



Civil Aviation Safety Regulations 1998

Statutory Rules 1998 No. 237 as amended

made under the

Civil Aviation Act 1988

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[Note: Regulation 92.150 ceased to apply at the end of 31 December 2006, see subregulation 92.150 (8)]

The text of any of those amendments not in force
on that date is appended in the Notes section

This document has been split into three volumes

Volume 1 contains Parts 1 to 43

Volume 2 contains Parts 45 to 138

Volume 3 contains Parts 139 to 202, the Dictionary and the Notes

Each volume has its own Table of Contents

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How to use the *Civil Aviation Safety Regulations 1998*

What this Guide is intended to do

1. This Guide is intended only to help you use the *Civil Aviation Safety Regulations 1998* effectively. It is not part of those Regulations and is not intended to take the place of reading them.

What are the Regulations?

2. The *Civil Aviation Safety Regulations 1998* ('CASR'), together with the *Civil Aviation Regulations 1988* ('CAR'), are the detailed legislation of the Commonwealth regarding aviation safety. Both of those sets of regulations are made under the *Civil Aviation Act 1988*. There are also Civil Aviation Orders made under CAR and that Act.

3. CAR were made in 1988 and have been amended many times since. They are being progressively reviewed as CASA brings its requirements into line with international standards and best regulatory practice. Major new policies are generally incorporated into CASR.

4. The intention is that the matter in CAR and the Civil Aviation Orders will be progressively brought into CASR. As part of that process, CASR is to be written in modern, easy-to-understand language.

5. CASR and CAR, and the Orders, are parts of Australian law. They are *delegated legislation*, made by the Governor-General (for the Regulations) or CASA itself (for the Orders) under authority given by the Commonwealth Parliament. The authority for the Governor-General to make the Regulations is in section 98 of the *Civil Aviation Act 1988*, and the authority for CASA to make the Orders is in subsection 98 (4A) of that Act and regulation 5 of the 1988 Regulations.

6. The Civil Aviation Act, CASR and CAR give effect to some of Australia's obligations under the Convention on International Civil Aviation (usually called the Chicago Convention) entered into at Chicago on 7 December 1944. The English texts of the Chicago Convention, and several Protocols amending it, are set out as Schedules to the Commonwealth *Air Navigation Act 1920*.

7. The Chicago Convention sets up the International Civil Aviation Organization (ICAO) as the regulatory body for international civil aviation. The Council of ICAO adopts Annexes (18 so far) to the Chicago Convention setting out ‘international standards and recommended practices’ (Chicago Convention, Art. 54 (*I*)). The Annexes provide the basis for aviation safety regulation throughout the world. The Annexes vary in length from a few pages to hundreds of pages, and are not set out in the Air Navigation Act.

8. The Civil Aviation Act, CASR and CAR are not the whole of the Commonwealth legislation regarding aviation. Aspects of aviation other than safety are regulated under (for example):

- the *Air Navigation Act 1920*
- the *Air Navigation Regulations 1947*
- the *Air Services Act 1995*
- the *Air Services Regulations 1995*
- the *Airspace Act 2007*
- the *Airspace Regulations 2007*
- the *Aviation Transport Security Act 2004*
- the *Civil Aviation (Carriers’ Liability) Act 1959*.

How to read the Regulations

9. From this point on, in this Guide, unless the contrary is stated ***the Regulations*** means the *Civil Aviation Safety Regulations 1998*.

How the Regulations are organised

10. First, note that ‘the Regulations’ contains many ‘regulations’ within it. In other words, ***Regulations*** means the whole statutory document; ***a regulation*** is a particular kind of part of it.

11. The Regulations are divided into *Parts*, each *Part* dealing with a particular topic. A *Part* may be divided into *Subparts*, and a *Subpart* into *Divisions*. *Divisions* are divided into *regulations*, but a *Part* or *Subpart* can also be divided directly into *regulations* (that is, a *Part* need not have *Subparts*, and a *Subpart* need not have *Divisions*). An individual *regulation* may be divided into *subregulations*, a *subregulation* into *paragraphs* and a *paragraph* into *subparagraphs*. A *regulation* that is not divided into *subregulations* can be directly divided into *paragraphs*. (For

how these levels of the structure are numbered and referred to, see paragraphs 16 to 24 below.)

12. All these levels of structure are made visible on the printed page by typographic devices such as variations in type size, bold type and indentation. This is how it looks in print (Acts look somewhat different but the principles are the same):

Part 1 **Part heading**

Subpart 1.A **Subpart heading**

Division 1.A.1 **Division heading**

1.000 **Regulation headings look like this**

This is the text of a regulation that is not divided into subregulations.

1.005 **Another regulation heading**

- (1) This is a subregulation.
- (2) This subregulation is divided into:
 - (a) a paragraph; and
 - (b) another paragraph that is itself divided into:
 - (i) a subparagraph; and
 - (ii) another subparagraph.

13. Incidentally, no other Commonwealth legislation contains Subparts. Generally, the levels of division are called *Part*, *Division*, *Subdivision*, and then *section* or *regulation*. Occasionally there is a level above *Part* called *Chapter*.

14. The division of the Regulations into Parts basically follows the framework of the Federal Aviation Regulations (FARs) of the USA and Joint Aviation Requirements (JARs), although some Parts of the Regulations have no equivalent in either the FARs or JARs. (For more information about the FARs and the JARs, see below.) The division of a Part into Subparts, Divisions and regulations is basically a matter of convenience — a Subpart, Division or regulation must be unified enough

in subject-matter to be able to be accurately described by a reasonably short heading, in much the same way as a chapter or section in a book.

15. As a rule of thumb, drafters generally do not allow a single subregulation to be more than 5 or 6 lines long, nor a single regulation to contain more than 6 subregulations.

16. The Parts are numbered with numbers running from 1 to 202 (not continuously). Subparts are lettered with capital letters preceded by the Part number and a full stop, and Divisions are numbered, preceded by the Part number and letter. The sequence of Subpart letters in a Part, or Division numbers in a Subpart, is not necessarily continuous. Individual regulations are numbered with a number consisting of the number of the Part they are in followed by a 1, 2 or 3-digit number (for example, **183.100** in Part 183). In most Parts only every fifth regulation number will be used at first, to allow later amending regulations to be inserted in a logical sequence. Again, the sequence of regulation numbers is not necessarily a continuous sequence of multiples of 5.

