## CASR Part 138 Key Operational Changes with Suggested Text

### Guide to using this document

This document is intended to assist persons who will conduct aerial work operations under Part 138 of CASR to prioritise their actions to transition to the new flight operations regulations. It highlights the key changes in Part 138 affecting those operations (compared with the rules in force up to 2 December 2021), describes who is affected by each key change and what operators have to do.

#### Suggested operator action

Part 138 introduces organisational, management and key personnel requirements not previously required for aerial work operators (as part of changes to the aerial work scheme that provide operators with much greater operational flexibility). Current manuals may contain very little of this content. Operators should review the key changes and their current operations manual suite to determine if their manual has content that will be affected by the new provisions.

In this version of the document we have added a column titled ‘suggested text’. It contains additional information for use by operators when updating their existing procedures, including suggested text, which may include notes or instructions on how to use it. In most cases, modification will be required to suit operator circumstances. Not every key change has suggested text due to the diverse nature of operator circumstances that relate to the content of the regulation. In addition, some specialised operations make generating suggested text impractical.

This column also identifies requirements for which:

* no text is required to be inserted into your existing manuals, for example due to the rule being administrative only
* no suggested text is provided, if it is not practical for CASA to provide generic sample text that would be usable by most operators.

It has been anticipated that operators will take advantage of the deferrals available to them and sample text has not been provided for the deferred provisions at this time.

Consistent with the terms of the CEO Declaration that must be signed and provided to CASA by 1 December 2021 in order to continue operations on 2 December 2021, CASA expects operators to use their best endeavours to understand and address the changes (including by updating their documented procedures) needed to operate safely under the new rules from 2 December 2021.

#### Additional information for operators who will also operate under the air transport regulations

Many Part 138 provisions that relate to organisation and personnel matters are identical to Part 119 provisions. In these circumstances, when the Part 119 key changes document is reviewed, there will be items that refer to the same matters required by Part 138. The suggested text will be very similar or the same.

If there is a provision in Part 138 that is identical to a provision in Part 119 or vice versa, the provision only needs one reference in your manual if you intend to operate in multiple parts.

#### Guidance material

For guidance relating to specific regulatory provisions, refer to the [Part 138 AMC/GM](https://www.casa.gov.au/node/54979) document.

Further guidance information on Part 138 of CASR can be found [here.](https://www.casa.gov.au/search-centre/rules/part-138-casr-aerial-work-operations)

#### Document structure

This document is structured as follows:

|  |  |  |
| --- | --- | --- |
| Section | Description | Page |
| [Colour coded key to changes](#_Colour_coded_key) | Key changes are colour coded, for example new requirements are shaded a light blue. | 2 |
| [Summary of deferred provisions](#_Summary_of_deferred) | Three tables summarise key Part 138 changes that are being deferred beyond the 2 December 2021 flight operations regulations commencement date. The deferrals apply to certain operators, as previously communicated. You should not rely on them unless you are sure they apply to your operations. | 3 |
| [Key changes in force from 2 December 2021](#_Key_changes_in)  | This section details the key operational changes applicable from 2 December 2021. | 5 |
| [Compliance no later than 2 December 2022](#_Compliance_no_later) | This section identifies the Part 138 requirements that are deferred until 2 December 2022 that relate to the requirement to have an SMS and safety manager. The deferrals apply to certain operators only and are subject to the conditions set out in CASA EX87/21 – Flight Operations Regulations – SMS, HFP&NTS and T&C Systems – Supplementary Exemptions and Directions Instrument 2021 (CASA EX87/21). | 22 |
| [Compliance no later than 2 March 2023](#_Compliance_no_later_1) | This section identifies the Part 138 requirements that are deferred until 2 March 2023 that relate to training and checking system requirements. The deferrals apply to certain operators only and are subject to conditions set out in CASA EX87/21. | 23 |
| [Compliance no later than 2 December 2024](#_Compliance_no_later_2) | This section identifies the Part 138 requirements that are deferred until 2 December 2024 that relate to the implementation of an SMS and the qualifications and experience of key personnel. The deferral applies to certain operators only and is subject to conditions set out in CASA EX86/21 – Part 138 and Part 91 of CASR – Supplementary Exemptions and Directions Instrument 2021 (CASA EX86/21) and CASA EX87/21. | 24 |

### Colour coded key to changes

#### 48 key changes, characterised as follows:



27 rules with new requirements (1 overlaps an existing requirement with significant change). These requirements may not be in an operator’s existing manual.

14 rules with requirements that carry over an existing requirement with significant change (1 overlaps an existing rule topic). These requirements may be in an operator’s existing manual.

 3 rules with administrative changes that affect operators. The changes may require adjustments to text in an operator’s existing manual.

 3 rules with requirements covering existing rule topics but the new rule is less restrictive, therefore no suggested text is provided in this document.

### Summary of deferred provisions

#### Compliance no later than 2 December 2022

| Regnumber | Regulation title | Who the deferral applies to |
| --- | --- | --- |
| 138.085 | Responsibilities and accountabilities of chief executive officer | Operators who, immediately before 2 December 2021: * held an AOC, or were early applicants for an AOC or an AOC variation, that:
* authorised an aerial work operation (other than an aerial work (air ambulance) operation), and
* did not authorise regular public transport operations, and
* authorised Part 142 activities in an aircraft, and
* were not the subject of a direction under regulation 11.245 to have an SMS.
 |
| 138.110 | Experience of safety manager |
| 138.115 | Responsibilities of safety manager |
| 138.140 | Operators who are required to have a safety management system |
| 138.145 | Safety management system requirements |

#### Compliance no later than 2 March 2023

| Regnumber | Regulation title | Who the deferral applies to |
| --- | --- | --- |
| 138.100 | Qualifications and experience of head of training and checking | Operators who, immediately before 2 December 2021:* held an AOC, or were early applicants for an AOC or an AOC variation, that authorised aerial work operations (other than aerial work (air ambulance) operations), and
* were not subject to a requirement under subregulation 217 (1) of CAR to provide a training and checking organisation for the operations or for an aircraft used in the operations.
 |
| 138.105 | Responsibilities of head of training and checking |
| 138.125 | Operators who are required to have a training and checking system |
| 138.130 | Requirements for flight crew |

