



ADVISORY CIRCULAR

AC 1-03 v3.2

The background of the cover features a navigation chart with various symbols, lines, and text such as 'NAVIGATION', 'WAC SCALE 1:1,000,000', and 'JANOVCE'. Overlaid on this are geometric shapes in orange and teal. In the bottom right corner, there is a black and white photograph of hands writing on a document with a pen.

Transitioning to the flight operations regulations

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

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

Audience

This advisory circular (AC) applies to:

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

Note: This document does not discuss nor encompass transition policies for the sport aviation sector as the Manual of Standards (MOS) for this sector has not yet been finalised.

Purpose

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

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

All references to existing AOC holders in this document refer to AOC holders that were conducting operations prior to 2 December 2021 and will be captured by Parts 119, 121, 133, 135 or 138. Mention of an existing AOC holder in this document does not encompass an AOC holder conducting aeroplane aerial application operations since these operations are conducted under Part 137 and these operators do not need to hold an AOC issued in accordance with Part 119.

For further information

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

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

Status

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

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

Version	Date	Details
v3.2	May 2022	Minor updates to section 6.1 and chapter 7 relating to the concept of an integrated manual to align with changes in v4.0 of AC 1-02.
v3.1	March 2022	Amendment to paragraph 7.1.3 to clarify that an operator whose certificate expires between 2 December 2021 and 2 June 2022 can use an interim manual suite until 2 June 2022.
v3.0	October 2021	Updated hyperlinks, links to exemptions and directions instruments, and information regarding rotorcraft performance deferral. Addition of chapter 12.
v2.1	June 2021	Section 11.3 amended to include specific requirements for training and checking approvals in Part 121.
v2.0	May 2021	Complete rewrite of content and structure.
v1.0	December 2020	Initial AC.

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1 Reference material

1.1 Acronyms

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

Acronym	Description
AC	advisory circular
AMC	acceptable means of compliance
AOC	air operators certificate
AWC	aerial work certificate
CAR	<i>Civil Aviation Regulations 1988</i>
CASA	Civil Aviation Safety Authority
CAO	Civil Aviation Order
CASR	<i>Civil Aviation Safety Regulations 1998</i>
CATS	<i>Civil Aviation Legislation Amendment (Flight Operations – Consequential Amendments and Transitional Provisions) Regulations 2021</i>
FORs	flight operations regulations
HF	human factors
MOS	Manual of Standards
NTS	Non-technical skills
RPT	regular public transport
SMS	safety management system
TP	transition policy: Annex A to Summary of consultation on PP 1918OS - Transitional policies for flight operations regulations

1.2 Definitions

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

Term	Definitions
aerial work operation	One or more of the following (and each of the following is a kind of aerial work operation): i. an external load operation; ii. a dispensing operation; iii. a task specialist operation.
air transport operation	1. An air transport operation is a passenger transport operation, a cargo

Term	Definitions
	<p>transport operation or a medical transport operation, that:</p> <ol style="list-style-type: none"> a. is conducted for hire or reward; or b. is prescribed by an instrument issued under regulation 201.025. <p>2. Despite subclause (1), an air transport operation does not include an aerial work operation or a balloon transport operation.</p>
cargo transport operation	<p>cargo transport operation:</p> <ol style="list-style-type: none"> 1. means an operation of an aircraft that involves the carriage of cargo and crew only; but 2. does not include the following: <ol style="list-style-type: none"> a. an operation conducted for the carriage of the possessions of the operator or the pilot in command for the purpose of business or trade; b. a medical transport operation.
medical transport operation	<ol style="list-style-type: none"> 1. A medical transport operation is an operation: <ol style="list-style-type: none"> a. the primary purpose of which is to transport one or more of the following: <ol style="list-style-type: none"> 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. <p>Note: Other medical supplies (including medical equipment and medicines) might also be transported on an aircraft for a medical transport operation.</p> 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.
passenger transport operation	<ol style="list-style-type: none"> 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: <ol style="list-style-type: none"> 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: <ol style="list-style-type: none"> 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: <ol style="list-style-type: none"> 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.

1.3 References

Legislation

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

Document	Title
CASA EX81/21	Part 91 of CASR - Supplementary Exemptions and Directions Instrument 2021
CASA EX82/21	Part 119 of CASR - Supplementary Exemptions and Directions Instrument 2021
CASA EX83/21	Part 121 and Part 91 of CASR - Supplementary Exemptions and Directions Instrument 2021
CASA EX84/21	Part 133 and Part 91 of CASR – Supplementary Exemptions and Directions Instrument 2021
CASA EX85/21	Part 135, Subpart 121.Z and Part 91 of CASR - Supplementary Exemptions and Directions Instrument 2021
CASA EX86/21	Part 138 and Part 91 of CASR - Supplementary Exemptions and Directions Instrument 2021
CASA EX87/21	Flight Operations Regulations - SMS, HFP&NTS and T&C Systems - Supplementary Exemptions and Directions Instrument 2021
CATS	Flight Operations – (Consequential Amendments and Transitional Provisions) Regulations 2021
Part 91	General operating and flight rules
Part 91 MOS	Part 91 (General Operating and Flight Rules) Manual of Standards
Part 119	Australian air transport operators—certification and management
Part 121	Australian air transport operations—larger aeroplanes
Part 121 MOS	Part 121 (Australian Air Transport Operations—Larger Aeroplanes) Manual of Standards 2020
Part 133	Australian air transport operations—rotorcraft
Part 133 MOS	Part 133 (Australian Air Transport Operations—Rotorcraft) Manual of Standards 2020
Part 135	Australian air transport operations—smaller aeroplanes
Part 135 MOS	Part 135 (Australian Air Transport Operations—Smaller Aeroplanes) Manual of Standards
Part 138	Aerial work operations
Part 138 MOS	Part 138 (Aerial Work Operations) Manual of Standards 2020

Advisory material

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

Document	Title
AC 1-01	Understanding the legal framework
AC 1-02	Guide to the preparation of expositions and operations manuals
Multi-Part AC 119-07 and AC 138.03	Management of change for aviation organisations
Transition policy (TP)	Annex A to Summary of consultation on PP 1918OS - Transitional policies for flight operations regulations
Part 119 AMC/GM	Acceptable means of compliance and guidance material - Australian air transport operators certification and management
Part 121 AMC/GM	Acceptable means of compliance and guidance material - Australian air transport operations – larger aeroplanes
Part 133 AMC/GM	Acceptable means of compliance and guidance material - Australian air transport operations – rotorcraft
Part 135 AMC/GM	Acceptable means of compliance and guidance material - Australian air transport operations – smaller aeroplanes
Part 138 AMC/GM	Acceptable means of compliance and guidance material – Aerial work operations

2 Introduction

- 2.1.1 This AC provides guidance for industry participants to implement the **flight operations regulations (FORs)** that commence on 2 December 2021. It explains the steps that will need to be taken and the requirements that apply to operators for the transition to the FORs.
- 2.1.2 This AC should be read in conjunction with [Annex A to Summary of consultation on PP 1918OS - Transitional policies for flight operations regulations](#)¹, the transition policy (TP) which should be referred to as the definitive statement of CASA's transition policies for the FORs. Where applicable, this document will refer to specific sections of the TP.
- 2.1.3 It is important that industry participants understand how to prepare for the FORs, how CASA will assist with this transition, and what industry participants need to do to prepare themselves for the FORs.
- 2.1.4 Industry participants should take steps to understand the new rules. CASA has published guidance materials and other documentation to assist with this and will provide training courses, webinars and other opportunities to learn and to ask questions. For updated information on these events, refer to the CASA website.
- 2.1.5 This AC is for industry participants that hold an AOC (except Part 137 and part 142) prior to implementation of the FORs. New applicants for an AOC or certificate, sports aircraft and balloon operators are **not** addressed in this AC, but instead should refer to the transition policy.
- 2.1.6 There are multiple exemptions and directions in force that provide a deferral period for certain new requirements and address technical errors and omissions that were identified in the FORs. It is recommended that operators review the exemption and direction instruments that are relevant to their operations. Links to the instruments are provided in [section 1.3](#).
- 2.1.7 For any updates to the information in this AC, refer to [Flight operations regulations - what you need to do](#)².

