

Civil Aviation Safety Amendment (Flight Crew Licensing Measures No. 1) Regulations 2020

I, General the Honourable David Hurley AC DSC (Retd), Governor‑General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 20 August 2020

David Hurley

Governor‑General

By His Excellency’s Command

Michael McCormack

Deputy Prime Minister and Minister for Infrastructure, Transport and Regional Development

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1 Name

 This instrument is the *Civil Aviation Safety Amendment (Flight Crew Licensing Measures No. 1) Regulations 2020*.

2 Commencement

 (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

| Commencement information |
| --- |
| Column 1 | Column 2 | Column 3 |
| Provisions | Commencement | Date/Details |
| 1. Sections 1 to 4 and anything in this instrument not elsewhere covered by this table | The day after this instrument is registered. | 22 August 2020 |
| 2. Schedule 1 | The day after this instrument is registered. | 22 August 2020 |
| 3. Schedule 2 | The earlier of:(a) 1 September 2020; and(b) the day after this instrument is registered. | 22 August 2020(paragraph (b) applies) |

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

 (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

 This instrument is made under the *Civil Aviation Act 1988.*

4 Schedules

 Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1—Amendments commencing day after registration

Civil Aviation Safety Regulations 1998

1 After paragraph 61.020(1)(c)

Insert:

 (ca) powered‑lift aircraft;

2 Paragraph 61.115(1)(a)

Omit “14 days”, substitute “30 days”.

3 At the end of regulation 61.115

Add:

 (3) In addition, paragraph (1)(b) does not apply to a student pilot in relation to the conduct of a solo flight in an aircraft if the pilot is undergoing training, conducted by a Part 141 operator, for the grant under Part 61 of a private pilot licence, or commercial pilot licence, with a rating for that category of aircraft, and:

 (a) the pilot holds a recreational pilot licence with such a rating; or

 (b) the Part 141 operator certifies, in writing, that the operator is satisfied that:

 (i) the student pilot is competent to safely conduct a solo flight in an aircraft of the same category; and

 (ii) the student pilot has met the competency standards for the grant, under Part 61, of a recreational pilot licence with a rating for that category of aircraft.

4 Paragraph 61.235(2)(b)

Before “if the applicant”, insert “for a flight crew licence other than an air transport pilot licence,”.

5 Subregulation 61.245(3)

Omit all the words after “(the ***Part 61 approval holder***)”, substitute “who is nominated by the applicant’s training provider.”.

6 Paragraph 61.275(1)(e)

Omit “, multi‑crew pilot licence or air transport pilot licence”.

7 After paragraph 61.275(1)(e)

Insert:

 (ea) for an application for a multi‑crew pilot licence or air transport pilot licence—the applicant passes the flight test mentioned in the Part 61 Manual of Standards for the Australian licence; and

8 Regulation 61.375 (cell at table 61.375, item 3, column 1)

Repeal the cell, substitute:

|  |
| --- |
| An operation at night under the VFR |

9 Regulation 61.375 (table 61.375, item 4, column 1)

Omit “under the VFR”.

10 Paragraph 61.610(1)(b)

Repeal the paragraph, substitute:

 (b) at least the following hours of flight time as pilot in command of an aeroplane:

 (i) for an applicant holding a commercial pilot licence, or an air transport pilot licence, with the helicopter rating—60 hours;

 (ii) for an applicant holding a private pilot licence with the helicopter rating—80 hours;

 (iii) for any other applicant—100 hours; and

11 Paragraph 61.640(1A)(a)

Omit “24 months”, substitute “12 months”.

12 Paragraph 61.640(1A)(b)

Repeal the paragraph, substitute:

 (b) either:

 (i) in a case in which the holder’s most recent instrument proficiency check included a 3D instrument approach operation—during the check the holder demonstrated, to a person mentioned in subregulation (4), the holder’s competence in the conduct of a 3D instrument approach operation; or

 (ii) in any other case—the holder has, within the previous 15 months, demonstrated, to a person mentioned in subregulation (4), the holder’s competence in the conduct of a 3D instrument approach operation; or

13 Subregulation 61.640(4)

Omit “paragraph (3)(b),”, substitute “paragraphs (1A)(b) and (3)(b),”.

14 Paragraph 61.680(2A)(a)

Omit “24 months”, substitute “12 months”.

15 Paragraph 61.680(2A)(b)

Repeal the paragraph, substitute:

 (b) either:

 (i) in a case in which the holder’s most recent instrument proficiency check included a 3D instrument approach operation—during the check the holder demonstrated, to a person mentioned in subregulation (5), the holder’s competence in the conduct of a 3D instrument approach operation; or

 (ii) in any other case—the holder has, within the previous 15 months, demonstrated, to a person mentioned in subregulation (5), the holder’s competence in the conduct of a 3D instrument approach operation; or

16 Subregulation 61.680(5)

Omit “paragraph (4)(b),”, substitute “paragraphs (2A)(b) and (4)(b),”.

17 Subregulation 61.747(4)

Omit “a class rating”, substitute “an aircraft class rating”.

18 Subregulation 61.747(4)

Omit “requirement”, substitute “requirements”.