#### Compliance no later than 2 December 2024

| Regnumber | Regulation title | Who the deferral applies to |
| --- | --- | --- |
| 138.085 | Responsibilities and accountabilities of chief executive officer | Operators who, immediately before 2 December 2021: * held an AOC, or were early applicants for an AOC or an AOC variation, that:
* authorised an aerial work operation (other than an aerial work (air ambulance) operation), and
* did not authorise regular public transport operations, and
* did not authorise Part 142 activities in an aircraft, and
* were not the subject of a direction under regulation 11.245 to have an SMS.
 |
| 138.110 | Experience of safety manager |
| 138.115 | Responsibilities of safety manager |
| 138.140 | Operators who are required to have a safety management system |
| 138.145 | Safety management system requirements |
| 138.090 | Qualifications and experience of head of operations | Operators who, immediately before 2 December 2021, held an AOC or were early applicants for an AOC, authorising aerial work operations (other than solely for ambulance functions, within the meaning of subparagraph 206 (1) (a) (vii) of CAR). |
| 138.100 | Qualifications and experience of head of training and checking |
| 138.110 | Experience of safety manager |

### Key changes in force from 2 December 2021

| Regnumber | Regulation title | 138 MOS | Old rule/ref | Regulatory context comment and overview of actions (where necessary) | Suggested text |
| --- | --- | --- | --- | --- | --- |
| 138.005 | Application of Part 138 | Chpt 1 |  | Carries over an existing requirement with significant change for aerial work certificate holders and limited aerial work operators BackgroundPart 138 merges private aerial work and commercial aerial work rules. Regulation 138.005 forms the basis of the applicability and relationship of Part 138 to your operation. This regulation contains a broader exception clause for police, national security, customs and SAR operations. **Note 1:** If a rule applies to aerial work that does not require a certificate, this is specified in the regulation.**Note 2:** Operators conducting police, national security, customs or SAR operations are advised to read the specific guidance material on this regulation in the [Part 138 AMC/GM](https://www.casa.gov.au/node/54979) document. | No text required |
| 138.010 | Definition of aerial work operation etc. | Chpt 1  | CAR 206(1)(a)CAR 2(7)(d) and 2(7A) | **Introduces a significant administrative change that affects aerial work certificate holders and limited aerial work operators**BackgroundThis regulation forms the basis of the meaning of aerial work under the CASR and the relationship of Part 138 to your operation. | *No text required* |
| 138.012 | Definition of significant change |  |  | Introduces a significant administrative change that affects aerial work certificate holdersBackgroundThis provision outlines what is considered a significant change and is fundamental to ongoing safety management of changes within your operation.**Note:** CASA EX86/21 puts in place protections relating to the use of foreign registered aircraft, similar to those currently contained in paragraph 28A (1) (a) of the Act for AOC holders. | No suggested text provided.Operators will have incorporated management of change procedures in response to the 5 October 2021 milestone. |
| 138.015 | Definition of task specialist |  |  | Introduces a significant administrative change that affects aerial work certificate holders and limited aerial work operators who will conduct task specialist operationsThis provision outlines what a task specialist is and is fundamental to understanding the use of these crew members within your operations. | No text required |
| 138.030 | Requirement to hold aerial work certificate | Entire MOS | section 27 of the ActCAR 206 (1) (a) | Existing rule topic but less restrictive BackgroundReplaces the requirement for an AOC with a requirement for an aerial work certificate. Outlines the requirement to hold an aerial work certificate, but also the circumstances when an aerial work certificate is not required. Contains slight amendments to the kinds of operations that do not require an aerial work certificate.**Note:** Existing aerial work (air ambulance) operations will be regulated as air transport operations (rather than aerial work operations). | No text required |
| 138.062 | Application for approval of significant changes |  |  | *A new requirement for aerial work certificate holders*BackgroundA machinery provision which creates an offence for operators to make a significant change without approval from CASA.RequirementDescribe in your operations manual your process for making changes, including how you identify a change as a significant change (refer to paragraph 138.155 (1) (m), Division 138.B.3). Ensure that applications for the approval of significant changes are made as prescribed by regulation 138.062. | No suggested text providedOperators will have incorporated management of change procedures in response to the 5 October 2021 milestone. |
| 138.066 | Changes must be made in accordance with process in operations manual |  |  | *A new requirement for aerial work certificate holders*BackgroundThis provision places the responsibility on the operator to ensure that changes are made in accordance with the process in their operations manual.RequirementEnsure that when you make a change, it is made in accordance with the process included in your operations manual (refer to paragraph 138.155 (1) (m)). | No suggested text providedOperators will have incorporated management of change procedures in response to the 5 October 2021 milestone. |
| 138.075 | Key personnel cannot carry out responsibilities |  |  | *A new requirement for aerial work certificate holders* BackgroundThis provision outlines the responsibility of an operator to tell CASA if any of its key personnel cannot carry out, or is likely to be unable to carry out, their responsibilities for longer than 35\* days.RequirementDescribe in your operations manual how you will manage the temporary absence or inability of a key person to carry out their responsibilities (refer to subparagraphs 138.155 (1) (e) (iv) and (v)).When you become aware of a potential or confirmed absence or inability for a period in excess of 35 days, advise CASA within:* 24 hours - if no other person is authorised to carry out the responsibilities, or
* 3 days - if another person is authorised to carry out the responsibilities (refer to subregulation 138.075 (2)).

Identified shortcoming and planned solutionThe 30 day period mentioned in regulation 138.075 will be amended to 35 days. Refer to CASA EX86/21. | If a standby (another person authorised to carry out the responsibilities) is nominated, the following text is suggested:Absence or inability of key personnel to carry out their responsibilitiesThe *[Sample Aviation]* standby CEO will carry out the responsibilities of the CEO when the substantive CEO cannot carry out those responsibilities.The *[Sample Aviation]* standby HOO, will carry out the responsibilities of the substantive HOO when the HOO is on leave or cannot carry out those responsibilities for any other reason.This text deals with the time frame required by the regulation:If *[Sample Aviation]* becomes aware of a circumstance where a key person cannot carry out their responsibilities for more than 35 days, CASA will be notified by;* If there is another person authorised by CASA to carry out the responsibilities - within 3 days of becoming aware of the circumstance; or
* If there is no other person authorised by CASA to carry out the responsibilities - within 24 hours of becoming aware of the circumstance.
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| 138.080 | Familiarisation training for key personnel |  |  | *A new requirement* *for aerial work certificate holders* BackgroundThis provision outlines that an aerial work certificate holder must ensure that key personnel complete any training necessary to familiarise them with their responsibilities, before beginning to carry out the responsibilities.RequirementProvide:* the details of key personnel familiarisation training in your operations manual (refer to paragraph 138.155 (1) (h))
* a means for recording the completion of the training.