17. The conventional numbering formats for subregulations, paragraphs and subparagraphs are as follows:

- subregulations: numerals in brackets
- paragraphs: lower-case letters in brackets
- subparagraphs: lower-case roman numerals in brackets.

18. A regulation not divided into subregulations is given only a regulation number and not a subregulation number as well.

19. A provision at any level of subdivision is considered to contain all the lower-level provisions that occur within it. For example, a reference to 'Part 21' includes every provision (Subpart, Division, regulation, paragraph and so on) in that Part.

20. References to regulations, subregulations, paragraphs and subparagraphs in the Regulations are in accordance with those conventions. For example, a reference to another regulation would be in the form 'regulation 21.204'. A reference to a subregulation of that regulation would be in the form 'subregulation 21.204 (2)'. A reference to a paragraph in that subregulation might be 'paragraph 21.204 (2) (b)'.

21. Acts are divided into sections and subsections instead of regulations and subregulations, but otherwise work in exactly the same way. The number of a section of an Act is a number without brackets,

and the number of a subsection is enclosed in brackets, as is the number of a subregulation.

22. Some people find confusing the way in which legislative provisions refer to a series of other provisions — for example, ‘subregulation 21.204 (3) or (4)’ instead of ‘subregulation 21.204 (3) or subregulation 21.204 (4)’.

23. The form ‘subregulation 21.204 (3) or (4)’ is the way that Commonwealth legislation sets out such strings of cross-references. In Commonwealth practice there are standard ways of writing the references for the different levels of provision, as described above. For example, a reference like ‘(3)’ (that is, a numeral in brackets) is *always* to a subsection or subregulation, so to translate it you go back to the nearest previous occurrence of ‘subsection’ or ‘subregulation’. If that occurrence is immediately followed by a number *without* brackets, that number is the number of another section or regulation that contains the subsection or subregulation. If there is no section or regulation number, the reference is to another subsection or subregulation in the same section or regulation. For example:

A reference like:	refers to:
subsection (3)	another subsection in the same section
subregulation (3)	another subregulation in the same regulation
or (3)	another subsection or subregulation in the same section or regulation as was last mentioned
, (4),	yet another subsection or subregulation in the same section or regulation as was last mentioned
paragraph (b)	another paragraph in the same subsection or subregulation as the paragraph in which the reference occurs
or (b)	yet another paragraph in the same subsection or subregulation as was last mentioned

... and so on. References to different levels of provision are kept separate — for example, the form ‘subsection 60 (4) or paragraph 60 (5) (a)’ is used rather than ‘subsection 60 (4) or (5) (a)’.

24. The gaps between regulations may be filled in later by adding new regulations. When a new regulation must be added, the drafter tries to put it into a place where it fits logically. If there is no gap in the numbers for the new regulation, the new regulation gets the number of

the last regulation before the gap, but with a capital letter added. For example, regulation 21.305 might be followed by regulation 21.305A.

25. Some regulations contain tables. A table in a regulation is numbered the same as the regulation. Thus, Table 101.250 will be found in regulation 101.250. In the case of there being 2 or more tables in 1 regulation, the tables would be numbered (say) Table 101.250-1, 101.250-2, 101.250-3, and so on.

26. Some regulations and other provisions have an Appendix. An appendix is numbered the same as the provision it belongs to, and follows either the regulation it belongs to, or (if the appendix belongs to a lower-level provision) the regulation that contains the lower-level provision. An appendix is part of the regulation it is connected with.

Use of ‘and’ and ‘or’ between paragraphs etc

27. A regulation or subregulation may contain a series of paragraphs, and a paragraph may contain a series of subparagraphs. The series of paragraphs or subparagraphs will either be preceded by ‘the following’ (or some equivalent expression), or will be joined by *and* or *or* to show whether the series is to be read conjunctively or disjunctively. If a conjunction is used, the same conjunction will be either expressed or implied between each paragraph and the one that follows it. That is, the forms:

- ‘(1) This is:
- (a) a paragraph; and
 - (b) another paragraph; and
 - (c) yet another paragraph.’;

and

- ‘(2) This is:
- (a) a paragraph; or
 - (b) another paragraph; or
 - (c) yet another paragraph.’;

are legitimate, but the form:

- ‘(2) This is:
- (a) a paragraph; and
 - (b) another paragraph; or

- (c) yet another paragraph.’;

is not used because the series is not clearly either conjunctive or disjunctive.

28. If all the paragraphs or subparagraphs in a series are to be read as alternatives, the series is preceded by *the following* or a similar expression, and no conjunctions are used — for example:

‘(1) The alternatives are the following:

- (a) a paragraph;
- (b) another paragraph;
- (c) yet another paragraph.’.

29. Up till a few years ago, it was Commonwealth drafting practice to put a conjunction after only the second last paragraph or subparagraph in a series, and that conjunction was read as governing the whole of the series. Many other jurisdictions still follow that rule. However, Commonwealth practice is now to insert the conjunction after every paragraph (except the last). No difference in meaning is intended between, for example:

‘(1) This is:

- (a) a paragraph;
- (b) another paragraph; or
- (c) yet another paragraph.’;

(the older form without *or* at the end of the first paragraph), and:

‘(2) This is:

- (a) a paragraph; or
- (b) another paragraph; or
- (c) yet another paragraph.’.

Definitions and meanings

30. A piece of legislation often includes definitions of terms used within it. The terms defined are principally the ones that are specific to the legislation in some way — for example because they have been specially invented. Ordinary dictionary words are not normally defined; they are assumed to take their ordinary dictionary meanings. Terms defined in the Act take the same meanings in the Regulations unless

redefined in the Regulations. Legal terms also are not normally defined; again, they are assumed to have their ordinary legal meanings.

