, or set of documents, which describes how an operator will conduct its operations safely. It sets out, both for CASA and for operator personnel involved in the operation, how to comply with all applicable legislative requirements and manage the safety of the operation, as well as details of each plan, process, procedure, program and system implemented.

If structured as a set of documents, the exposition might include a 'principal/primary document' which contains all the common information applicable to operator activities. Separate manuals can then be established for specific aspects of certain activities, and the associated systems and procedures applicable to those activities. These separate manuals form part of the operator exposition.

The exposition comprises both the principal document and all other operator nominated manuals. Where the exposition is comprised of other manuals/documents, the principal document must reference the other manuals and state that they form part of the exposition.

In constructing the exposition content, the operator should refer specifically to the list of items in the regulation to ensure completeness of the exposition.

For example, paragraph 119.205(1)(e) of CASR stipulates further requirements for key personnel in addition to those in Subpart 119.D of CASR.

Operators are recommended to read Annex A to AC 1-02 - Guide to the development of expositions and operations manuals as this Annex contains significant guidance about exposition headings and suggested content.

GM 119.210 Compliance with exposition by operator

This regulation requires an operator to meet the requirements of their own exposition. It is important to understand that even when something is not addressed in the legislation, or the exposition goes beyond what the legislation requires, the operator is still required to comply with the matter(s) specified in the exposition.

GM 119.215 Providing personnel with exposition

The operator is required to make its exposition available to all applicable personnel. This can be in an electronic format.

Operators should refer to paragraph (a) of the definition of 'personnel' in the CASR Dictionary, which is quite broad. Personnel, whether directly employed or employed under contract (either direct contract or through a contract to another company), are required to be provided with the parts of the operator's exposition relevant to their duties.

GM 119.220 Compliance with exposition by personnel

The operator's personnel are required to comply with the operator's exposition, as it applies to them. If a member of an Australian air transport operator's personnel does not meet the requirements of the exposition as they apply to them, then both the member and the operator commit an offence. This places an onus on the operator to take steps to ensure that personnel comply with operator procedures.

10 Subpart 119.J—Records and documents

GM 119.225 Personnel training and checking records—making records

This regulation requires an operator to make specified training and checking records for their personnel.

GM 119.230 Personnel training and checking records—availability of records

This regulation requires an operator to make records made under regulation 119.225 of CASR available to the person to whom the records relate at the person's request. It also requires the operator to provide copies of the records to another Australian air transport operator if such a request is authorised in writing by the person to whom the records relate. This is to provide transparency as to the contents of records between employees and employers.

GM 119.235 Copies of flight crew licences and medical certificates

Exemptions and directions relating to this regulation

There is an exemption and direction in force which allows operators to only hold a record of a flight crew member's medical certificate, flight crew licence, ratings and endorsements that are required to operate the operator's aircraft. A direction extends this requirement to operators of foreign aircraft and the foreign licence equivalent. It is recommended that operators review section 20 of CASA EX68/24.

This regulation requires an operator to hold copies of a flight crew member’s licence and medical certificate.

GM 119.240 Retention periods for personnel records

Exemptions and directions relating to this regulation

There is a direction in force in relation to certain air transport operators and the retention of historical operator personnel records (the direction is not just crew members but applies to other personnel as well since other personnel are mentioned in the old CAO which is referred to in the direction). It is recommended that operators review section 6B of CASA EX68/24.

There is a direction in force requiring the operator to keep the records of a flight crew member's licence, medical, ratings, endorsements and (if applicable, certificate of validation for the period the flight crew member exercises the privileges of their licence for the operator. It is recommended that operators review section 20 of CASA EX68/24.

This regulation prescribes the minimum retention periods for personnel records.

The retention periods applicable to these records are only applicable from the commencement of this regulation. Where an operator chooses to access provisions in the Civil Aviation Legislation Amendment (Flight Operations—Consequential Amendments and Transitional Provisions) Regulations 2021 then the operator should retain the applicable record which would have been made prior to the commencement of regulation 119.240 of CASR. For example, if an operator sought to access the provisions of regulation 202.418 of CASR, the operator should at least retain the record relating to 'old' training and checking event. Regulation 202.418 of CASR provides for an operator to use a training and checking event under the previous regulations to meet the requirements of these regulations. Operators would be expected to have access to these recent records for the old event as it is not too distant and should have been retained under the provisions of the previous regulations.

GM 119.245 Retention periods for flight-related records

Exemptions and directions relating to this regulation

There is a direction in force in relation to certain air transport operators and the retention of certain flight related records. It is recommended that operators review section 6B of CASA EX68/24.

This regulation prescribes the minimum retention periods for flight-related records.

The retention periods applicable to these records are only applicable from the commencement of this regulation. Operators should also review the requirements of Subdivision 202.EAA.1.15—Miscellaneous transitional provisions of the Civil Aviation Legislation Amendment (Flight Operations—Consequential Amendments and Transitional Provisions) Regulations 2021. Subdivision 202.EAA.1.15 includes certain record keeping requirements applicable to previous regulatory requirements which existed prior to the commencement of this regulation.

Under section 12 of the *Electronic Transactions Act 1999*, an electronic copy of a document is acceptable for the purposes of retention of documents under Commonwealth law (including CASR) if the electronic form can be readily accessed for subsequent reference and the integrity of the information has remained complete and unaltered (other than endorsements or immaterial changes). Subsection 12(4) of the *Electronic Transactions Act 1999* states that if information was the subject of electronic communication the requirement to retain information is taken to be met if either the first person retains or causes another person to retain the information in electronic form. The term 'electronic communication' is defined in section 5 of the *Electronic Transactions Act 1999*.