Ensure that key personnel complete the required familiarisation training prior to carrying out their responsibilities.Transitional arrangementsExisting operator key personnel will be deemed to have completed this training.  | **Note**: Operators can produce a generic form with competencies required for this training and use it as a guide for the training and to record it.Key personnel familiarisation training*[Sample Aviation]* is to nominate a trainer with suitable knowledge of relevant operational procedures to conduct familiarisation training of key personnel if necessary, before they begin to carry out their responsibilities. The training is to use the topics on form XXX as a guide to the material to be covered.The person conducting the training is to complete and store the key personnel familiarisation training records form XXX in the individual’s personnel file as evidence of completion of training. The training record is to be retained electronically for at least 2 years after completion. |
| 138.085 | Responsibilities and accountabilities of chief executive officer |  |  | *A new requirement for aerial work certificate holders*BackgroundNot previously specified in law. RequirementEnsure the CEO is aware of their responsibilities and accountabilities.Include in your operations manual the matters (if any) for which the CEO is responsible in addition to those mentioned in regulation 138.085 (refer to subparagraph 138.155 (1) (e) (ii)).Identified shortcoming and planned solutionFor an aerial work certificate holder who is not required under regulation 138.140 to have an SMS, the CEO is exempted from the requirement to establish and regularly review the operator’s safety performance indicators and targets. A description of the operator’s safety policy must be included in the operations manual. Refer to CASA EX86/21.Transitional arrangementsFor an aerial work certificate holder who is required under regulation 138.140 to have an SMS and who has taken advantage of an exemption under CASA EX87/21 to defer that requirement, the responsibilities of the CEO in relation to the operator’s SMS are deferred. Refer to CASA EX 86/21 and CASA EX87/21. | The operations manual should articulate the means by which the CEO acquits their responsibilities. This could be framed as a list of duties that the CEO carries out, or ensures they are carried out.If the duties are carried out effectively, the responsibilities listed in the subregulation will be met.***Suggested text:***The CEO is responsible for carrying out the following duties:* Reviewing the planned kind and volume of activities, including:
* At least annually or at major changes to operations, consulting with the HOO to determine the number, experience, qualifications, and competence of personnel required to carry out the expected operations safely and effectively. Arranging for the engagement of personnel to fulfil the expected requirements
* At least annually or at major changes to operations, reviewing the suitability of the company’s management structure and adjusting it if necessary
* Arranging all necessary resources sufficient to deliver the anticipated operations.
* Ensure that the HOO:
* Monitors and reports on compliance with the operations manual and aviation legislation
* Carries out appropriate corrective action on all deficiencies identified at audits and submits the details
* Monitors operational standards.
* Carrying out the operations manual continuous improvement process in conjunction with the HOO.
* When required action the change management procedures
* At least yearly, regularly review key personnel performance by:
* checking their conduct is IAW the operations manual and civil aviation legislation
* entering the outcome of this assessment on the person’s file
* taking appropriate action where unsatisfactory performance is identified.
* Ensuring that before the company name or trading name, contact details, or operational headquarters address is changed:
* That the operations manual is amended; and
* CASA is notified and the amendments submitted.
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| 138.090 | Qualifications and experience of head of operations |  | CAOs 82.0 and 82.1 | *Carries over* *an existing requirement with significant change for aerial work certificate holders* BackgroundPrevious requirements were in CAO 82.0 and 82.1.RequirementInclude in your operations manual the qualifications and experience (if any) required by you for the head of operations (HOO) that are in addition to those in regulation 138.090 (refer to subparagraph 138.155 (1) (e) (i)).**Note:** For existing aerial work operators, requirements in subregulation 138.090 (2) are deferred until 2 March 2023 for the incumbent HOO.  | *No text required*  |
| 138.100 | Qualifications and experience of head of training and checking |  | AOCM | *Carries over an existing requirement with significant change for aerial work certificate holders required under regulation 138.125 to have a training and checking system*BackgroundNot previously specified in law, however standards were outlined in CASA’s air operator’s certificate process manual (AOCM). RequirementInclude in your operations manual the qualifications and experience (if any) required by you for the head of training and checking (HOTC) that are in addition to those in regulation 138.100 (refer to subparagraph 138.155 (1) (e) (i)).**Note:** For existing aerial work operators, the requirements in subregulation 138.100 (2) are deferred until 2 March 2023 for the incumbent HOTC.The requirements for a formal training and checking system for operators to which regulation 138.125 applies and who were not, immediately before 2 December 2021, required to provide a training and checking organisation for their operations or an aircraft used in those operations, are deferred until 2 March 2023. Refer to CASA EX87/21. | *No text required*  |
| 138.105 | Responsibilities of head of training and checking | Chpts 4, 23, 24 and 25 |  | *A new requirement* *for aerial work certificate holders required under regulation 138.125 to have a training and checking system* BackgroundNot previously specified in law.RequirementEnsure the HOTC is aware of their responsibilities and include in your operations manual the matters (if any) for which the HOTC is responsible in addition to those in regulation 138.105 (refer to subparagraph 138.155 (1) (e) (ii)).Transitional arrangementsThe requirements for a formal training and checking system for operators to which regulation 138.125 applies, and who were not, immediately before 2 December 2021, required to provide a training and checking organisation for their operations or an aircraft used in those operations, are deferred until 2 March 2023. Refer to CASA EX87/21. | No suggested text provided.For the purposes of this document it is presumed operators are taking advantage of this deferral. |
| 138.110 | Experience of safety manager |  |  | *A new requirement for aerial work certificate holders who are required under regulation 138.140 to have a safety management system* BackgroundThis regulation sets out the experience requirements of the safety manager (SM).RequirementInclude in your operations manual the qualifications and experience (if any) required by you for the safety manager that are in addition to the experience prescribed by regulation 138.110 (refer to subparagraph 138.155 (1) (e) (i)).**Note:** For existing aerial work operators, the requirements in subregulation 138.110 (2) are deferred until 2 March 2023 for the incumbent SM.  | No suggested text providedFor the purposes of this document it is presumed operators are taking advantage of this deferral. |
| 138.115 | Responsibilities of safety manager | Chpts 5 and 13 |  | *A new requirement aerial work certificate holders who are required under regulation 138.140 to have a safety management system* BackgroundApplies to aerial work certificate holders who are required under regulation 138.140 to have an SMS. No previous requirement for a safety manager.RequirementEnsure the safety manager is aware of their responsibilities and include in your operations manual the responsibilities (if any) required by you for the safety manager that are in addition to those in regulation 138.110 (refer to subparagraph 138.155 (1) (e) (ii)).The SMS requirements in regulation 138.140, for operators who are not already required to have an SMS for other operations, are deferred until 2 December 2024. Where an existing AOC holder was not previously subject to CAO 82.3 or 82.5 but did already have an SMS by virtue of holding a Part 142 AOC, the SMS requirements are deferred until 2 December 2022 to allow expansion of the scope of their SMS. | No suggested text provided.For the purposes of this document it is presumed operators are taking advantage of this deferral. |
| 138.125 | Operators who are required to have a training and checking system |  | CAR 217 | *Carries over an existing requirement with significant change for aerial work certificate holders who are required under regulation 138.125 to have a training and checking system*BackgroundOutlines the aerial work certificate holders who are required to have a formal training and checking system. Expanded when compared to the previous rule. **Note 1:** The requirement to have a training and checking system applies to the operations and aircraft mentioned in subregulation 138.125 (1), and not the operator’s operations or aircraft more generally. Refer to CASA EX86/21.**Note 2:** The requirements for a formal training and checking system for operators to which regulation 138.125 applies, and who were not, immediately before 2 December 2021, required to provide a training and checking organisation for their operations or an aircraft used in those operations, are deferred until 2 March 2023.  | No suggested text provided.For the purposes of this document it is presumed operators are taking advantage of this deferral. |
| 138.130 | Requirements for flight crew | Chpt 23 | CAO 82.1 App 2CAR 217CAAP 217AOCM | *Carries over an existing requirement with significant change for aerial work certificate holders who are required under regulation 138.125 to have a training and checking system*BackgroundOutlines the matters that the training and checking system must include for flight crew. RequirementIf you are required to have a formal training and checking system, ensure the system includes the matters mentioned in subregulation 138.130 (4).**Note:** The requirements for a formal training and checking system for operators to which regulation 138.125 applies and who were not, immediately before 2 December 2021, required to provide a training and checking organisation for their operations or an aircraft used in those operations, are deferred until 2 March 2023.  | No suggested text provided.For the purposes of this document it is presumed operators are taking advantage of this deferral. |
| 138.135 | Requirements for other operational safety-critical personnel | Chpts 24 and 25 | CAO 82.1 App 2CAR 217AOCM CAAP 217 | *Carries over* *an existing requirement with significant change for aerial work certificate holders who are required under regulation 138.125 to have a training and checking system*BackgroundOutlines what the system must include for training and checking of operational safety-critical personnel who are not flight crew or other crew members assigned duties on board an aircraft relating to the flying or safety of the aircraft.RequirementIf you are required to have a training and checking system, ensure the system includes the matters prescribed by regulation 138.135.**Note:** The requirements in regulation 138.135 for the training and checking system to include other operational safety-critical personnel are deferred until 2 March 2023 for all operators.  | No suggested text provided.For the purposes of this document it is presumed operators are taking advantage of this deferral. |
| 138.140 | Operators who are required to have a safety management system | Chpt 5 |  | *A new requirement for aerial work certificate holders who are required to have a safety management system*BackgroundOutlines the aerial work certificate holders who are required to have a safety management system.Identified shortcoming and planned solutionIf an aerial work certificate holder is required to have an SMS for their operations under regulation 138.140 and is not taking advantage of the exemption under CASA EX87/21 from that requirement, then they must comply with certain provisions of CAO 82.5 as in force immediately before 2 December 2021. Refer to CASA EX86/21 for details.**Note 1**: SMS requirements for regulation 138.140, for operators who are not already required to have an SMS for other operations, are deferred until 2 December 2024. **Note 2:** Where an existing AOC holder was not previously subject to CAO 82.3 or 82.5 but did already have an SMS by virtue of holding a Part 142 AOC, a deferral until 2 December 2022 is provided to allow expansion of the scope of their SMS. | No suggested text provided.For the purposes of this document it is presumed operators are taking advantage of this deferral. |
| 138.145 | Safety management system requirements | Chpts 5 and 13 |  | *A new requirement for aerial work certificate holders who are required under regulation 138.140 to have a safety management system*BackgroundOutlines the requirements of the safety management system.RequirementIf you are required to have a safety management system, ensure it includes the matters prescribed by regulation 138.145.**Note 1:** SMS requirements for regulation 138.140, for operators who are not already required to have an SMS for other operations, are deferred until 2 December 2024. **Note 2:** Where an existing AOC holder was not previously subject to CAO 82.3 or 82.5 but did already have an SMS by virtue of holding a Part 142 AOC, a deferral until 2 December 2022 is provided to allow expansion of the scope of their SMS. | No suggested text provided.For the purposes of this document it is presumed operators are taking advantage of this deferral. |
| 138.170 | Personnel training and checking records |  |  | *A new requirement for aerial work certificate holders*Adds the requirement to make records of personnel training and checking.RequirementEnsure that a record of personnel training or checking: * is made within 21 days of the activity, and
* includes the matters prescribed by paragraph 138.170 (1) (b).
 | Operators may have provisions for record keeping. Suggested text could be added or the entire section substituted:Personnel training and checking records (Regulations 119.225, 119.240, 138.170 and 138.185)**Making**The HOO is to ensure that the personnel training and checking file is completed immediately after the employee carries out any training, check, flight test or assessment, gains a qualification or certificate, or gains relevant flying experience. Any form or certificate required by the operations manual in relation to a qualification or experience gained is to be completed and stored on the persons record as soon as possible after the event.These records are to be retained until at least 5 years after the person ceases to be a member of *[Sample Aviation]*’s personnel. **Availability**Personnel may review any of their own training and checking records at any time using secure access to the company server.If another operator requests a copy of any training and checking record made by [Sample Aviation] for an employee, the HOO is to provide the requested records within 7 days of the request provided the employee agrees in writing to release them.**Licences and medical certificates**The HOO is to ensure that each pilot’s file contains copies of the pilot’s current flight crew licence and medical certificate. These records are to be retained whilst the pilot exercises the privilege of their licence for [Sample Aviation].**Note:** electronic retention is acceptable. |
| 138.175 | Availability of records |  |  | A new requirement for aerial work certificate holdersBackgroundAdds the specific requirement to make training and checking records available.RequirementIf a person requests a record of their own training and checking be made available to them, provide it to the person (or to another operator, if the person authorises in writing) within 7 days. |
| 138.180 | Copies of flight crew licences and medical certificates | Chpt 23 | CAO 82.1 App 1 | *A new requirement for aerial work certificate holders*BackgroundExpands the current requirements.RequirementEnsure that a copy of each flight crew member’s flight crew licence and medical certificate is retained. |
| 138.185 | Retention periods for personnel records | Chpts 23, 24 and 25 |  | *A new requirement for aerial work certificate holders*RequirementRetain a person’s training and checking records for the following period after the person ceases to be a personnel member:* 1 year for ground support personnel, and
* 5 years for other personnel.
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| 138.200 | Maximum period for use of foreign registered aircraft in Australian territory |  |  | *A new requirement* *for aerial work certificate holders who operate foreign registered aircraft* RequirementEnsure that a particular foreign registered aircraft used to conduct aerial work operations in Australian territory is used:* for no longer than prescribed by regulation 138.200, or
* in accordance with an approval under regulation 138.025 held by you for the aircraft.