31. Naturally, the Regulations use many technical terms. A term of which the meaning is well known within aviation and generally accepted is usually not defined. If an unfamiliar word or term occurs in the Regulations, it may be defined in a general dictionary. For example, *chord*, *empennage*, *fuselage*, and *longeron* are all defined in the *Macquarie Dictionary*.

32. Occasionally a term that is in general use may be defined because the general meaning of the term is not sufficiently precise. For example, although everybody knows what ‘take-off’ means, it may be necessary, in a particular case, to treat taxiing as part of a take-off. It is not certain whether the ordinary meaning of ‘take-off’ includes taxiing or not. In cases like this there will be a definition in the Regulations.

33. Definitions may be either in the Dictionary at the end or in the text of the Parts.

34. A few terms that are used in the Regulations and that are not defined either in the Regulations or in standard dictionaries are discussed in the Note on Terms at the end of this Guide.

35. Although the Dictionary is not called a Part of the Regulations, and is not numbered, it is as much part of the Regulations as any of the numbered Parts.

36. If a definition that applies throughout the Regulations is in the Regulations but not in the Dictionary, there is a ‘signpost’ in the Dictionary to the regulation where the definition is. For example:

major change, for a type design — see regulation 21.093.

37. The standard definitions of aviation terms are those laid down by ICAO and published by it in *International Civil Aviation Vocabulary* (ICAO Document 9713). Generally, terms defined by ICAO are used in the Regulations with the meaning given by ICAO. There may still be a definition in the Regulations, but the definition will usually be followed by a note to the effect that the source of the definition is the ICAO definition. (The ICAO definition will either be used unchanged, or rewritten in minor ways to be clearer and easier to read.) Often, where a term defined in the Regulations is used, there will be a note nearby saying where to look for the definition.

38. See Subpart 1.A for general provisions about interpretation and definitions.

Offences

39. In Commonwealth legislative usage, *offence* means conduct that is prohibited subject to a penalty (either a fine or imprisonment). If the sanction for conduct is the withdrawal of a privilege (for example, cancellation of a licence) that conduct is not an offence in this sense.

40. Many offences created by the Regulations are offences of strict liability. This is given meaning by section 6.1 of the Commonwealth *Criminal Code*, which is the Schedule to the Commonwealth *Criminal Code Act 1995*.

41. The following brief explanation of section 6.1 of the Code is not by any means the full story. The whole of Chapter 2 (*General principles of criminal responsibility*) of the Code should be read if you need a fuller understanding.

42. For somebody to have committed an offence, he or she must at least have done (or not done) an act. He or she may also have had to have a particular mental state about the act — that is, he or she must have done the act intentionally, recklessly, or negligently. For some offences the mental state is part of the definition of the offence, as in ‘wilful murder’ — *wilful* in this case meaning *intentional*. In such cases the prosecution must prove that the accused person both did the act and had the necessary mental state. For offences of strict liability, however, no mental state forms part of the definition of the offence, and the prosecution need not prove that the act was done intentionally, negligently or recklessly, but only that it was done by the person accused.

43. Strict liability has nothing to do with the seriousness of an offence — in fact, the less serious an offence is, the more likely it is to be one of strict liability.

44. Strict liability also does not take away any defences that would otherwise be available — in fact, before it became necessary to state that an offence was strict liability, if the defence of ‘reasonable excuse’ was available for the offence, the courts regarded that fact as an indication that the offence was intended to be one of strict liability.

45. Strict liability also does not mean that an assertion by the prosecutor is enough to get the defendant convicted. Strict liability or not,

the prosecution must still put before the court evidence that establishes the defendant's guilt beyond reasonable doubt.

46. There are also provisions in the Commonwealth *Crimes Act 1914* relevant to matters like the legal burden of proof.

47. Fines for offences created by the Regulations are expressed in penalty units. The amount of the penalty unit is specified in section 4AA of the *Crimes Act 1914*. Currently, 1 penalty unit is \$110.

How the Parts relate to each other

48. Many of the Parts deal or will deal with particular kinds of aviation activity — for example, Part 101 will deal with the operation of unmanned aircraft and rockets and Part 103 will deal with sport and recreational aviation operations. Each of those Parts is constructed to be as self-contained as possible, so that if you want to know what rules apply to sport flying you will find them all together.

49. However, there are other Parts dealing with particular issues such as aircraft registration or marking. These other parts may or may not apply to particular kinds of aircraft or a particular activity. For example, an unmanned aircraft usually does not need to be either registered or marked, so that neither Part 45 (dealing with marking) nor Part 47 (which deals with registration) apply to it. If an ancillary part such as Part 45 does not apply to a particular kind of aircraft or aviation operation, that fact will always be stated in the particular Part that applies to the aircraft or activity.

50. Most Parts include a regulation headed 'Applicability of this Part' that sets out the activities to which the Part applies.

Notes and this Guide

51. Notes in the text, like this Guide, are not part of the Regulations even though they appear with the text of the Regulations (see regulation 1.007). Like this Guide, notes are intended only to help you use the Regulations. However, if the text of the Regulations is ambiguous or unclear, Commonwealth law allows a Court to use the notes or this Guide to help it work out what the text means. (For more information, see the Commonwealth *Acts Interpretation Act 1901*, section 15AB.)

Incorporated manuals

52. Many Parts of CASR are supported by a Manual of Standards that contains detailed technical material, such as technical specifications and standards. The text of a Manual is often incorporated in CASR by reference. There will usually be a definition of 'Manual', 'Manual of Standards' or 'MOS' (probably followed by a reference to a Part of CASR), which will say something like:

'For this Part (*that is, Part of the Regulations*):

'MOS Part 43' means the document called *Manual of Standards — Part 43*, published by CASA, as in force from time to time'.

Note that for a particular Part of CASR, only part of the Manual may be incorporated, and that part of the relevant Manual is what 'Manual' or 'MOS' will mean for that Part.

52A. A Manual of Standards is a legislative instrument for the purposes of the *Legislative Instruments Act 2003* and must be registered, and made publicly available, as required by that Act. The Federal Register of Legislative Instruments established under that Act is accessible on the World Wide Web at <http://www.comlaw.gov.au>.

53. A Manual may be amended from time to time, but the amendments will be done in a similar way to amendments to CASR or CAR (for the procedure, see paragraphs 79 to 91A of this Guide).