19 At the end of regulation 61.747

Add:

 (5) The holder of an aircraft class rating is also taken to meet the requirements mentioned in subregulation (1) for a type of aircraft if, before the aircraft type was prescribed in an instrument made for the purposes of regulation 61.062, the holder conducted one or more operations in aircraft of that type as pilot in command.

20 After subregulation 61.755(3)

Insert:

Powered‑lift aircraft

 (3A) The following design features on a powered‑lift aircraft require a design feature endorsement:

 (a) retractable undercarriage;

 (b) pressurisation system;

 (c) gas turbine engine.

21 Paragraph 61.900(2)(a)

Omit “24 months”, substitute “12 months”.

22 Paragraph 61.900(2)(b)

Repeal the paragraph, substitute:

 (b) either:

 (i) in a case in which the holder’s most recent instrument proficiency check included a 3D instrument approach operation—during the check the holder demonstrated, to a person mentioned in subregulation (4), the holder’s competence in the conduct of a 3D instrument approach operation; or

 (ii) in any other case—the holder has, within the previous 15 months, demonstrated, to a person mentioned in subregulation (4), the holder’s competence in the conduct of a 3D instrument approach operation; or

23 At the end of regulation 61.900

Add:

 (4) For paragraph (2)(b), the persons are as follows:

 (a) CASA;

 (b) an examiner who is authorised under this Part to conduct an instrument approach operation using the same procedure;

 (c) a person who holds an approval under regulation 61.040 to assess the holder’s competence.

24 Subregulation 61.1000(1)

Repeal the subregulation, substitute:

 (1) The holder of a night vision imaging system rating is authorised to pilot a helicopter using night vision goggles only if the holder:

 (a) has successfully completed an operator proficiency check that covers operations at night using night vision goggles in a helicopter of the same type; or

 (b) has a valid night vision imaging system proficiency check under regulation 61.1015 conducted in:

 (i) a helicopter of the same type; or

 (ii) an approved flight simulation training device for the purpose of the proficiency check and the type of helicopter; or

 (c) has passed the flight test for the night vision imaging system rating in a helicopter of the same type; or

 (d) has been assessed, by a flight instructor who holds a night vision imaging system training endorsement, as competent to pilot a helicopter of the same type using night vision goggles during a dual flight with the instructor in such a helicopter.

25 Paragraphs 61.1010(b) and (c)

Repeal the paragraphs, substitute:

 (b) the holder has, within the previous 6 months, become authorised to pilot any type of helicopter using night vision goggles under subregulation 61.1000(1); or

26 Regulation 61.1025 (table 61.1025, item 1, column 3)

Omit “Helicopter night VFR endorsement”.

27 Regulation 61.1025 (table 61.1025, items 1 and 2, column 3)

Omit “At least 20 hours of flight time at night as pilot in command of a helicopter”, substitute “At least 20 hours of aeronautical experience at night as pilot of a helicopter or an approved flight simulation training device for the purpose, without using night vision goggles, of which at least 10 hours must be completed as flight time”.

28 Regulation 61.1120 (table 61.1120, item 2, column 3)

Omit “15 hours of dual flight”, substitute “10 hours of dual flight”.

29 Paragraphs 61.1130(2)(a) and (b)

Repeal the paragraphs, substitute:

 (a) for a helicopter aerial application endorsement:

 (i) for the first 10 hours—direct supervision; and

 (ii) for the next 100 hours—direct and indirect supervision, at least 10 hours of which must be direct supervision; and

 (b) for any other endorsement:

 (i) for the first 10 hours—direct supervision; and

 (ii) for the next 100 hours—direct or indirect supervision.

30 After paragraph 61.1155(1)(b)

Insert:

 (ba) an aerobatics (1 000) flight activity endorsement;

31 Regulations 61.1172 and 61.1197

Repeal the regulations.

32 Regulation 61.1235 (table 61.1235, item 19, column 2, after paragraph (b))

Insert:

(ba) aerobatics (1 000) flight activity endorsement;

33 Subregulation 61.1295(2)

Repeal the subregulation.

34 Regulation 61.1402

Repeal the regulation.

35 In the appropriate position in Subpart 202.CB

Insert:

Division 202.CB.2—Amendments made by the Civil Aviation Safety Amendment (Flight Crew Licensing Measures No. 1) Regulations 2020

202.290 Flight test requirements for 3D instrument approach operations endorsement

 The amendments of paragraphs 61.640(1A)(a), 61.680(2A)(a) and 61.900(2)(a) by the *Civil Aviation Safety Amendment (Flight Crew Licensing Measures No. 1) Regulations 2020* do not apply in relation to a 3D instrument approach operation (the ***authorised operation***) conducted on or after the commencement of those amendments by the holder of a pilot licence or endorsement if:

 (a) the holder passed the flight test for the licence or endorsement before the commencement of those amendments; and

 (b) the flight test included a 3D instrument approach operation; and

 (c) the authorised operation is conducted within the period:

 (i) starting when the holder passed the flight test; and

 (ii) ending 24 months later, or when the holder next attempts an instrument proficiency check, whichever is earlier.

Schedule 2—Amendments commencing 1 September 2020 (at latest)

Civil Aviation Safety Regulations 1998

1 Subregulation 202.278(2)

Omit “31 August 2020”, substitute “31 August 2023”.

2 Subregulation 202.279(3)

Omit “31 August 2020”, substitute “31 August 2023”.