**Note:** An aerial work certificate holder must not operate a foreign registered aircraft for the first time or change the operation (other than to cease the operation) unless CASA has approved the change and the use of the aircraft as if it were a significant change. Refer to CASA EX 86/21. | No suggested text provided.Operators of these aircraft to review. |
| 138.205 | Permitted categories of aircraft for aerial work operations |  |  | *A new requirement for aerial work certificate holders*RequirementEnsure that aerial work operations are carried out only in the permitted aircraft categories.**Note:** The carriage of an aerial work passenger is limited to aircraft in the normal, commuter or transport category. (The carriage of aerial work passengers is only permitted on an aerial work certificate holder’s aircraft.) | No suggested text provided.Operators to review. |
| 138.215 | Availability of checklists |  | CAR 232 | Existing rule topic but less restrictive for aerial work certificate holdersUpdated current requirement, expanded to all aerial work certificate holders. Approval requirements removed.  | No suggested text provided. |
| 138.275 | Minimum height rules | Chpts 9 and 13 | CARs 156, 157, 174B and 178 | *New requirements and carries over an existing requirement with significant change for aerial work certificate holders, limited aerial work operators and the pilot in command*BackgroundA machinery provision that provides a head of power for the Part 138 MOS content. Less restrictive than existing rules in that the Part 138 MOS rules remove several current permission or approval processes.RequirementEnsure that an aircraft does not fly below the minimum heights specified in Part 91, unless:* it is in the circumstances prescribed in section 9.02 of the Part 138 MOS, or
* the applicable requirements prescribed in Chapter 9 of the Part 138 MOS are complied with.
 | No suggested text provided. Refers to Part 91 rules that are a continuation of existing requirements. |
| 138.280 | Procedures for safety at aerodromes |  | CAR 221 | Carries over an existing requirement with significant change for aerial work certificate holdersBackgroundAn updated and more specific requirement. RequirementInclude procedures in your operations manual for ensuring the safety of persons in the vicinity of aircraft at aerodromes, ensuring the circumstances mentioned in regulation 138.280 are addressed. | Operators may have suggested text – this could be added or text updated:The pilot must ensure wherever possible, that any person not associated with the operation of the aircraft, remain behind the airside fence and clear of the movement area whilst company aircraft are being operated on the ground.On arrival at an aerodrome, pilots must escort passengers to a secure area behind a fence if available prior to commencing unloading and fuelling operations. On departure, pilots are to escort passengers from the secure area to the aircraft. |
| 138.300 | Hot fuelling |  | CAR 235 (7)CAO 20.9 CAO 20.10 | *A new requirement for aerial work certificate holders and the pilot in command* BackgroundAn updated requirement. RequirementEnsure that you do not carry out hot fuelling operations unless:* the matters mentioned in paragraph 138.300 (1) (b) are set out in the aircraft flight manual instructions or your operations manual, and
* the requirements in the flight manual instructions or the operations manual are met.
 | No suggested text provided.Operators will need to detail company specific procedures in relation to this section. Refer to [AC 91-25 Fuel and oil safety](https://www.casa.gov.au/fuel-and-oil-safety). |
| 138.302 | Fuelling safety procedures |  | CAR 235 (7)CAOs 20.9 and20.10 | *New requirements for aerial work certificate holders*BackgroundAn updated requirement. RequirementInclude in your operations manual the fuelling safety procedures required by regulation 138.302. | No suggested text provided.Operators will need to detail company specific procedures in relation to this section. If an operator opts for drum fuelling, these procedures should be outlined here.Refer to [AC 91-25 Fuel and oil safety](https://www.casa.gov.au/fuel-and-oil-safety). |
| 138.305 | Carriage of passengers—general | Chpts 2, 9, 11, 13, 15 and 23 |  | *New requirements for aerial work certificate holders, limited aerial work operators and the pilot in command*BackgroundIntroduces the ability to explicitly carry passengers during commercial aerial work flights under certain circumstances. RequirementFor aerial work certificate holders – if you will carry aerial work passengers, include in your operations manual procedures to ensure their safety. Ensure that the carriage of aerial work passengers is conducted in accordance with:* the procedures in the operations manual, and
* the requirements prescribed by the Part 138 MOS about the carriage of aerial work passengers.