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

² <https://www.casa.gov.au/flight-operations-regulations-what-you-need-to-do?>

3 Summary of requirements

3.1.1 Current operators transitioning to the new regulations being implemented on 2 December 2021 are required to meet a number of requirements. A summary and timeline are found in Figure 1 below. Refer to Chapter 6 onwards in this AC for more information about the transition requirements applicable at each of the dates below.

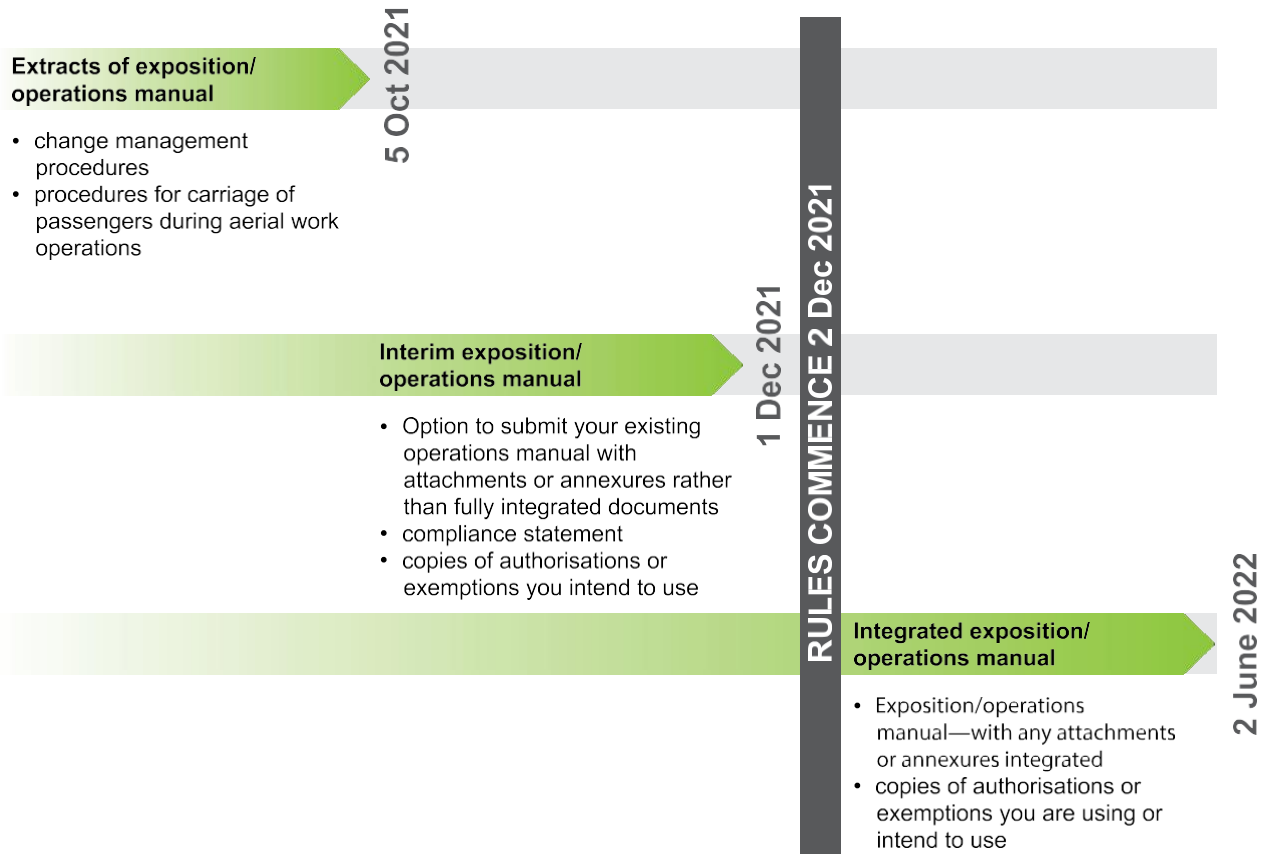


Figure 1: Implementation of the flight operations regulations

4 Background

- 4.1.1 The current regulations applying to commercial passenger, cargo and aerial work operations have not been comprehensively updated in over 30 years. During that time, there have been considerable technological and administrative advancements and changes to international standards.
- 4.1.2 The FORs are part of CASA's regulatory reform program, which represents a complete changeover of the operational and flight rules. The program migrates the *Civil Aviation Regulations 1988* (CAR) and Civil Aviation Orders (CAOs) into the *Civil Aviation Safety Regulations 1998* (CASR). This process consolidates the operational and flight rules as well as the certification and management aspects for different types of operators. The new regulations and their associated Manuals of Standards (MOS) commence on 2 December 2021.
- 4.1.3 Some CARs and CAOs will continue to exist and will apply for other subject areas for the time being; for example, aircraft maintenance, fatigue management and general administrative purposes. With a few exceptions, CAR provisions and related CAOs addressing aircraft flight operations will be repealed because they are no longer required.
- 4.1.4 The effective implementation of the FORs, from both an operational perspective and a legal perspective, required the making of *Civil Aviation Legislation Amendment (Flight Operations – Consequential Amendments and Transitional Provisions) Regulations 2021* (the CATS [Regulations](#)³) and other related legislative and non-legislative instruments. The purpose of the CATS Regulations is to support a smooth legal transition from the old rules to the FORs for operators, pilots, crew members and other industry participants.
- 4.1.5 For more information on the CATS Regulations, refer to section A2 of Appendix A of this AC.
- 4.1.6 For more information on the new CASRs, refer to Appendix 1 of this AC and [Chapter 2 of the transition policy](#).
- 4.1.7 For more information on legal concepts, refer to [AC 1-01 - Understanding the legal framework](#)⁴.

³ <https://www.legislation.gov.au/Details/F2021L00200>

⁴ <https://www.casa.gov.au/rules-and-regulations/current-rules/advisory-circulars>

5 Changes for existing AOC holders

- 5.1.1 For general transition information for aircraft operators, refer to Chapter 3 of the [Transitional policies for flight operations regulations](#)⁵.
- 5.1.2 Existing AOC holders who will operate under the FORs will, under the CATS Regulations, have their authorisations transitioned to the relevant new Parts, provided conditions related to the submission of the operator's exposition or operations manual are met⁶. Operators will not have to apply to CASA for this transition to take effect.
- 5.1.3 Existing AOC holders do not need to have their AOC reissued prior to transition. They will go through the normal renewal process to receive a new AOC and/or certificate upon the AOC renewal date, or with the approval of their first significant change after the implementation date. This will result in the first issue of the new CASR Part AOC or operating certificate.