How to find things in the Regulations

54. The Regulations and the notes contain many cross-references. Cross-references are always by provision number, and no page number references are given. This is because, when the text is printed from an on-line service, there is no way to know what page a provision will appear on. Page numbers will of course also change as the text is amended.

55. However, the Table of Contents (immediately before this Guide) lists provisions by number and gives page references. The page numbers in this Table will always be correct in an officially printed copy, and should also be correct in one that has been printed from a fully formatted on-line version.

56. The page headings in a copy printed in any of those ways give the Part number and Subpart letter, and the Part and Subpart titles, for the

text on that page. The page header on a left-hand page gives the number of the regulation that starts nearest the top of the page. The page header on a right hand page gives the number of the regulation that starts nearest the bottom of the page.

57. Each Part also contains a table of the Subparts, Divisions and regulations in the Part. That table is in the form of a note immediately after the Part heading.

The FARs

58. The FARs are the Federal Aviation Regulations, part of the Code of Federal Regulations of the United States of America. The FARs are the exact equivalent, in the context of the United States, of these Regulations. However, there are considerable differences between the legal systems of the United States and Australia, and US analogies and practices must be treated with caution in Australia. Also, the legal drafting style of the Code of Federal Regulations, and of US legislative drafting generally, is markedly different to that of Australia.

The JARs

59. The Joint Aviation Requirements are a package of common aviation legislation now being developed by the Joint Aviation Authorities. The Joint Aviation Authorities (JAA) is an associated body of the European Civil Aviation Conference (ECAC) representing the civil aviation regulatory authorities of a number of European States who have agreed to cooperate in developing and implementing common safety regulatory standards and procedures.

60. The JARs do not themselves have the force of law, but may be adopted into the law of member countries of the ECAC or European Union.

Other things that may be useful

61. CASA publishes a wide range of information about aviation and its role as regulator of aviation safety. For example, CASA publishes material supplementary to the Regulations in the form of Advisory Circulars setting out recommended practices and suggesting ways of effectively meeting the requirements of the Regulations.

62. CASA does not investigate aviation-related accidents or incidents — this is the role of the Australian Transport Safety Bureau, which is an operating arm of the Department of Transport and Regional Services. The Bureau publishes various reports relating to its investigations and material about aviation safety generally.

62A. The Australian Transport Safety Bureau also operates the Aviation Self Reporting Scheme established under s 30DN of the Act. For further details, see Subpart 13.K of the Regulations.

63. CASA does, however, investigate (in conjunction with type certificate holders and registered operators) defects reported to it under the Major Defect Reporting System. For more information on this system, contact CASA or visit its web site (for the URL, see paragraph 71 below).

How to obtain documents mentioned in this Guide or the Regulations

Websites mentioned in this Guide

65. This section gives URLs for a number of websites that may be useful. If you are reading this Guide on line from the SCALEplus or CASA website mentioned below, you may be able to click on any of the embedded URLs in the text to go directly to the associated website. The URLs given were correct when this Guide was prepared, but cannot be guaranteed to remain so.

Sites for other Commonwealth law

66. The Commonwealth Attorney-General's Department maintains a website called Australian Law Online (<http://www.law.gov.au/>) that includes a database called SCALEplus (<http://scaleplus.law.gov.au>) from which you can browse, search and download all Commonwealth Acts and Regulations, and many other statutory instruments. Those services are free. A number of other service providers also make texts available on line — some are noted below.

67. Printed official copies of Regulations (both amending regulations and consolidated up-to-date versions of principal regulations) are available from:

- CanPrint Communications
16 Nyrang Street
Fyshwick ACT 2609
- Info Vic
356 Collins Street, Melbourne VIC 3000
Tel: 1300 366 356 Fax: (03) 9603 9920
- University Co-operative Bookshop Ltd
Law School, Shop 2, 153 Phillip Street, Sydney NSW 2000
Tel: (02) 9232 2250

or by mail from:

- CanPrint Information Services
PO Box 7456
Canberra Mail Centre ACT 2610
Tel: 1300 656 863
Fax: (02) 6293 8333.

Further details about sales of legislation are available at
<http://scaleplus.law.gov.au/legsales.htm>.

68. The electronic text of amendments to the Regulations is also available (normally within 24 hours of being gazetted) from the SCALEplus website mentioned above. An electronic text, an image of the Regulations as made, and some additional information are available from another website maintained by the Attorney-General's Department at <http://frli.law.gov.au/>.

69. CASA also has an electronic text of the regulations on its website (URL below, paragraph 71), and sells a consolidated paper version of the Regulations. The paper version is available by mail from the Airservices Publication Centre at:

Airservices Australia Publication Centre
Locked Bag 8500
CANBERRA ACT 2601

or

www.airservices.gov.au/publications.

70. All Commonwealth, State and Territory legislation is also available from a website maintained by the Australasian Legal Information Institute (AustLII) at <http://www.austlii.edu.au/>. This facility is jointly maintained by the Law Faculties of the University of Technology, Sydney and the University of New South Wales. The texts can be downloaded free. However, the site is not an official government site and the texts are not guaranteed to be up to date.

71. CASA itself has a website (<http://www.casa.gov.au>) which contains texts of the *Civil Aviation Safety Regulations 1998*, the *Civil Aviation Regulations 1988*, Civil Aviation Orders and CASA's Advisory Circulars and Civil Aviation Advisory Publications. All of these documents can be downloaded free. CASA's website also contains draft texts for public comment of proposals for amendments to these Regulations, and many other CASA publications. CASA's mail address and telephone number are:

GPO Box 2005
CANBERRA ACT 2601
Telephone 131 757.

The Australian Transport Safety Bureau

72. The ATSB's postal address is:

Australian Transport Safety Bureau
PO Box 967
Civic Square ACT 2608
Australia
Telephone (Australia) 1800 621 372
Facsimile (Australia) 02 6247 6474.