**Note**: A key requirement to carry aerial work passengers is that the flight must be conducted under an aerial work certificate. Guidance material[AC 138-01 - Part 138 core concepts.](https://www.casa.gov.au/part-138-core-concepts)  | No suggested text provided.Operators will have incorporated aerial work passenger carriage procedures in response to the 5 October 2021 milestone. |
| 138.320 | Procedures for carriage of restricted persons | Chpt 2 |  | *A new requirement for aerial work certificate holders*BackgroundNot previously covered in law.RequirementInclude in your operations manual a statement about whether you will, or will not, carry restricted persons as part of your aerial work operations.**Note:** *Restricted person* is defined in Part 1 of the CASR Dictionary. Refer also to Chapter 1 of the Part 138 MOS. | **Note 1**: Simple option for prohibition. Points to dictionary for definition – if definition changes manual need not be changed. Operators could include definition if they choose. **Note 2**: Operators to develop procedures if restricted persons carried.Carriage of restricted personsRestricted persons must not be carried on aircraft operated by [Sample Aviation]. A restricted person is defined in the CASR dictionary. |
| 138.340 | Head up displays, enhanced vision systems and synthetic vision systems |  |  | A new requirement for aerial work certificate holders who will use these systemsBackgroundIntroduces new requirements on a subject not previously covered in law.Contains a specific requirement to include procedures in your operations manual for using the equipment.RequirementFor flights under the IFR or VFR at night, include in your operations manual procedures for:* using the applicable system/s, and
* conducting a flight when an element of the system is inoperative.
 | No suggested text provided.Operators who use these systems are to include procedures. |
| 138.350 | NVIS flights | Chpts 9, 11, 12 and 15  | CAO 82.6 | Existing rule topic but less restrictive for operators who use NVISRequirementFor flights under the IFR or VFR at night, include in your operations manual procedures for:* using the NVIS, and
* conducting a flight when an element of the NVIS is inoperative.