5.2 AOCs expiring in the 3 months before or after commencement

- 5.2.1 Operators whose AOC expires in the 89 days before the commencement date, or the 90-day period after the commencement date, will have the term of their AOC extended (not a reissue) by six months to reduce and help manage the workload for operators and CASA around the commencement date. This will occur by operation of the CATS Regulations and no administrative process is involved. The first issue of the AOC or operating certificate after the commencement date will be under the new Parts.

5.3 When operating under multiple Parts

- 5.3.1 Many existing AOC holders will be required to comply with multiple Parts, for example, Part 135 for passenger or cargo air transport operations and Part 138 for aerial work. For clarity, everybody needs to comply with Part 91, the general operating and flight rules, and all air transport operators also need to comply with Part 119. Appendix A.4 of this AC provides further information.
- 5.3.2 Provided an operator is compliant with the regulations, CASA does not mandate how to structure an exposition or operations manual under the CASRs. However, operators might be well served by developing a single exposition that is compliant with all applicable Parts. Doing so avoids the need for multiple operations manuals and expositions.
- 5.3.3 Many operators currently hold various authorisations for their operations. Under the CATS, they will continue to permit the operator to conduct air transport and aerial work operations under the new regulations. Accordingly, operators need to be aware that they need to comply with the respective CASR Parts to continue these operations under the new FORs, using the current authorisations.

⁵ <https://consultation.casa.gov.au/regulatory-program/pp-1918os/results/annexa-transitionalpoliciesforflightoperationsregulations.pdf>

⁶ Refer to Chapter 6 onwards.

5.3.4 Operators should benefit from understanding the parallels between different Parts and efficiencies to be had when developing a compliant exposition. For example, CEO responsibilities under Part 119 are similar to the CEO responsibilities in Part 138. One section in an exposition could provide compliance with both regulations. [AC 1-02 - Guide to the preparation of expositions and operations manuals](#)⁷ provides a sample content list for operations manuals and expositions that maps the different regulations. It can assist people in understanding which regulations align.

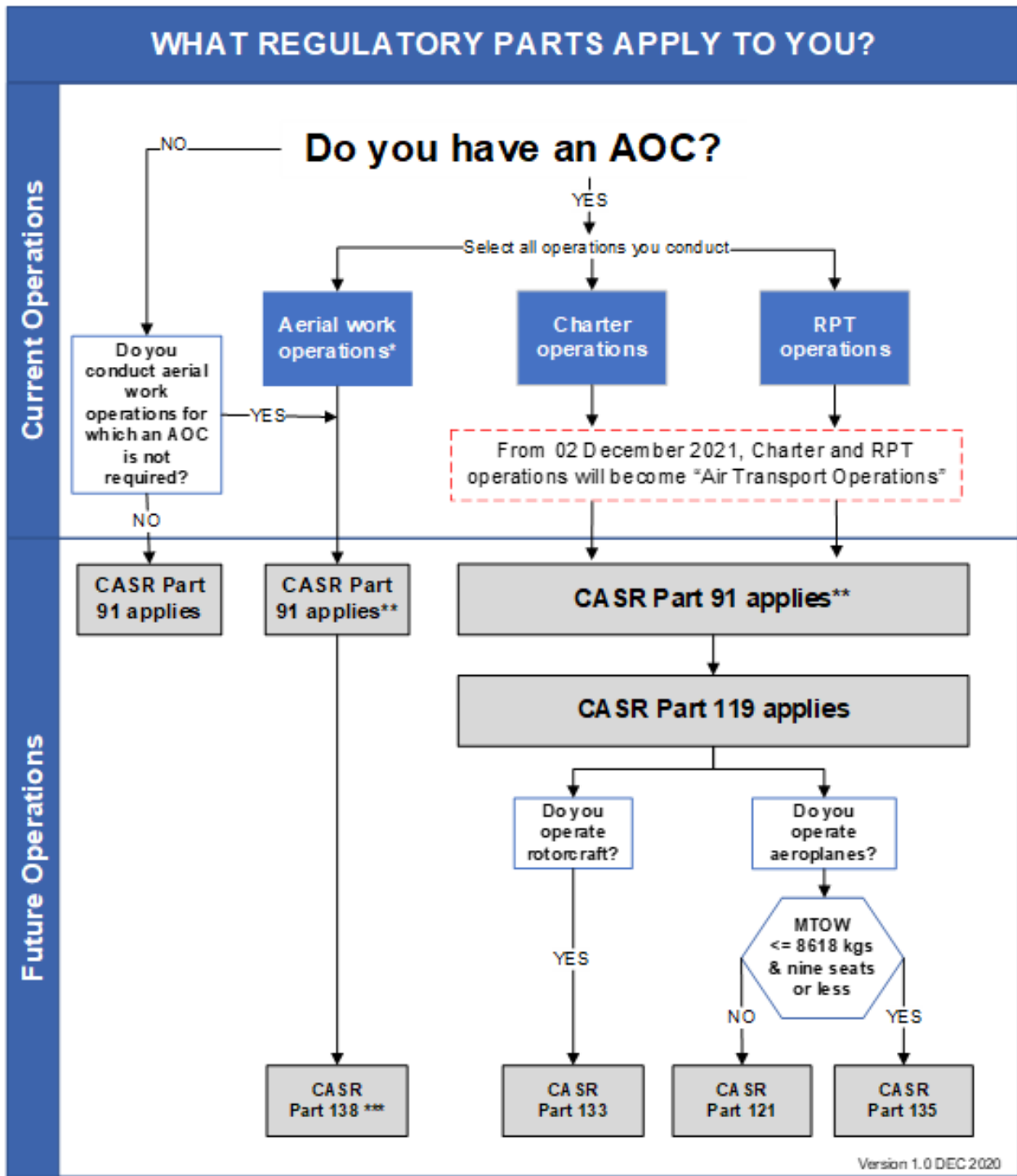
Note: As of 12 October 2021, the appendix for AC 1-02 is still under development.

5.3.5 For more information on developing expositions and operations manuals, and how CASA is assisting operators, refer to section 7.3 of this AC.

5.4 What CASR Part(s) apply to you?

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

⁷ <https://www.casa.gov.au/rules-and-regulations/current-rules/advisory-circulars>



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

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

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

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

6 Submitting extracts of operations manual or exposition (5 October 2021)

6.1 General

- 6.1.1 Refer to section 3.2.9 onwards of the [Transitional policies for flight operations regulations](#)⁸.
- 6.1.2 All existing AOC holders must give CASA their proposed operations manual amendments encompassing the **management of change procedures** required under Part 119 for air transport operators or Part 138 for aerial work operators.
- 6.1.3 Aerial work AOC holders must also submit their **procedures for the carriage of 'aerial work passengers'** if the Part 138 certificate holder wishes to carry such passengers.
- 6.1.4 The submission date for this material was 5 October 2021, to provide CASA approximately 60 days to assess and, if necessary, liaise with operators to correct any identified issues. CASA will communicate with those operators who did not submit their extracts by 5 October. If operators have not already done so, they should submit their extracts as soon as possible.
- 6.1.5 Provided that an operator submitted the required material and corrected any issues raised by CASA, existing AOC holders may continue their existing operations after the commencement date (2 December 2021) even if CASA has not completed assessment of the material. The submission may be in the form of an annex or addendum to the existing operations manuals, although a fully updated and integrated operations manual or exposition is required by 2 June 2022⁹.
- 6.1.6 Any non-compliance with the transition process or legislative requirements after the commencement date will be handled in accordance with CASA's normal compliance policies and CASA's [Regulatory Philosophy](#)¹⁰.
- 6.1.7 Refer to the [Flight operations regulations](#) page on the CASA website for details on submitting extracts.