73. It has a website at <http://www.atsb.gov.au/>.

ICAO publications

74. The Chicago Convention itself is available on-line at <http://www.austlii.edu.au/au/other/dfat/treaties/19570005.html> or from SCALEplus as part of the text of the *Air Navigation Act 1920*. The Annexes are not included, but are available from ICAO on paper or CD-ROM or by on-line subscription.

75. ICAO's home page is <http://www.icao.int/>. There is no ICAO office in Australia. ICAO publications are available from:

ICAO, Document Sales Unit
999 University Street, Montreal, Quebec H3C 5H7
Canada
Telephone: (514) 954-8022
Fax: (514) 954-6769

or

<http://www.icao.int/icao/en/sales.htm>.

76. ICAO has some documents available free on-line, but these do not include the Annexes. There is no free on-line source for the Annexes.

FARs

77. The Federal Aviation Regulations are available from a number of on-line sources including the official US Government Printing Office site at <http://www.access.gpo.gov/nara/cfr/cfr-table-search.html> and from the FAA itself at <http://www.faa.gov/>. Printed copies can be ordered from commercial legal publishers in the USA.

JARs

78. The JAA has a website at <http://www.jaa.nl>. The Joint Aviation Requirements are available from that site by Internet subscription or on CD-ROM or paper. There is no free download service.

How to seek changes to the Regulations or Manuals of Standards

79. This section sets out how you can ask CASA for a change to CASR or CAR or a Manual of Standards, and what CASA will do in processing your request.

80. If you think that a change to the Regulations, a Manual of Standards or advisory information is necessary, you should set out your suggestion in writing, and send it to CASA's Regulatory Development Management Branch at any of:

Freepost: REPLY PAID 2005
Civil Aviation Safety Authority
CANBERRA ACT 2601; or

email: review@casa.gov.au; or

fax: (freefax) 1 800 653 897;

or deliver it to CASA at:

CASA Building
Corner Barry Drive and Northbourne Avenue
CANBERRA CITY ACT.

81. Your request should contain:

- your name
- the substance of the change you propose
- your reason for being interested
- a comprehensive justification of the proposal
- any information you have that supports the change.

82. CASA will register your request, acknowledge it, and submit it to an internal CASA regulatory development review committee for consideration. If that committee considers that the proposal should be pursued, CASA will submit the proposal to the Standards Consultative Committee (an industry consultative body). If that Committee supports the proposal, a CASA project for the proposed change will be set up.

83. Before taking any action, CASA will consider any comments received about the subject of your request, and will tell you whether they propose to go ahead with a change or not, and the reasons for the decision.

84. The next stage is formulation of the draft proposal and public consultation on it. CASA is required by section 16 of the *Civil Aviation Act 1988* to consult with 'government, commercial, industrial, consumer and other relevant bodies and organisations (including ICAO and bodies representing the aviation industry)'.

85. The basic procedure for consultation on a proposed change to the Regulations is as follows:

- CASA publishes a notice of its intention to make a rule, and the availability of the proposed rule, in a national newspaper and on its website
- the actual rulemaking proposal is released publicly as a Notice of Proposed Rule Making (**NPRM**), which sets out the proposed change and supporting information
- anybody interested has a reasonable time (normally 8 weeks) to comment.

The procedure for consultation on a change to a manual is similar except that the formal notice is called a Notice of Proposed Change (**NPC**).

86. An NPRM will include the actual text of the proposed amending Regulations, as drafted by the Office of Legislative Drafting and Publishing of the Commonwealth Attorney-General's Department. The NPRM will also include:

- an introductory statement ('Foreword') extending an invitation to comment on the proposal
- background information, including a description of the problem addressed and why rule-making is necessary
- the objectives of the proposed rule
- the options that were considered and the constraints making them viable or not
- an impact analysis setting out the advantages and disadvantages of those options, and a description of the subjects and issues involved
- a Guide on how to comment (including addresses).

It may also include copies of proposed supporting material such as a draft Manual of Standards or guidance or advisory material. An NPC is similarly organised but the proposed change document is drafted by CASA technical specialists in cooperation with a CASA legislative drafter.

87. The notice will also give the date by which comments must be submitted, and where to send comments. There will be a response sheet in the NPRM or NPC, and you are urged to use it in responding. There is also an online response system at <http://rrp.casa.gov.au/ors.asp>.

88. Requests for extension of time to comment should be sent to CASA no later than 2 days before the announced expiry time. It may not be possible in a particular case to allow an extension of time to comment. However, extensions are normally granted if you have a substantive interest in the proposed change and a good reason for the extension. Bear in mind that extending the time for comment will delay the process.

89. Anybody can make a comment on a proposed change. Comments must be in writing and should preferably be submitted on the response form.

90. CASA will register all comments made. After the time for comments (or any extension of it) expires, CASA will evaluate all the comments received, and publish a summary of those comments, CASA's response to them, the action taken, CASA's policy, the action being taken, the finalised draft Regulations or manual change, and any associated guidance and supporting materials.

91. Finally, for changes to the Regulations only, the Minister for Transport and Regional Services must decide whether to recommend to the Governor-General that the proposed amending Regulations be made. If the Minister approves the proposed change, he or she submits the text of the proposed amending Regulations to the Governor-General for making as Regulations. After the amending Regulations are made, they are registered in the Federal Register of Legislative Instruments maintained under the *Legislative Instruments Act 2003*, and copies of the official text are made available. The Regulations are also tabled in each House of the Parliament within 6 sitting days after making, and then within a further 15 sitting days any Member or Senator can move to disallow them.

91A. Authority to issue a MOS rests with the Director of Aviation Safety. A MOS is also a legislative instrument and must be registered and tabled, and is subject to disallowance, in the same way as Regulations.

91B. After an amendment to either the Regulations or a MOS, a 'compilation' (setting out the text of the Regulations or the MOS as amended) must be prepared and placed on the Federal Register of Legislative Instruments. A compilation of the Regulations as amended is prepared by the Office of Legislative Drafting and Publishing and is normally registered on the same day as the Regulations as amended commence. CASA is responsible for preparing compilations of a MOS as amended.

Note on terms

92. As mentioned above, there are terms used in the Regulations that are well recognised in the aviation industry, but are not standard dictionary words, or that have a meaning that is not obvious from the meanings of the words that make them up. Because nobody who is expert in aviation needs to have such terms explained, there are no definitions of them in the Dictionary. However, some explanations are set out below for convenience.