Ensure that the requirements prescribed by the Part 138 MOS for the use of NVIS are met.**Note 1:** A forthcoming public consultation will detail the proposed Part 91 MOS, Part 133 MOS and Part 138 MOS content that replaces CAO 82.6.**Note 2:** A limited aerial work operator must not use NVIS. | No suggested text provided.Operators who carry out these flights are to include procedures. |
| 138.370 | Operator must conduct risk assessments | Chpt 13 |  | A new requirement for aerial work certificate holders and limited aerial work operatorsBackgroundPart 138 introduces significant administrative alleviations by reducing aerial work operations to just three main types and removing requirements under the current aerial work rules to obtain a range of approvals and permissions. While these measures are intended to ease regulatory burden, they also have the potential to impact negatively on safety assurance. The associated risks are appropriately controlled by the introduction of specific requirements relating to operator risk assessments.RequirementBefore conducting an aerial work operation, ensure that the prescribed:* risk criteria will be met, and
* risk assessment and mitigation processes have been undertaken.

Guidance material[AC 138-05 Aerial work risk management](https://www.casa.gov.au/aerial-work-risk-management) and sample risk assessment processes for:* a limited aerial work operator ([Annex A](https://www.casa.gov.au/sites/default/files/2021-08/advisory-circular-138-05-annex-a-sample-risk-assessment-process-limited-aerial-work-operator.pdf))
* an aerial work certificate holder ([Annex B](https://www.casa.gov.au/sites/default/files/2021-08/advisory-circular-138-05-annex-b-sample-risk-assessment-process-aerial-work-certificate-holder.pdf))
* an aerial work certificate holder operating in an aerial work zone ([Annex C](https://www.casa.gov.au/sites/default/files/2021-08/advisory-circular-138-05-annex-c-sample-risk-assessment-process-aerial-work-certificate-holder-operating-aerial-work-zone.pdf)).
 | A sample Risk Assessment process is contained in the [Part 138 Mustering Sample Operations Manual](https://www.casa.gov.au/part-138-casr-sample-operations-manual-mustering) document.This process is specifically targeted at rotary wing mustering operations, however can be the basis for customisation to many Part 138 operations.  |
| 138.385 | Procedures in relation to polar operations |  | CAR 215 | Carries over an existing requirement with significant changeBackgroundApplicable to aerial work certificate holders who will conduct operations to or from an aerodrome in a polar region. Topic not articulated under previous rules (however it was generically covered by CAR 215). RequirementIf you will operate to or from an aerodrome in a polar region, include in your operations manual procedures for the matters set out in subregulation 138.385 (2). | No suggested text provided.Operators conducting these flights need to include procedures in their manual. |
| 138.400 | Certain night operations prohibited unless operation is an emergency service operation or approved by CASA | Chpts 9, 11, 15 and 22 |  | *A new requirement for aerial work certificate holders, limited aerial work operators and the pilot in command*BackgroundLimits external load operations to day flights unless an emergency service operation (ESO) or a specific approval is issued by CASA.RequirementExternal load operations must not be conducted at night unless:* the operation is part of an ESO, or
* the operator holds an approval under regulation 138.025 to conduct the operation at night.
 | No suggested text provided.Operators who carry out these flights are to include procedures. |
| 138.410 | Manual of Standards may prescribe requirements for external load operations | Chpt 15 | CARs151, 207 (1),208 (1) and 209CAOs 29.6 and 29.11 | Carries over an existing requirement with significant change for aerial work certificate holders, limited aerial work operators and the pilot in commandBackgroundA substantially simplified and standardised version of current requirements for the carriage of external loads.RequirementEnsure you comply with the requirements relating to external load operations as prescribed by the Part 138 MOS. | No suggested text provided.Existing requirements. |
| 138.425 | Manual of Standards may prescribe requirements for dispensing operations | Chpt 16 | CAR 150CAO 29.5 | Carries over an existing requirement with significant change for aerial work certificate holders, limited aerial work operators and the pilot in commandRequirementEnsure you comply with the requirements relating to dispensing operations as prescribed by the Part 138 MOS. | No suggested text provided.Existing requirements. |
| 138.430 | Manual of Standards may prescribe requirements for task specialist operations | Chpt 17 | CAR 208 | Carries over an existing requirement with significant change for aerial work certificate holders, limited aerial work operators and the pilot in commandBackgroundA substantially simplified and standardised version of current requirements relating to task specialist operations in CAR 208 and multiple CAOs.RequirementEnsure you comply with the requirements relating to task specialist operations as prescribed by the Part 138 MOS. | No suggested text provided.Existing requirements. |
| 138.435 | Take‑off performance | Chpt 18 | CAR 235CAO 20.7.1B and 20.7.4CEO PN029-2005 | Carries over an existing requirement with significant change for aerial work certificate holders, limited aerial work operators and the pilot in commandBackgroundThe existing requirement with significant change introduced by this regulation are associated with rotorcraft and small aeroplane take-off performance. Carries over existing requirements with minimal change for take-off performance requirements for large aeroplanes.RequirementEnsure you comply with the take-off performance requirements prescribed by the Part 138 MOS as relevant to your operation. | No suggested text provided.Existing requirements. |
| 138.440 | Landing performance | Chpt 18 | CAR 235 CAO 20.7.1B and 20.7.4 CEO PN029-2005 | Carries over an existing requirement with significant change for aerial work certificate holders, limited aerial work operators and the pilot in commandBackgroundThe existing requirement with significant change introduced by this regulation are associated with rotorcraft and small aeroplane landing performance. Carries over existing requirements with minimal change for landing performance requirements for large aeroplanes.RequirementEnsure you comply with the landing performance requirements prescribed by the Part 138 MOS as relevant to your operation. | No suggested text provided.Existing requirements. |
| 138.500 | Qualification as pilot in command | Chpts 17 and 23 | sections 28BA and 28BF of the ActCAO 82.0App 1 clause 2 CAR 217 | A new requirement for aerial work certificate holders, limited aerial work operators and the pilot in commandRequirementFor the pilot in command – ensure you are qualified under subregulation 138.500 (1).For aerial work certificate holders:* include in your operations manual the qualifications and experience that you require, in addition to those prescribed by regulation 138.500 and the Part 138 MOS, for a pilot to be assigned to duty as PIC
* ensure when you assign a pilot in command to duty for a flight, they are qualified under subregulation 138.500 (1).