6.2 Management of change procedures

- 6.2.1 Formalised management of change procedures will be a new item for many operators¹¹. The management of change procedures are a fundamental principle of the new regulations and, in certain circumstances, allow operators to make changes to their operation without requiring prior CASA approval. It is vital that both CASA and industry participants are satisfied that these procedures are suitable and in place in time for the commencement of the new regulations.

⁸ <https://consultation.casa.gov.au/regulatory-program/pp-1918os/results/annexa-transitionalpoliciesforflightoperationsregulations.pdf>

⁹ See section 3.2 of AC 1-02 for more information on the meaning of *integrated operations manual*.

¹⁰ <https://www.casa.gov.au/about-us/who-we-are/our-regulatory-philosophy>

¹¹ 119.205(1)(m), or 138.155(1)(m).

- 6.2.2 CASA has developed management of change process templates that operators may choose to use in their exposition or operations manual. Alternatively, operators may develop their own procedures.
- 6.2.3 For detailed information on management of change and sample documentation, refer to [AC 119-07 and 139-03 - Management of change for aviation organisations¹²](#).

6.3 Procedures for carriage of passengers during aerial work procedures

- 6.3.1 If a Part 138 aerial work operator wishes to carry [aerial work passengers¹³](#), they are required to develop applicable procedures¹⁴.
- 6.3.2 It should be noted that, what is known currently as an air ambulance flight is medical transport under the FORs. This activity falls under the air transport Parts 121,133, 135, not aerial work. Therefore, passengers on a medical transport flight are not aerial work passengers.
- 6.3.3 Persons rescued and carried in a search and rescue operation will be aerial work passengers, and there are new requirements for these operations. Due to these new requirements, assessment of this information is vital to ensure that both CASA and industry have confidence in the correct implementation of this provision. No submission is necessary if an operator will not conduct aerial work operations involving the carriage of aerial work passengers. To avoid any doubt, such operators could consider including a statement in their operations manual that states that they do not carry aerial work passengers.
- 6.3.4 For detailed information on aerial work passengers and sample documentation, refer to [AC 138-01 v1.0 - Aerial work operations¹⁵¹⁶](#) and [AMC/GM Part 138¹⁷](#).

¹² <https://www.casa.gov.au/rules-and-regulations/current-rules/advisory-circulars>

¹³ <https://www.casa.gov.au/files/flight-operations-regulations-consolidated-dictionary>

¹⁴ Part 138 of CASR and the Part 138 MOS related to the carriage of aerial work passengers.

¹⁵ <https://www.casa.gov.au/rules-and-regulations/current-rules/advisory-circulars>

¹⁶ As of 19 April AC 138-01, is under development.

¹⁷ <https://www.casa.gov.au/search-centre/acceptable-means-compliance-and-guidance-material>

7 Submitting a compliant exposition or operations manual for FORs (1 December 2021)

- 7.1.1 Refer to section 3.2.13 onwards of the [Transitional policies for flight operations regulations](#).
- 7.1.2 Existing AOC holders are to **have and submit an operations manual** (Part 138) or **exposition** (Part 119 operators conducting Part 121, 133 and 135 air transport operations) by 01 December 2021. Compliance can be met either with the use of existing manuals with annexures (see next paragraph) or with a new integrated document¹⁸.
- 7.1.3 For a period of up to six months after the commencement date, operators will be able to rely on their existing operations manual, supplemented by annexures that bring their document suite into compliance with the new Parts. For example, operators could incorporate an annexure containing procedures related to new requirements, and an annexure that maps existing legislation references to references in the new Parts. This includes operators whose certificate renewal occurs between 2 December 2021 and 2 June 2022.
- Note:** The dates during which Part 131 aircraft operators can use an interim manual differ - see AC 131-03.
- 7.1.4 **By 2 June 2022**, all operators must have updated their new exposition or operations manual to integrate new legislative requirements. This would include the removal of old legislative references from the old operations manual, and incorporation of new requirements as needed. The updated exposition or operations manual needs to be submitted to CASA. Refer to AC 1-02 for more details on what constitutes an integrated manual. Refer to the [what you need to do](#) page on the CASA website for details on how to submit an exposition or operations manual.

7.2 Assistance in developing operations manuals and expositions

- 7.2.1 Although it is up to an operator to decide, there are great efficiencies to be had in developing an exposition that complies with multiple applicable Parts as opposed to separate manuals.
- 7.2.2 [AC 1-02 - Guide to the development of expositions and operations manuals](#)¹⁹ provides the foundation for developing expositions and operations manuals. Updates of this AC and the [Flight operations regulations](#) page will provide future updates on guidance material that CASA may develop, such as sample content lists for operations manuals and expositions mapped against the new regulations, including references to the old regulations, as well as a sample compliance matrix that can assist in ensuring compliance.

¹⁸ See section 3.2 of AC 1-02 for more information on the meaning of *integrated operations manual*.

¹⁹ The annexes of AC 1-02 are under development as of 19 April 2021.

7.3 Mapping documents

- 7.3.1 CASA has published mapping documents²⁰ that identify the old legislation references (CAR and CAO) to the new ones (CASR and MOS). Operators may, for the period of 6 months between 2 December 2021 and 1 June 2022, adopt the re-referencing by reference to the mapping document without updating the exposition or manual itself. By no later than 2 June 2022, operators must be using an integrated manual, which is explained further in section 3.2 of AC 1-02.

7.4 Acceptable means of compliance and guidance documents

- 7.4.1 An acceptable means of compliance and guidance material document ([AMC/GM](#))²¹ is a single document with indexing that relates to a specific regulatory provision. It can greatly assist in improving your understanding of the regulations whilst developing an exposition or operations manual. It further provides signposts to other information where it is available.
- 7.4.2 Entries in an AMC/GM are generally short and succinct and aim to explain and amplify a regulation, otherwise the topic might be discussed in an AC and the AMC/GM entry will provide a reference to the relevant AC. These documents should always be read in conjunction with any referenced regulations.

²⁰ Refer to the Links for the specific Parts on: [Flight operations regulations | Civil Aviation Safety Authority \(casa.gov.au\)](#)

²¹ <https://www.casa.gov.au/rules-and-regulations/current-rules/acceptable-means-compliance-and-guidance-material>

8 Submitting a compliance declaration (1 December 2021)

- 8.1.1 Operators must submit a **compliance declaration** that confirms its exposition or operations manual meets the legislative requirements.
- 8.1.2 The chief executive officer (CEO) of an existing AOC holder is required to provide, at the time of submission, a **compliance declaration** that the exposition or operations manual meets the requirements of the FORs. This approach is consistent with the responsibility operators have for ensuring that operations are conducted in compliance with regulatory requirements.
- 8.1.3 The compliance declaration will need to be made in an approved form, which will specify who may make the statement for an operator. Refer to the Flight operations regulations page on the CASA website for details on submitting a compliance declaration and updates on the approved form.