Avgas means aviation gasoline. Petrol (gasoline) is graded according to volatility and octane rating. Avgas is petrol within the volatility and octane ranges approved for aircraft piston engines. (Some engines are approved to run on ‘mogas’ — that is, ordinary car fuel.) For other terms relating to fuel, see **Jet A-1**, **JP-1** and **JP-4**.

CAS means calibrated airspeed — that is, indicated airspeed corrected for position error and instrument error.

Controlled airspace is airspace in which aircraft are subject to air traffic control. For more details, see the *Airspace Regulations 2007* and the determinations made by CASA under regulation 5 of those Regulations.

Endorsement (of a licence) is used in connection with some kinds of licences to mean a subsidiary location-specific qualification. For example, an air traffic control licence must be endorsed for a particular location or particular airspace.

Flight level (FL): Altitudes above a certain altitude called the transition altitude (currently 11 000 feet in Australia, possibly different in other countries) are often expressed as flight levels. A **flight level** is a pressure altitude expressed as a 3-digit number that represents hundreds of feet. For example, FL 290 is equivalent to a pressure altitude of 29 000 feet, and FL 295 is equivalent to a pressure altitude of 29 500 feet. (Note that *altitude* is not the same as *height*. Both terms are defined in the Dictionary.)

Jet A-1 is the usual term in Australia for the grade of hydrocarbon fuel approved for use in aircraft turbine engines. It is similar to power kerosene in terms of volatility. (Kerosene-type fuels are not graded by octane number.) In US military usage, a similar fuel is called ‘JP-1’.

JP-4 is a wide-cut hydrocarbon fuel used as a turbine engine fuel in some parts of the world, but not permitted for aviation use in Australia.

Pressure altitude is the altitude shown by a barometric altimeter on which the pressure subscale is set to 1 013.2 hectopascals. (This is the ‘sea level’ pressure in the International Standard Atmosphere.) Depending on what the actual barometric pressure at sea level is at the time and the actual pressure lapse rate with height, the pressure altitude shown on such an altimeter may or may not be its actual altitude.

Rating means an endorsement on a licence that confers specific privileges, or is evidence of the holder being permitted to do particular things. For example, a person who holds an aircraft maintenance engineer licence may hold 1 or more ratings, such as a rating for a particular aircraft type. Normally a licence must be endorsed with at least 1 rating before the licence actually authorises its holder to do anything.

TAS means true airspeed — that is, the actual speed of an aircraft through the air. It is worked out by correcting the aircraft’s indicated airspeed for altitude, temperature, position error and compressibility effects.

Part 1 Preliminary

Note *This Part is made up as follows:*

1.001	Name of Regulations
1.003	Harmonisation with FARs
1.004	Dictionary
1.005	Appendixes
1.006	Status of lists of contents of Parts
1.007	Status of notes
1.008	Inconsistency between MOS and Act or Regulations

1.001 Name of Regulations [see Note 1]

These Regulations are the *Civil Aviation Safety Regulations 1998*.

1.003 Harmonisation with FARs

- (1) These regulations contain provisions based on the FARs.
- (2) An object of these regulations is to harmonise certain parts of Australia's aviation safety law with the FARs.
- (3) The words '*Source* FARs' below a regulation indicate that the regulation is based on the section of the FARs, as in force on 1 January 1997, stated after the words and, if the section number is followed by the word 'modified', the word indicates that the FARs section has been modified for the regulation.

Example

Eligibility

21.013 Any person is eligible to apply to CASA for a type certificate or type acceptance certificate.

Source FARs section 21.13 modified.

The words set out below the regulation in this example indicate that the regulation is based on section 21.13 of the FARs as in force on 1 January 1997 and that the FARs section has been modified for the regulation.

Regulation 1.004

- (4) If a word or expression is used in both a regulation and the FARs section on which the regulation is based, the meaning of the word or expression in the FARs section may be taken into account in interpreting the word or expression in the regulation, unless the contrary intention appears.

1.004 Dictionary

- (1) The Dictionary at the end of these Regulations consists of 2 parts.
- (2) Part 1 contains:
 - (a) definitions of certain expressions; and
 - (b) signpost references to expressions that are explained in Part 2 or elsewhere in these Regulations.

Note A signpost reference to a definition or an explanation of an expression that is elsewhere than in the Dictionary (for example, '**ATSO authorisation** — see paragraph 21.601 (2) (b)') is not included in the Dictionary unless the definition or explanation of the expression applies outside the regulation in which it occurs. Many expressions are defined for the purposes of a particular Part, Subpart or Division, and signpost references to such definitions are generally not included in the Dictionary.

- (3) Part 2 consists of numbered clauses that explain certain other expressions otherwise than by means of definitions.
- (4) Unless the contrary intention appears, the definition or explanation of an expression in these Regulations applies to each use of the expression in these Regulations.
- (5) The Dictionary is part of these Regulations.

1.005 Appendixes

- (1) Some provisions have an appendix.
- (2) An appendix is not numbered separately from the provision to which it is an appendix, but is identified by a heading in the form 'Appendix to [*kind of provision*] [*number*]'

Example

An appendix might be headed:

Appendix to subparagraph 139.095 (a) (i).

Regulation 1.008

- (3) A provision may have more than 1 appendix, and if a provision has 2 or more appendixes each is identified by a heading in the form ‘Appendix [*number*] to [*kind of provision*] [*number*]’.
- (4) An appendix to a subregulation, paragraph or subparagraph appears at the end of the regulation that contains the subregulation, paragraph or subparagraph.
- (5) An appendix may be divided into subsections, and a subsection of an appendix may be divided into paragraphs and subparagraphs, in the same way as a regulation.
- (6) An appendix to a regulation, or a provision that is part of a regulation, is part of that regulation.

1.006 Status of lists of contents of Parts

- (1) A Part of these Regulations may contain a list of the Subparts, Divisions and regulations in the Part, headed ‘Note This Part is made up as follows:’.
- (2) Such a list is not part of these Regulations, but is for convenience of reference only.
- (3) Such a list may be added to or edited in any published version of these Regulations.