**Note 1:** If you conduct aerial culling or mustering operations, refer to Chapter 17 of the Part 138 MOS. **Note 2:** If you conduct marine pilot transfer or Class D external load operations, refer to Chapter 23 of the Part 138 MOS. | No suggested text provided.Operators to ensure pilots comply with the provisions in the MOS for their specific operation. |
| 138.505 | Training and checking to be conducted by certain persons | Chpt 23 | sections 28BA and 28BF of the Act CAO 82.0App 1 clause 2CAR 217 | ***Carries over an existing requirement with significant change for aerial work certificate holders***BackgroundContinues existing practices, but with clarified legal requirements.RequirementEnsure that flight crew member training or a check that is mentioned in Subpart 138.N is conducted by a person prescribed by subregulation 138.505 (2). | This suggested text provides one method for meeting the MOS requirements and is drafted in a rotary wing context. Operators may customise this to meet their own requirements.Individuals who can carry out training and checking**Ground training and checking**The HOO can carry out any ground training or check. An individual nominated and approved by the HOO can act as a trainer or checker for any ground training or checking task, provided they have successfully completed their own training and check with *[Sample Aviation]* on the relevant topic in the last 12 months.**Flight training and checking not involving abnormal or emergency procedures**The HOO or an individual nominated in writing to CASA and approved by the HOO can act as a trainer or checker, provided they have satisfied the Part 61 competency and recency requirements in the kind of aircraft used for the training or check and have operated the kind of aircraft on an aerial work operation for the operator in the last 90 days. Prior to approving an individual, the HOO will verify the Part 61 recency and competency status of the person and will ensure during a direct briefing that they are fully conversant with operations manual requirements for the training or checking task. **Flight training and checking involving abnormal or emergency procedures**Training or checking flights conducting abnormal or emergency procedures are to be carried out by individuals holding a Part 61 Instructor Rating or a Part 61.040 approval and who are recent and competent under Part 61 on the class or type of aircraft and on the manoeuvre to be carried out. This could include the HOO, if qualified.The approval requirements above are to be followed with particular emphasis on risk assessment and safety precautions surrounding the simulation of emergencies. If the person is not the HOO, the HOO is to carry out an assessment flight with the nominated individual to confirm their understanding of the requirements.The trainer or checker will act as pilot-in-command for any training or checking flight. Simulation and in-flight practice of abnormal or emergency procedures is discretionary and dependant on flight crew CASR Part 61 recency requirements and the qualifications of the trainer or checker allocated for the flight. If required, simulation and in-flight practice for the associated manoeuvre is only to be carried out with the following limitations:* Simulated engine failure after take-off at a minimum height of *[XX]* with a power recovery or power termination by *[XX]*
* Simulated engine failure on-task at a minimum height *[XX]* and minimum speed *[XX]* with a power recovery or power termination by *[XX]*
* No run-on landing to be carried out after a simulation.

The in-flight component of the Conversion training and Proficiency check is to be delivered by an individual who:* is qualified to conduct aerial mustering in the R22; and
* has at least the following conducting aerial mustering operations in an R22:
* 2,000 hours’ experience
* four years’ experience, and
* is nominated by *[Sample Aviation]* to conduct the training or check.
 |
| 138.550 | Training and checking to be conducted by certain persons(air crew) | Chpt 24 | sections 28BA and 28BF of the ActCAO 82.0App 1 clause 2CAR 217 | ***Carries over an existing requirement with significant change for aerial work certificate holders and limited aerial work operators who will utilise air crew members in their operations***RequirementEnsure that training or a check undertaken by an air crew member is conducted by a person prescribed by subregulation 138.550 (2). | No suggested text provided.Operators to review the MOS for applicable requirements. |
| 138.580 | Qualifications and training(task specialists) | Chpt 25 | CARs 217 and 253 | A new requirement for aerial work certificate holders and limited aerial work operators who will utilise task specialists as crew members BackgroundThere are no specific existing requirements relating to these kinds of persons (except for CAR 217 operators if these persons were operating crew, and for all operators the requirements under CAR 253 if these persons were crew members). Task specialists are a new kind of crew member introduced in the flight operations regulations. This regulation provides a head of power for Chapter 25 of the Part 138 MOS.RequirementInclude in your operations manual a description of the flights that require the carriage of a task specialist.Ensure that task specialists:* for aerial work certificate holders - are carried when required by your operations manual, and
* for all operators - meet the training and checking requirements prescribed by Chapter 25 of the Part 138 MOS.
 | No suggested text provided.Operators to review the MOS for applicable requirements. |
| 138.590 | Training and checking to be conducted by certain persons(task specialists) | Chpt 25 | CARs 217 and 253 | A new requirement for aerial work certificate holders and limited aerial work operators who will utilise task specialists as crew membersBackgroundThere are no specific existing requirements relating to these kinds of persons (except for CAR 217 operators if these persons were operating crew, and for all operators the requirements under CAR 253 if these persons were crew members). Task specialists are a new kind of crew member introduced in the flight operations regulations. RequirementEnsure that training or a check undertaken by a task specialist is conducted by a person prescribed by subregulation 138.590 (2). | No suggested text provided.Operators to review the MOS for applicable requirements. |

### Compliance no later than 2 December 2022

| Regnumber | Regulation title | 138 MOS | Old rule/ref | Regulatory context comment and overview of actions (where necessary) |  |
| --- | --- | --- | --- | --- | --- |
| 138.110138.115138.140138.145 | Experience of safety managerResponsibilities of safety managerOperators who are required to have a safety management systemSafety management system requirements | Chpts 5 and 13 |  | *New requirements for aerial work operators who are required under regulation 138.140 to have a safety management system for their aerial work operations, and who already have an SMS for their Part 142 operations*BackgroundThese regulations outline:* the [operations for which a safety management system is required](#Requirement140)
* [what the system must include](#Requirement145)
* the requirements for the [experience](#Requirement110) and [responsibilities](#Requirement115) of the safety manager.

Transitional arrangementsFor existing aerial work operators (other than aerial work (air ambulance) operators) who are also authorised to conduct Part 142 activities in an aircraft, these requirements are deferred until 2 December 2022. The deferral is also subject to certain conditions relating to the proactive identification and management of safety risks.Operators must have procedures in their operations manual for the identification, review and recording of risks arising from the operator’s operations and the corrective safety controls implemented to address those risks.Operators are required to:* give CASA the proposed SMS manual content, with an application for its approval, by 2 September 2022, and
* obtain CASA’s written approval of the SMS manual content by 1 December 2022.

If they were not authorised to conduct the operation immediately before 2 December 2021, an operator must not commence an aerial work operation of a kind that requires an SMS until CASA approves the operator’s SMS manual content for the operation. Refer to CASA EX87/21 for the deferred provisions and full conditions of the exemptions.Guidance material Information on the development of an SMS can be found on the CASA [website](https://www.casa.gov.au/safety-management/safety-management-systems/what-safety-management-and-safety-management-systems). | No suggested text provided.For the purposes of this document it is presumed operators are taking advantage of this deferral. |

### Compliance no later than 2 March 2023

| Regnumber | Regulation title | 138MOS | Old rule/ref | Regulatory context comment and overview of actions (where necessary) |  |
| --- | --- | --- | --- | --- | --- |
| 138.100138.105138.125138.130 | Qualifications and experience of head of training and checkingResponsibilities of head of training and checkingOperators who are required to have a training and checking systemRequirements for flight crew | Chpts 4, 23, 24 and 25 | AOCMCAR 217CAO 82.1App 2CAAP 217 | *Carries over an existing requirement with significant change for aerial work certificate holders required under regulation 138.125 to have a training and checking system*BackgroundThese regulations outline:* [the aerial work certificate holders who are required to have a formal training and checking system](#Requirement125)
* the [qualifications, experience](#Requirement100) and [responsibilities](#Requirement105) of the HOTC
* the [training and checking requirements for flight crew](#Requirement130).