9 Submitting a copy of any authorisations or exemptions (1 December 2021)

- 9.1.1 Refer to section 3.5 of the [Transitional policies for flight operations regulations](#).
- 9.1.2 Operators must provide to CASA a **copy of any CASA instrument** issued to the operator or its personnel (see section 9.2) that they intend to continue using after the transition to the FOR. The instruments can be submitted at any time, including with the exposition or operations manual. Operators will be permitted by the transitional rules to continue to use such instruments for a defined period after the commencement date (see section 9.3) if a copy has been provided.
- 9.1.3 Copies in pdf format can be sent to: aoc.instruments@casa.gov.au

9.2 Applicable instruments

- 9.2.1 The requirement to provide copies of authorisations or exemptions does not apply to legislative instruments (authorisations, approvals, permissions, directions, instructions, exemptions etc.) of general application (e.g., CAOs or exemptions that apply broadly across a sector or to a type of operation etc.) made under the existing legislation. These generally applicable instruments will have been incorporated in the FORs and MOSs where appropriate.
- 9.2.2 The requirement to provide CASA with a copy of an instrument only applies to those instruments issued to the operator by name, or to particular personnel for a named AOC holder's operations. It covers CASA-issued instruments, including authorisations, exemptions, permissions, directions, and approvals²². Should an operator not submit an instrument to CASA they are not able to continue using the provisions of the instrument from 2 December 2021.
- 9.2.3 The requirement does **not** cover:
- Instruments that are issued to classes of operators or personnel. For example, the requirement does not cover an instrument that is expressed to apply to 'any operator conducting a low visibility approach to ABC aerodrome'. The requirement would cover an instrument that is expressed to apply to 'XYZ Charter Pty Ltd when its pilots conduct a low visibility approach to ABC aerodrome'. Also, it would cover an instrument expressed to apply to 'Sally Jones when piloting an operation under an AOC issued to by XYZ Charter Pty Ltd'.
 - Personnel licences, for example, those issued under Part 61, because these are personal to the pilot and not linked to the operations of an AOC holder.
 - Instruments that are not valid on the commencement date of 2 December 2021. Accordingly, any instrument that expires or is repealed or cancelled on or before 1 December 2021 is not covered by the requirement and cannot be used after the commencement date.

²² A detailed list of applicable authorisations and exemptions can be found in CASR 202.416 and 416A.

9.2.4 For more information on the transition of existing approvals, permissions, authorisations etc where an equivalent new approval exists, refer to Chapter 12 of this AC.

9.3 Validity

9.3.1 The transitional regulations state that an instrument that has been continued for an operator will eventually expire at the earlier of the following:

- The expiry or repeal date stated on the instrument, if any.
- If the instrument is associated with the operations of an existing AOC holder, the expiry date of the AOC. This option is likely to be relevant for the instruments covered by these instructions, although it is possible that a relevant instrument is issued to an individual pilot, but not specifically for the operations of a specific AOC holder.
- The second anniversary of the date the instrument was made after the commencement date. So, if an instrument is made on 1 July in any year, this option would mean it expires on 1 July 2023, which is the second 1 July after the commencement date. The commencement date is 2 December 2021; the first anniversary date is 1 July 2022; and the second anniversary is on 1 July 2023.

10 Commencement of FORs (2 December 2021)

- 10.1.1 The new rules will affect all crew, existing AOC holders and associated personnel. Unless a valid CASA exemption²³ is in force, all the rules apply from this date.
- 10.1.2 Some new requirements are subject to a deferral period. Additional detail on the deferred items is available at Chapter 11 of this AC.

10.2 Compliance with the new rules

- 10.2.1 Apart from the extracts required as described in Chapter 6 above, CASA will not comprehensively assess expositions or operations manuals as part of the transition process. These will be assessed at CASA's discretion during post-commencement surveillance activities, or when the operator's AOC or certificate is next undergoing a significant change or is reissued. In any case, it remains the responsibility of the AOC or certificate holder to be compliant with the regulations.

²³ See [Legislative instruments | Civil Aviation Safety Authority \(casa.gov.au\)](#) and [Non-legislative instruments | Civil Aviation Safety Authority \(casa.gov.au\)](#).

11 Deferred provisions (beyond 2 December 2021)

11.1 General

11.1.1 Refer to section 3.4 of the [Transitional policies for flight operations regulations](#).

11.1.2 Some provisions in the FORs will be deferred to not 'front end load' new costs for existing operators. The deferred provisions are due in accordance with the following schedule:

Deferred provisions for eligible existing AOC holders
FLIGHT OPERATIONS REGULATIONS

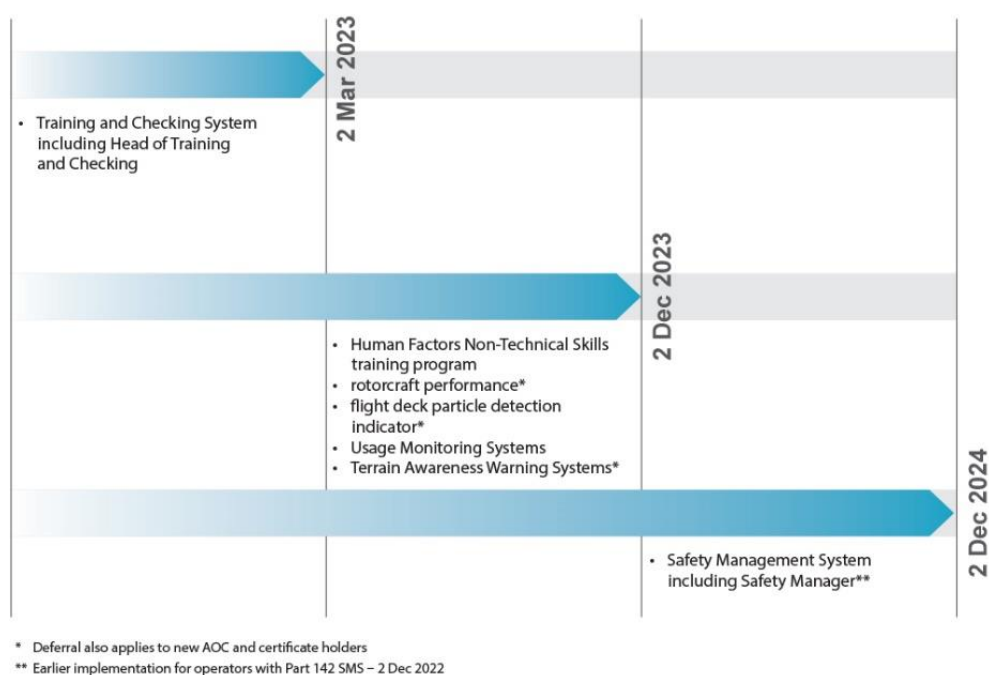


Figure 3: Deferred provisions

11.1.3 For an existing AOC holder who is already required to comply with an equivalent requirement under the old rules, that requirement will continue to apply under the new rules with no deferral.