Regulation 119.245 of CASR requires the retention of certain documents for at least 3 months after the end of a flight by an Australian air transport operator. This includes flight plans, passenger lists, and weight and balance documents. It also includes authorised weather forecasts. The obligation in regulation 119.245 of CASR is for the operator to 'keep' these records, which means there is an obligation for the operator to store copies of these documents whether in a physical or electronic format. If an operator is accessing weather reports using an electronic system, for example NAIPS or a similar electronic service, and they can continue to reliably access the weather reports that were used for the flight for at least 3 months after the flight, then the operator can rely on that system for the purposes of regulation 119.245 of CASR providing that the means of storage meets the requirements of the *Electronic Transactions Act 1999*.

GM 119.250 Retention periods for other flight-related records

This regulation prescribes the minimum retention periods for other flight-related records. The retention periods applicable to these records are only applicable to operations conducted on or after the commencement of this regulation.

11 Subpart 119.K—Miscellaneous offences

GM 119.255 Dealings in relation to cancelled, suspended, varied, pending or refused civil aviation authorisations

Regulation 119.255 of CASR states that an operator must not enter into an agreement with another person or operator whose AOC is either cancelled, suspended, varied, pending or has been refused, to conduct an operation or aspects of an operation that is (or proposes to be) authorised under the AOC that is cancelled, suspended, varied, pending or refused.

This is to ensure that operators do not share or borrow the ability to perform an Australian air transport operation without the knowledge and express approval of CASA. Only those operators who hold approval under regulation 119.025 of CASR are permitted to enter into agreements to undertake the conduct of an operation, or aspect of an operation, on behalf of an operator who may no longer fulfil the requirements themselves (due to their own AOC being either cancelled, suspended, varied or pending).

GM 119.260 Maximum period for use of foreign registered aircraft in Australian territory

Exemptions and directions relating to this regulation

There is a Part 121 direction in force in relation to the operation of foreign registered aircraft. It is recommended that operators review section 6 of CASA EX68/24. The approval mentioned in the direction is taken to be a significant change due to it activating subregulation 119.020(c) of CASR. Operators are to apply for this approval by applying for a significant change via the Air Operator's Certificate / Associated Approvals form available on CASA's website.

This regulation limits the use of any singular foreign registered aircraft, in any Australian air transport operation conducted by an Australian air transport operator (which could include operations across multiple types of air transport operations authorised by an Australian air transport AOCs) to a total of 90 days in any rolling 12-month period. An approval power exists for CASA to allow a greater number of days, which would usually be for non-routine circumstances. This approval power is subject to regulation 11.055 of CASR.

The underlying intent of this regulation is to provide for the short term use of a foreign registered aeroplane or rotorcraft during circumstances such as the operator's Australian registered aircraft undergoing maintenance such as repairs, or where the operator needs to add capacity for peak periods.

It is not intended that an Australian air transport operator should use a foreign registered aircraft in the long term unless exceptional circumstances exist.

Leases and other commercial agreements in relation to foreign aircraft operations have the potential to lead to the situation where the country of aircraft registration has limited ability to conduct adequate control and supervision of the aircraft, its operation and its maintenance.

The Australian civil aviation legislation relating to airworthiness, Part 42 of the *Civil Aviation Safety Regulations 1998* (CASR) and CAR Parts 4/4A/4B/4C/4D and subordinate legal instruments, do not

apply to foreign registered aircraft. Foreign registered aeroplanes or rotorcraft operated by an Australian air transport operator would be regulated for their operation by CASA but would be regulated for their maintenance by the national aviation authority (NAA) of the State of the aircraft's registration. This circumstance, whereby oversight is split between CASA and the other NAA, results in neither party having a holistic and completely transparent view of the aircraft, its maintenance and its operation. When this period of split responsibility is extended, it can have an adverse effect on the safety of air navigation.

In the long term, Australian air transport operators should either:

- Place the foreign registered aeroplane or rotorcraft on the Australian Part 47 register, thus placing the airworthiness of the aircraft under solely Australian oversight

  or

- Obtain an AOC in the State of registry for the foreign registered aeroplane or rotorcraft and then apply for an AOC under Part 129 of the *Civil Aviation Safety Regulations 1998* (CASR) for a foreign air transport operation
- Arrange for Australia and the State of registry to enter into an article 83 bis agreement whereby Australia and the State of registry would agree to transfer regulatory responsibility to ensure the safe operation and maintenance of the aircraft, for example by agreeing to treat the aircraft as if it were an Australian aircraft.

Any application for an approval for a number of days greater than 90 should provide reasons why the long term options mentioned above cannot be accomplished. This information will assist CASA in determining under paragraph 11.055(1A)(e) of CASR whether granting the approval would be likely, or not be likely, to have an adverse effect on the safety of air navigation.

An Australian air transport AOC authorising foreign aircraft can also only be issued if, under section 28A of the Act, CASA has entered into agreements with:

- the authority responsible for regulating civil aviation in the country where the aircraft is registered
- if, when the application for the AOC is made, the aircraft is operating in another country under an air operator's certificate, or a document to substantially the same effect, issued by the authority responsible for regulating civil aviation in that other country (a foreign certificate)—the body that issued the foreign certificate
- the agreement must set out the areas of responsibility of the parties to the agreement in relation to the supervision of flight operations, the maintenance, and the airworthiness, of aircraft covered by the agreement.