



Australian Government
Civil Aviation Safety Authority

**Civil Aviation Amendment Order (No. R47) 2004
as amended**

made under regulation 5.55 of the *Civil Aviation Regulations 1988*.

This compilation was prepared on 27 January 2015 taking into account amendments up to *Civil Aviation Order (Flight Crew Licensing) Repeal and Amendment Instrument 2014 (No. 1)*.

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1 Name of Order

This Order is the Civil Aviation Amendment Order (No. R47) 2004.

2 Commencement

This Order commences on gazettal.

3 Replacement of section 48.0 of the Civil Aviation Orders

Section 48.0 of the Civil Aviation Orders is omitted and a new section substituted as set out in Schedule 1.

Schedule 1 Substitution of section 48.0 of the Civil Aviation Orders

Section 48.0

Flight time limitations — general

1 Application and responsibility

- 1.1 These Orders shall apply to aerial work, charter and regular public transport service operations unless otherwise stated.
- 1.2 Paragraph 1.3 applies to the holder of a pilot licence, other than a person exercising the privileges of a private pilot licence or a recreational pilot licence.
- 1.3 The flight and duty time limitations mentioned in section 48.1 of the Civil Aviation Orders apply when the person is engaged in aerial work, charter or regular public transport operations. Calculation of flight and duty time limitations made under section 48.1 must take into account any flight and duty time performed by the person in the course of private operations.
- 1.4 Notwithstanding anything contained in these Orders, a flight crew member shall not fly, and an operator shall not require that person to fly if either the flight crew member is suffering from, or, considering the circumstances of the particular flight to be undertaken, is likely to suffer from, fatigue or illness which may affect judgement or performance to the extent that safety may be impaired.

2 Definitions

In this Part unless the contrary intention appears:

adequate sustenance means sufficient quantities of food and drink.

dead head transportation means the period from the time a flight crew member reports for the purpose of making a positioning flight until the positioning flight is completed.

flight crew member means a licensed crew member charged with duties essential to the operation of an aircraft during flight time.

flight time means the total time from the moment when the aircraft first moves under its own power for the purpose of taking off until the moment it comes to rest at the end of the flight.

reserve time has the meaning given by regulation 210A of the *Civil Aviation Regulations 1988*.

rest period has the meaning given by regulation 210A of the *Civil Aviation Regulations 1988*.

suitable resting accommodation means accommodation that is conducive to rest with the use of a comfortable chair.

suitable sleeping accommodation means a comfortable room with the use of a bed and a comfortable chair, subject to minimum noise levels, well ventilated (with air conditioning if available) and with facilities to control light.

tour of duty has the meaning given by regulation 210A of the *Civil Aviation Regulations 1988*.

waiting time means all the time spent during a tour of duty by a flight crew member on duty of any nature associated with that tour of duty prior to departure on a flight, on the ground at intermediate stopping places and after arrival at the destination aerodrome.

3 General conditions

- 3.1 Reserve time at home shall not exceed 1 continuous period of 16 hours. Where a flight crew member, during reserve time at home, is called to commence duty the total elapsed time from the commencement of reserve time at home to the end of that tour of duty shall not exceed 23 hours. Reserve time at home shall not be considered as tour of duty time for the purpose of these Orders.
- 3.2 Where dead head transportation is not followed by a prescribed rest period and precedes a tour of duty, the period from the commencement of dead head transportation to the conclusion of the tour of duty shall count as tour of duty time. Where a tour of duty is not followed by a prescribed rest period and precedes dead head transportation, the period from the commencement of the tour of duty to the conclusion of the dead head transportation shall count as tour of duty time for the purpose of calculating the required rest period preceding a further tour of duty.
- 3.3 A pilot shall not exceed the flight time limitations specified in subsection 1 of section 48.1 unless all flying performed is carried out as a member of a crew consisting of 3 or more pilots.

4 Exemptions

- 4.1 CASA may, by instrument in writing, exempt a person from any of the requirements set out in Part 48.

Civil Aviation Order 48.0

- 4.2 An exemption under paragraph 4.1 may be granted subject to such conditions as CASA considers necessary in the interests of the safety of air navigation.
- 4.3 An exemption under paragraph 4.1 remains in force for such period (if any) as is specified in the exemption.
- 4.4 An exemption under paragraph 4.1 that is expressed to be in force for a period of 6 months or longer must be included in an operator's operations manual.

Notes to Civil Aviation Order 48.0

Note 1

The Civil Aviation Order (in force under the *Civil Aviation Regulations 1988*) as shown in this compilation comprises Civil Aviation Order 48.0 amended as indicated in the Tables below.

Table of Orders

Year and number	Date of notification in <i>Gazette</i> / registration on FRLI	Date of commencement	Application, saving or transitional provisions
CAO 2004 No. R47	8 December 2004 (F2005B00875)	8 December 2004 (s. 2)	
CAO (Flight Crew Licensing) Repeal and Amendment Instrument 2014 (No. 1)	FRLI 29 August 2014 (F2014L01177)	1 September 2014 (s. 2)	Sections 3 and 31 (Table A)

Table of Amendments

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision affected	How affected
s. 48.0	rs. CAO 2004 No. R47
subs. 1	am. F2014L01177
subs. 2	am. F2014L01177

Table A Application, saving or transitional provisions

Sections 3 and 31 of Civil Aviation Order (Flight Crew Licensing) Repeal and Amendment Instrument 2014 (No. 1) read as follows:

3 Definitions

- (1) In this instrument:

continued authorisation has the meaning given by regulation 202.261 of the *Civil Aviation Safety Regulations 1998 (CASR 1998)*.

new authorisation has the meaning given by regulation 202.261 of CASR 1998.

- (2) A reference in this instrument to a Civil Aviation Order identified by a specified number is taken to include a reference to the section of the Civil Aviation Orders with that number.

Note Some existing legislative instruments are referred to as a Civil Aviation Order followed by a number. Other instruments are referred to as a section of the Civil Aviation Orders. For consistency, in this instrument, all such instruments are referred to as a Civil Aviation Order followed by a number. For example, a reference to Civil Aviation Order 40.2.2 is taken to include a reference to section 40.2.2 of the Civil Aviation Orders.

31 Transitional — application of Civil Aviation Orders

The Civil Aviation Orders apply to a continued authorisation as if it were the equivalent new authorisation.