11.1.4 For example, an operator with an existing CAR 217 organisation (training and checking) will not have access to the deferred provisions for training and checking systems for existing matters for which they hold an approval. However, the operator will need to ensure that their existing CAR 217 system meets the requirements of the new training and checking rules - CASA expects that little or no changes should be needed to achieve this transition. The training and checking system won't need to be expanded to areas not covered by the CAR 217 system until the end of the deferral period.

11.1.5 Interim milestones are specified for the deferred requirements. This will allow CASA to assess draft documentation and liaise with operators as necessary leading up to the

deferred commencement. In addition, certain operators are required to submit an SMS implementation plan (just the plan) in 2022 and proposed SMS documentation by mid-2024.

11.1.6 Refer to [CASA EX87/21](#) for more details and conditions.

11.2 Changes after commencement that would require a deferred provision

11.2.1 An operator might, after the commencement date but before a deferred date, apply for a change that would require any of the deferred requirements under the new rules to be implemented; for example, if an air transport operator (currently a charter operator) intends to commence scheduled air transport operations. Such a change would trigger the requirement for a training and checking system, SMS and HF/NTS program. In this case, the provisions cannot be further deferred.

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

11.3 Training and checking systems (2 March 2023)

11.3.1 Refer to section 3.4.8.1 of the [Transitional policies for flight operations regulations](#).

11.3.2 The primary role of a training and checking system (TCS) is the maintenance of competency for flight crew, air crew and other operational safety-critical personnel as defined by Subpart 119.E and Division 138.B5 of CASR. This is a different role to that of Part 141/142 organisations, which focus on Part 61 of CASR requirements such as training for the initial issue of licences and ratings. However, a Part 142 organisation may also provide contracted training and checking.

11.3.3 Under Parts 133, 135 and 138, training and checking personnel will not hold individual approvals. Those persons will be approved under the exposition or operations manual. An applicant for those roles might still require an assessment under certain circumstances. Once deemed compliant, an amendment to the exposition or operations manual will finalise the process. |

11.3.4 For Part 121 training and checking, the conduct of Part 121 Proficiency checks requires the individual to either be a flight examiner or the holder of a 121.010 approval. The conduct of training or checking involving safety or emergency equipment requires the individual to be authorised by a 121.010 approval. This is different to the requirements of Parts 133, 135 and 138.

11.3.5 For more information refer to [Multi-Part AC 119-11 and AC 138-02 - Training and checking systems](#). |

11.4 Human factors and non-technical skills (2 December 2023)

11.4.1 Refer to section 3.4.8.3 of the [Transitional policies for flight operations regulations](#).

11.4.2 For individuals and teams to perform effectively in safety-critical environments, they must be proficient in technical skills (such as manipulation of aircraft controls, arming

aircraft doors, marshalling, loading baggage, refuelling), and non-technical skills (NTS), such as communication, decision making, effective teamwork, maintaining situation awareness and managing stress.

- 11.4.3 Part 119 of CASR requires air transport operators to have a program for training and assessing operational safety-critical personnel in human factors principles and non-technical skills (regulation 119.175 of CASR). This is representative of a systems approach to HF and is reflective of the broader CASRs.
- 11.4.4 For more information and sample material, refer to [AC 119-12 - Human factors principles and non-technical skills training and assessment for air transport operations](#).

11.5 Rotorcraft performance (2 December 2023)

- 11.5.1 Refer to section 3.4.8.9 of the [Transitional policies for flight operations regulations](#).
- 11.5.2 The International Convention on Civil Aviation (the Chicago Convention), and its Standards and Recommended Practices (SARPs), require a State (in our case, Australia) to ensure rotorcraft conducting commercial air transport operations are operated in accordance with a code of performance established by the State of the operator.
- 11.5.3 The code of performance should consider situations in conditions where the safe continuation of flight is not assured in the event of a critical engine failure. In doing so, rotorcraft operations must be conducted in a manner that gives appropriate consideration for achieving a safe forced landing.
- 11.5.4 The SARPs also outline – where rotorcraft are operated to or from heliports in a populous area, and where suitable forced landing areas are not available – that the competent authority of the State in which the heliport is situated must specify the requirements to enable these operations to be conducted in a manner that gives appropriate consideration for the risk associated with an engine failure.
- 11.5.5 To meet the objectives of Annex 6 to the Chicago Convention - Part III - International Operations - Helicopters, (Annex 6 Part III) Section II, Chapters 3.1.1, 3.1.2 and 3.1.3, Australia has designed a performance code that utilises the performance class concept and risk assessment and management processes. These are outlined in Part 133 of CASR and the associated Part 133 MOS.
- 11.5.6 Part 6 of [CASA EX84/21](#) contains exemptions and directions relating to the Part 133 rotorcraft performance code (PC). These exemptions apply to all operators, not just existing operators. There is a relatively narrow exemption for operators conducting medical transport operations that are otherwise generally complying with the PC and there is a broad exemption for all operators, from all of the PC, to provide more time to comply. The exemptions are subject to specific conditions.
Note: For the exemption from all of the PC, one of the conditions of that exemption is that, no later than the end of 2 June 2023, an operator must give CASA their proposed Part 133 PC exposition content. An operator cannot exercise the privileges until it has obtained written approval from CASA. Refer to [CASA EX84/21](#).
- 11.5.7 For more information on the new rotorcraft performance code, refer to [AC 133-01 - Performance class operations](#).

11.6 Equipment requirements (2 December 2023)

- 11.6.1 CASA will defer new requirements in relation to the fitment of the following equipment until 2 December 2023:
- TAWS and GPWS equipment (section 3.4.8.15 of the [Transitional policies for flight operations regulations](#)).
 - Usage monitoring system equipment (section 3.5.8.16 of the [Transitional policies for flight operations regulations](#)).
 - Particle detection indicators in rotorcraft cockpits (section 3.4.8.13 of the [Transitional policies for flight operations regulations](#)).
- 11.6.2 Where an existing aircraft was not previously required to be fitted with a ground proximity warning system (GPWS) under CAO 20.18, and the new FORs impose a requirement for the aircraft to be fitted with terrain awareness and warning system (TAWS) or helicopter terrain awareness and warning system (H-TAWS), this requirement will be deferred until 2 December 2023.
- 11.6.3 Similarly, if an aircraft was subject to a requirement under CAO 20.18 to be fitted with a certain GPWS, and this GPWS is not equivalent to the new requirement, the requirement for the operator to fit the equipment to the aircraft, required by the FORs, will be deferred until 2 December 2023. Primarily, this will be utilised by all helicopters (as they are not required to be fitted with GPWS under CAO 20.18) and aeroplanes between 5 700 kg and 15 000 kg that have not been carrying more than nine passengers.
- 11.6.4 Cockpit voice recorder (CVR) and flight data recorder (FDR) requirements have not been changed from the existing CAO 20.18 requirements and, therefore, do not need to be deferred. This will be communicated to industry to address current concerns about new CVR and FDR requirements, which have arisen due to some misunderstanding about CASA's intentions to align the requirements with ICAO standards.