1.007 Status of notes

A note in these regulations is explanatory, and is not part of the regulations.

1.008 Inconsistency between MOS and Act or Regulations

- (1) In this regulation:
MOS has the same meaning as in Subpart 11.J.

Regulation 1.008

- (2) If there is an inconsistency between a MOS and a provision of the Act or these Regulations, the provision of the Act or these Regulations prevails to the extent of the inconsistency.

Note A MOS (Manual of Standards) is a document that supports CASR by providing detailed technical material, such as technical specifications or standards. See generally 'Incorporated Manuals' (paragraphs 52 and 53) in the Guide.

Part 11 Regulatory administrative procedures

Note *This Part is made up as follows:*

Subpart 11.A	Preliminary
11.005	Applicability of this Part
11.010	What is in this Part
11.015	Definitions for Part
Subpart 11.B	Applications
11.020	Effect of this Subpart
11.025	Application of this Subpart to authorised representatives
11.030	When application taken to be complete
11.035	Other things CASA can ask applicant to do — test or interview
11.040	Other things CASA can ask applicant to do — provide more information
11.045	Other things CASA can ask applicant to do — demonstrate a service or facility
11.050	Material that CASA may or must take into account
11.055	Grant of authorisation
11.060	Notice of decision
11.065	When authorisation comes into effect
11.070	Conditions of authorisations — notice to CASA of certain matters
11.080	When authorisations cease
Subpart 11.C	Authorisation documents, certificates and related matters
11.090	Authorisation document — authorisations to which Chicago Convention, Annex 1 applies
11.095	Authorisation document — maintenance operation authorisations
11.100	Registration certificate (Chicago Convention, Annex 7)
11.105	Certificate of Airworthiness (Chicago Convention, Annex 8)
11.110	Authorisation document — other authorisations
11.115	Replacement documents

Subpart 11.D	Variation, suspension and cancellation of authorisations at holder's request
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Subpart 11.A Preliminary

11.005 Applicability of this Part

This Part applies:

- (a) to CASA in its administration of authorisations, exemptions, directions, delegations and Manuals of Standards under CASR; and
- (b) generally in relation to applications for authorisations and exemptions, and conditions of authorisations and exemptions under CASR.

11.010 What is in this Part

- (1) Subpart 11.A contains preliminary matters and definitions.
- (2) Subpart 11.B contains rules that apply to CASA in administering applications for certain authorisations, licences, ratings, certificates, endorsements and qualifications (collectively called *authorisations*) granted under CASR.
- (3) In particular, Subpart 11.B sets out what CASA can or must do in the course of processing an application for such an authorisation, including what documents and matters CASA can or must take into account in making its decision.

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- (4) Subpart 11.C provides for the form of authorisation documents and other matters related to such documents.
- (5) Subpart 11.D is about variation, suspension or cancellation of an authorisation at the holder's request.
- (6) Subpart 11.E is about renewal of a time-limited authorisation.
- (7) Subpart 11.F is about exemptions from the provisions of CASR.
- (8) Subpart 11.G provides for the issue, by CASA, of temporary directions in relation to matters affecting the safety of air navigation.
- (9) Subpart 11.H deals with delegation of CASA's powers under CASR.
- (10) Subpart 11.J sets out the procedure for issuing or amending Manuals of Standards.

11.015 Definitions for Part

In this Part:

authorisation means:

- (a) an authorisation, licence, certificate, rating, endorsement or qualification capable of being granted to a person by CASA under CASR; or
- (b) an approval, capable of being granted to a person by CASA under CASR, to provide a service.

corporation means a legal person that is not an individual.

medical includes psychological and psychiatric.

officer, of a corporation, means:

- (a) in the case of a corporation that is a company (within the meaning of the *Corporations Act 2001*), a director, secretary, executive officer or employee of the corporation; or
- (b) in the case of a corporation of any other kind:
 - (i) a person exercising responsibility, in relation to the corporation, as nearly as possible the same as that of a director, secretary or executive officer of a

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company (within the meaning of the *Corporations Act 2001*); or

- (ii) an employee or staff member of the corporation; or
- (c) a receiver and manager, appointed under a power contained in an instrument, of property of the corporation.

time-limited authorisation means:

- (a) an authorisation that, under another provision of CASR, ceases after a particular period; or
- (b) an authorisation granted by CASA for a specified period.

Subpart 11.B Applications

11.020 Effect of this Subpart

The requirements of this Subpart in relation to an application for a particular kind of authorisation are in addition to any requirements of the Part or Subpart that deals with the kind of authorisation.

11.025 Application of this Subpart to authorised representatives

If CASR allows an application for an authorisation to be made to an authorised representative, a reference in this Subpart to CASA includes, in relation to such an application, an authorised representative to whom such an application is made.

11.030 When application taken to be complete

- (1) An application for an authorisation is not taken to have been made unless:
 - (a) it is made in the manner approved by CASA for that purpose; and
 - (b) it includes all the information required by CASR; and
 - (c) it is accompanied by every document required by CASR; and

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- (d) if a fee is payable for the application — that fee has been paid.

Note It is an offence to make a false statement in, or supply a false or misleading document with, an application — see the *Criminal Code*, sections 137.1 and 137.2.

- (2) If another provision of CASR requires a holder of an authorisation to have an approved or accepted manual, an application for such an authorisation is not taken to have been made until the applicant gives to CASA a copy of a draft of an appropriate manual.

11.035 Other things CASA can ask applicant to do — test or interview

- (1) In this regulation:
- test* includes a written, oral or on-line examination and a practical assessment.
- (2) If CASA reasonably needs to interview or test an applicant who is an individual (including a member of a partnership) for the purpose of satisfying itself about a matter or matters referred to in paragraph 11.055 (1) (a), (b), (c) or (d), CASA may by written notice ask the applicant to:
- (a) undertake a test or tests of knowledge, skill or competence relevant to the application; or
- (b) come to a specified CASA office at a specified time to be interviewed.
- (3) The time of interview and the CASA office specified in a notice under paragraph (2) (b) must be reasonable in the circumstances.
- (4) In the case of an applicant that is a corporation, CASA may by written notice ask the applicant to have a specified officer or officers of the applicant do anything mentioned in paragraph (2) (a) or (b).
- (5) CASA must give to the applicant a copy of the record of any test (including the testing officer's assessment of the competence of the person tested), or the record of any interview, conducted under subregulation (2) or (4).