Transitional arrangementsFor existing aerial work operators (other than aerial work (air ambulance) operators) who were not subject to a requirement under subregulation 217 (1) of CAR to provide a training and checking organisations for the operations or for an aircraft used in the operations, the requirement to have a formal training and checking system is deferred until 2 March 2023. Operators are required to give CASA their proposed training and checking system manual content by not later than the end of 2 September 2022 and obtain CASA’s written approval of that content by not later than the end of 1 March 2023.The exemptions are subject to several conditions. Refer to CASA EX87/21 for the deferred provisions and full conditions of the exemptions.The ‘first version’ of any training and checking system for an operator must in all cases be approved by CASA before it is implemented by the operator. | No suggested text provided.For the purposes of this document it is presumed operators are taking advantage of this deferral. |
| 138.135 | Requirements for other operational safety-critical personnel | Chpts 24 and 25 | CAO 82.1 App 2CAR 217AOCM CAAP 217 | *Carries over* *an existing requirement with significant change for aerial work certificate holders who are required under regulation 138.125 to have a training and checking system* BackgroundOutlines [what the training and checking system must include](#Requirement135) for training and checking of operational safety-critical personnel who are not flight crew.Transitional arrangementsThe requirement for an operator’s training and checking system for operational safety-critical personnel to include persons who are neither flight crew members or other crew members assigned duties on board an aircraft relating to the flying or safety of the aircraft is deferred until 2 March 2023 for all operators. The exemption is subject to the condition that the operator’s training and checking system describes how the operator will ensure that these personnel are competent to perform their duties, and the action that will be taken if they lose competence or are likely to have an adverse effect on safety in carrying out their duties. Refer to CASA EX86/21. | No suggested text provided.For the purposes of this document it is presumed operators are taking advantage of this deferral. |

### Compliance no later than 2 December 2024

| Regnumber | Regulation title | 138 MOS | Old rule/ref | Regulatory context comment and overview of actions (where necessary) |  |
| --- | --- | --- | --- | --- | --- |
| 138.090 | Qualifications and experience of head of operations |  | CAO 82.0 CAO 82.1 | *Carries over* *an existing requirement with significant change for aerial work certificate holders* Transitional arrangementsFor an existing aerial work operator (other than an operator conducting solely aerial work (air ambulance) operations, the person already appointed as chief pilot (however described) prior to 2 December 2021 will be deemed to be compliant with the [minimum experience requirements](#Requirement090) mentioned in subregulation 138.090 (2). This exemption will cease to have effect at the end of 1 December 2024, or the day the operator’s aerial work certificate expires, if sooner. Refer to CASA EX86/21 for conditions of the exemption. | No suggested text provided.For the purposes of this document it is presumed operators are taking advantage of this deferral. |
| 138.100 | Qualifications and experience of head of training and checking |  | AOCM | *Carries over an existing requirement with significant change for aerial work certificate holders required under regulation 138.125 to have a training and checking system*Transitional arrangementsFor an existing aerial work operator (other than an operator conducting solely aerial work (air ambulance) operations), the person already appointed as HOTC (if any) prior to 2 December 2021 will be deemed to be compliant with the [minimum qualification and experience requirements](#Requirement100) mentioned in subregulation 138.100 (2). This exemption will cease to have effect at the end of 1 December 2024, or the day the operator’s aerial work certificate expires, if sooner. Refer to CASA EX86/21 for conditions of the exemption. | No suggested text provided.For the purposes of this document it is presumed operators are taking advantage of this deferral. |
| 138.110 | Experience of safety manager |  |  | *A new requirement for aerial work certificate holders who are required under regulation 138.140 to have a safety management system* Transitional arrangementsFor an existing aerial work operator (other than an operator conducting solely aerial work (air ambulance) operations, the person already appointed as SM (if any) prior to 2 December 2021 will be deemed to be compliant with the [minimum experience requirements](#Requirement110) mentioned in subregulation 138.110 (2). This exemption will cease to have effect at the end of 1 December 2024, or the day the operator’s aerial work certificate expires, if sooner. Refer to CASA EX86/21 for conditions of the exemption. | No suggested text provided.For the purposes of this document it is presumed operators are taking advantage of this deferral. |
| 138.110138.115138.140138.145 | Experience of safety managerResponsibilities of safety managerOperators who are required to have a safety management systemSafety management system requirements | Chpts 5 and 13 |  | *New requirements for aerial work operators who are required under regulation 138.140 to have a safety management system for their aerial work operations, and who do not already have an SMS for other operations*BackgroundThese regulations outline:* the [operations for which a safety management system is required](#Requirement140)
* [what the system must include](#Requirement145)
* the requirements for the [experience](#Requirement110) and [responsibilities](#Requirement115) of the safety manager.

Transitional arrangementsFor existing aerial work operators (other than aerial work (air ambulance) operators) who are not already required to have an SMS, these requirements are deferred until 2 December 2024. The deferral is subject to certain conditions relating to the proactive identification and management of safety risks.Operators must have procedures in their operations manual for the identification, review and recording of risks arising from the operator’s operations and the corrective safety controls implemented to address those risks.Operators are required to:* give CASA an SMS implementation plan by the end of 2 December 2022
* give CASA the proposed SMS manual content, with an application for its approval, by the end of 3 June 2024, and
* obtain CASA’s written approval of the SMS manual content by the end of 1 December 2024.

The ‘first of’ SMS for an operator must in all cases be approved by CASA before its implementation by the operator. If they were not authorised to conduct the operation immediately before 2 December 2021, an operator must not commence an aerial work operation of a kind that requires an SMS until CASA approves the operator’s SMS manual content for the operation. The requirements in paragraphs 138.085 (1) (c) and (d) (CEO responsibilities relating to the SMS) are also deferred. Refer to CASA EX87/21 for the deferred provisions and full conditions of the exemptions.Guidance material Information on the development of an SMS can be found on the CASA [website](https://www.casa.gov.au/safety-management/safety-management-systems/what-safety-management-and-safety-management-systems). | No suggested text provided.For the purposes of this document it is presumed operators are taking advantage of this deferral. |