11.7 Safety management systems and safety manager (2 December 2024)

- 11.7.1 Refer to section 3.4.8.5 of the [Transitional policies for flight operations regulations](#).
- 11.7.2 An SMS is a systematic approach based on managing risk through setting goals, capturing data, measuring performance and system refinement for managing safety risks. An SMS is woven into the fabric of an organisation, which enables effective risk-based decision-making processes across the business where risks are identified and continuously managed to an acceptable level.
- 11.7.3 Effective safety management goes beyond simple compliance with regulations; it is a business-like approach to safety, similar to how finances are managed. Without the wholehearted support and ownership of the accountable manager, the SMS will not be effective.
- 11.7.4 The FORs impose a new requirement for the operator to have a safety manager and an SMS. For certain operators, full compliance with these requirements is deferred until 2 December 2024.

- 11.7.5 Operators are required to submit an SMS implementation plan to CASA well in advance of the deferred commencement date, in relation to the requirements of Subpart 119.F and Part 138 of CASR. They are also required to submit their proposed SMS exposition content to CASA for approval of the SMS in advance of the deferred commencement date for assessment and approval by CASA. Refer to Parts 2 and 4 of [CASA EX87/21](#).
- 11.7.6 For more information about an SMS and its implementation refer to [AC 119-01 - Safety management systems for air transport operations](#).

11.8 SMS deferrals for existing Part 142 operators (2 December 2022)

- 11.8.1 Where an existing AOC holder is also authorised to conduct Part 142 activities in an aircraft (and therefore already has an SMS), a shorter deferral period for the SMS requirements is applicable. For these operators, the SMS requirements will be deferred for a period of 12 months (i.e., implementation by 2 December 2022). The shorter deferral is because such operators are already required to have an SMS for the Part 142 scheme, and the process of scaling their SMS to also incorporate the flight operations regulations, if they have not already done so, is not expected to create a significant workload. Refer to Parts 3 and 5 of [CASA EX87/21](#).

12 Transition of existing approvals, permissions, authorisations etc where an equivalent new approval exists

- 12.1.1 Under the CAR/CAO rules that are being repealed on 2 December 2021, the performance of a number of kinds of activities, or permitting a person to do certain kinds of things, on an enduring basis, required operators to apply to CASA for a specific instrument. These instruments were labelled in multiple ways – such as permissions, authorisations, determinations, approvals etc. In the new flight operations regulations, the terminology has been standardised on labelling these instruments as approvals. Exemptions are a separate kind of instrument intended to be more short term in nature. This intent has not been achieved in recent years when, due to the delayed development of the new flight operations regulations, exemptions have been used to address enduring rather than short term issues.
- 12.1.2 In the new flight operations regulations the number of required approvals has been significantly reduced. In the majority of cases, where a specific approval is required under the new regulations it aligns with an existing requirement for an approval, permission, authorisation etc. Only in a minority of cases is there a new requirement for an approval. Note that the location of the approval requirement does not necessarily link to the same level of legislation between the old and new rules – that is, an approval requirement that was in an old regulation might be located in a new MOS, and an approval requirement that was in an old CAO might be in a new regulation.
- 12.1.3 In line with the general transition policy to not require pilots or operators to re-apply for a new instrument where they already hold an equivalent instrument under the old rules, there will be 2 different mechanisms for deeming an existing instrument to be equivalent to the future version of that instrument.
- 12.1.4 The first legal mechanism relates to instruments that were issued under an old *regulation* that is being repealed. This legal mechanism is contained in the [Civil Aviation Legislation Amendment \(Flight Operations—Consequential Amendments and Transitional Provisions\) Regulations 2021](#) which is available on the Federal Register of Legislation (see section A.2 of Appendix A to this AC for more information on this instrument). In these regulations existing kinds of authorisations, that were issued under a specific to-be-repealed regulation, are deemed to be the future equivalent authorisation – without the holder of the instrument needing to apply to CASA – but this is dependent upon you providing to CASA a copy of the authorisation before 2 December 2021.
- 12.1.5 The second legal mechanism relates to instruments that were issued under an old CAO that is being repealed. This legal mechanism will be contained in an instrument to be issued by CASA before 2 December 2021. It will work in a similar fashion to the deeming of authorisations made under a regulation that is being repealed. Where a current CAO based authorisation has a future approval covering an equivalent topic, then the CAO authorisations will be deemed to be the future approval without any application needing to be made by the operator. Some simple examples of the kinds of existing instruments that will be deemed to be their future equivalents would be:

- the CAO 20.11 approvals for conducting emergency checks to be equivalent to the approvals required under subregulations 121.475(4) and 121.640(3)

Note: Parts 133, 135 and 138 do not require specific approvals of this kind.

- the check captain approval to be equivalent to the approval required under subparagraph 121.580(3)(a)(ii)

Note: Parts 133, 135 and 138 do not require the issuance of a specific approval of this kind.

- an EDTO approval from CAO 82.0 subparagraph 3BC.3(a) to be equivalent to the approval required under subregulation 121.035(1)(b)
- an EDTO approval from CAO 82.0 paragraph 3BB.2 to be equivalent to the approval required under subsection 2.01(5) of the Part 135 MOS
- a polar approval from CAO 82.0 paragraph 3BD.2 to be equivalent to the approval required under subregulation 121.360(2)(b).

Note: Parts 133, 135 and 138 do not require the issuance of a specific approval for this activity.

Appendix A

Flight operations regulations overview

A.1 Overview of the Civil Aviation Safety Regulations

A.1.1 The FORs are part of a wider regulatory reform as shown.

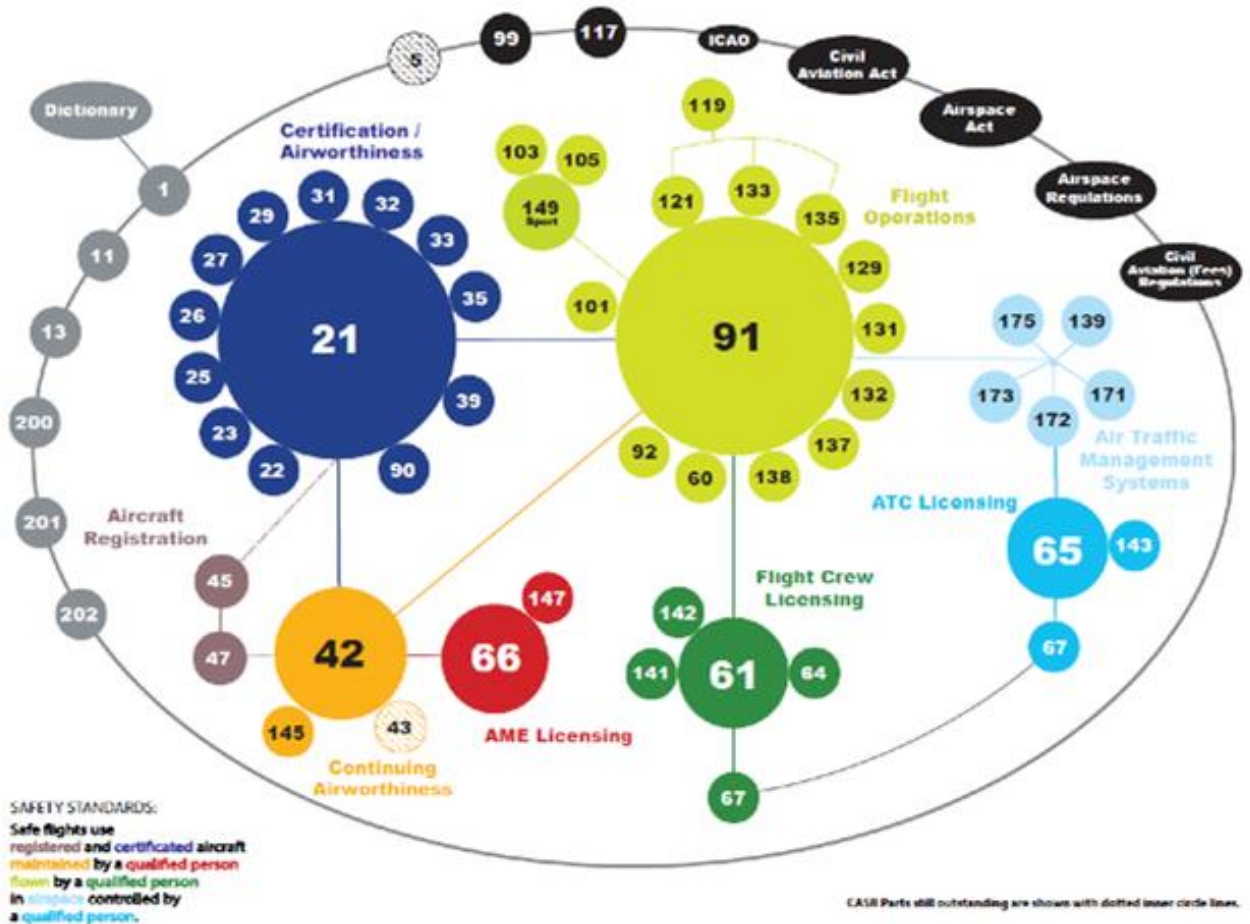


Figure 4: CASR Parts

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

- Definitions regulation
- Consequential, Application, Transitional and Savings ('CATS') regulations
- Part 91 – General Operating and Flight Rules
- Part 119 - Australian air transport operators—certification and management
- Part 121 – Australian air transport operations—larger aeroplanes
- Part 133 – Australian air transport operations—rotorcraft
- Part 135 – Australian air transport operations—smaller aeroplanes
- Part 138 – Aerial work operations.

A.1.3 The *Civil Aviation Legislation Amendment (Operations Definitions) Regulations 2019* only contains amendments to the CASR Dictionary for the purpose of the FOR. CASA is preparing a consolidated CASR Dictionary that sets out all the definitions across the CASR and the related MOSs for the FOR.

A.2 CATS regulations

A.2.1 The *Civil Aviation Legislation Amendment (Flight Operations – Consequential Amendments and Transitional Provisions) Regulations 2021* (the [CATS regulations](#)) make detailed arrangements for the smooth legal transition from the existing scheme under CAR to the new FORs.

A.2.2 The CATS Regulations will, amongst other things:

- repeal old CAR provisions that are no longer required, and amend CAR provisions that are only partially required under the FORs
- move provisions from CAR to CASR, for example, definitions
- ensure that existing AOCs, approvals, exemptions and other instruments for industry are given proper legal effect under the FORs, at least for a transitional period
- ensure that crew members are legally permitted to conduct duties under the FORs by specific recognition of qualifications, authorisations or experience under the existing scheme
- change language under the current scheme to the language of the CASR, so that the language works as intended (e.g., references to an aerial work AOC will become an ‘aerial work certificate’)
- change existing charter and RPT authorisations on AOCs into air transport authorisations
- change existing aerial work authorisations on AOCs into a Part 138 aerial work certificate
- set a sunset period for existing approvals, authorisations, directions, exemptions and other CASA instruments to remain in force for no more than two years after implementation of the FORs. After this period, the operator must either comply with the FORs, or be in receipt of a new authorisation/exemption from the specified matters.

A.3 Part 91 of CASR

A.3.1 Part 91 of CASR covers the general flight rules for all pilots. This includes topics such as flight preparation and planning, fuel rules, basic equipment rules, loading cargo, pilot procedures and passenger safety.

A.3.2 For pilots operating under an AOC or other certificate (or conducting defined activities such as aerial work, aerial application and many others), there will be rules that apply in their applicable CASR Parts in addition to those of Part 91 of CASR.

A.3.3 Part 91 of CASR and its associated MOS consolidates the general operating and flight rules. It replaces a very large number of individual documents, such as regulations, orders, supporting instruments and exemptions. Essentially, it is a transfer of the existing rules. However, there is a small number of new rules designed to enhance operational flexibility, enhance safety, and increase compliance with International Civil Aviation Organization (ICAO) standards. A summary of these follows.

A.3.4 These rules:

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

A.4 Part 119 of CASR

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

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

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

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

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

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

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

A.4.7 Key changes are:

- common standards for all air transport operators
- introduction of SMS for all air transport operators and a requirement for a key person to manage the SMS

- introduction of a requirement for all air transport operators to have a training and checking system
- introduction of a requirement for all air transport operators to have a program for training and assessment in human factors principles and non-technical skills
- introduction of the ‘umbrella’ term exposition that encompasses all manuals prepared by the operator to satisfy the regulatory requirements
- introduction of the use of Maximum Operational Passenger Seat Configuration (MOPSC) to determine the applicability of some requirements.

A.5 Part 121 of CASR

- A.5.1 Part 121 of CASR will apply to all operators who conduct Australian air transport operations using larger aeroplanes.
- A.5.2 A major change for these operations is the introduction of a significantly different alternate aerodromes policy; however, there are multiple other significant changes particularly in relation to the specification of training and checking requirements.

A.6 Part 133 of CASR

- A.6.1 Part 133 of CASR applies to all operators who conduct Australian air transport operations using rotorcraft.
- A.6.2 Part 133 of CASR encompasses the possible use of future powered-lift aircraft and introduces helicopter performance rules for the first time. The rules are consistent with contemporary technology and international standards.

A.7 Part 135 of CASR

- A.7.1 Part 135 of CASR applies to all operators who conduct Australian air transport operations using smaller aeroplanes.
- A.7.2 The boundary between Part 121 and 135 of CASR is determined by the aircraft MTOW and MOPSC. Where an aircraft configuration places the aircraft into the requirements of Part 121 of CASR, operators in some cases can elect to reduce the MOPSC by physically removing seats from the aircraft. Seats do not need to be physically removed under the MOPSC concept if the seat number is to be lower than the maximum certificated passenger seating capacity.
- A.7.3 The merging of charter and RPT to form air transport operations is expected to provide new opportunities for operators in relation to the types of services they can offer the community. To enable this flexibility, Part 135 of CASR introduces measures to control risk through administrative (procedural) defences and also requires additional equipment, notably Terrain Awareness and Warning System (TAWS), for some aircraft.

A.8 Part 138 of CASR

- A.8.1 Part 138 of CASR regulates aerial work operations in aeroplanes and rotorcraft. Part 138 operators required to be certificated will receive an aerial work certificate (AWC) rather than an AOC. This is similar to Part 141 of CASR.
- A.8.2 The AWC will remove a large amount of detail compared to the AOC, thereby decreasing the administrative overheads for industry and CASA. Operator changes will be based on the operations manual significant change procedures, and this is expected to reduce the number of interactions between the operator and CASA as only significant changes must receive CASA approval prior to the implementation.