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- (6) However, subregulation (5) does not require CASA to return marked examination papers or give copies of marked examination papers.

11.040 Other things CASA can ask applicant to do — provide more information

- (1) If CASA reasonably needs more information or another document to allow it to consider an application, CASA may by written notice ask the applicant to give to it information, or a copy of a document, specified in the request.
- (2) CASA may ask an applicant to provide evidence as to the applicant's financial standing and financial capacity if there would be likely to be an adverse effect on the safety of air navigation if the applicant were granted the authorisation applied for and either did not have the resources to carry out the functions of the authorisation or were afterwards unable to continue trading.

11.045 Other things CASA can ask applicant to do — demonstrate a service or facility

If another provision of CASR says that this regulation applies in relation to a particular kind of authorisation, CASA may by written notice require an applicant for an authorisation of that kind:

- (a) to give a practical demonstration of its ability to provide the relevant service; or
- (b) to demonstrate the operation of a facility to be used in the course of providing the service; or
- (c) to allow CASA to inspect any relevant facility or equipment (whether or not it is operating).

11.050 Material that CASA may or must take into account

- (1) In making a decision on an application, CASA may take into account:
- (a) anything in the application or in any other document submitted by the applicant; and

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- (b) the record or results of any test or interview under regulation 11.035; and
 - (c) anything else in its records about the applicant; and
 - (d) the results of any demonstration or inspection under regulation 11.045.
- (2) However, if CASA proposes to take into account anything adverse to an applicant in its records, CASA must, before making a decision adverse to the applicant (including a decision to grant the application sought but to do so subject to a condition not sought by the applicant):
 - (a) tell the applicant in writing that it intends to take the material into account, and the substance of what it intends to take into account; and
 - (b) invite the applicant in writing to make, within a specified reasonable time, a written submission about the matter.
- (3) If the applicant makes such a submission within the specified time, CASA must take the submission into account.
- (4) When deciding whether to grant a new authorisation to an applicant who or that held, or was otherwise connected with, an authorisation (or a right, licence or permission similar to an authorisation granted under CAR or the law of another country) that was cancelled otherwise than at the request of the holder, CASA must take into account:
 - (a) the fact of the cancellation; and
 - (b) the reasons for the cancellation, as given by the cancelling authority at the time of the cancellation; and
 - (c) any evidence that the applicant submits about the applicant's capacity to exercise the powers or privileges or carry out the functions that would be conferred by the authorisation applied for, if it were granted.
- (5) For subregulation (4), an applicant was connected with an authorisation (including a right, licence or permission similar to an authorisation granted under CAR or the law of another country) if:
 - (a) where the applicant is an individual (including a member of a partnership) — the applicant was a member or officer of the holder of the authorisation; or

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- (b) where the applicant is a corporation — an officer of the applicant was a member or officer of the holder of the authorisation.
- (6) When considering an application referred to in subregulation (4), CASA is not obliged to reconsider, or inquire into the circumstances of, the cancellation.

11.055 Grant of authorisation

- (1) Subject to section 30A and paragraphs 30DY (2) (b), 30DZ (2) (b) and 30EC (2) (b) of the Act, if a person has applied for the grant of an authorisation in accordance with CASR, CASA must grant the authorisation if:
 - (a) the person meets the criteria specified in CASR for the grant of the authorisation; and
 - (b) any other requirements in relation to the person specified in CASR for the grant of the authorisation are met; and
 - (c) CASR does not forbid CASA granting the authorisation in the particular case; and
 - (d) granting the authorisation would not be likely to have an adverse effect on the safety of air navigation.

Note Section 30A of the Act allows the Court to make an order excluding a person from a particular aviation activity. Such an order has the effect that the person may not hold a civil aviation authorisation to undertake the activity while the order is in force.

- (2) In paragraph (1) (a), a reference to meeting the criteria for the grant of an authorisation includes (in the case of an applicant who is an individual):
 - (a) having any qualifications required by or under CASR for the grant of the authorisation; and
 - (b) having any experience required by or under CASR for that grant; and
 - (c) having successfully completed any training required by or under CASR for that grant; and
 - (d) if there is a requirement as to recency or currency of the applicant's training or experience — meeting that requirement; and

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- (e) if a standard of medical fitness is required by or under CASR for that grant:
 - (i) having attained that standard; and
 - (ii) having been granted any medical certificate required; and
 - (f) if particular attributes of character are required by or under CASR for that grant — having those attributes; and
 - (g) if a standard of proficiency in an activity is required by or under CASR for that grant — meeting that standard of proficiency.
- (3) If CASR limits in any way the number of authorisations of the relevant kind that may be granted, CASA may refuse to grant the authorisation if the limit will be exceeded if the authorisation is granted.
- (4) In deciding whether granting an authorisation to an applicant would be likely to have an adverse effect on the safety of air navigation, CASA may take into account:
- (a) the applicant's record of compliance with regulatory requirements (in Australia or elsewhere) relating to aviation safety and other transport safety; and
 - (b) the applicant's demonstrated attitude towards compliance with regulatory requirements (in Australia or elsewhere) relating to aviation safety and other transport safety; and
 - (c) the applicant's experience (if any) in aviation; and
 - (d) the applicant's knowledge of the regulatory requirements applicable to civil aviation in Australia; and
 - (e) the applicant's history, if any, of serious behavioural problems; and
 - (f) any conviction (other than a spent conviction, within the meaning of Part VIIC of the *Crimes Act 1914*) of the applicant (in Australia or elsewhere) for a transport safety offence; and
 - (g) any evidence held by CASA that the applicant has contravened:
 - (i) the Act, CASR or CAR; or
 - (ii) a law of another country relating to aviation safety; or

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- (iii) another law (of Australia or of another country) relating to transport safety; and
 - (h) in the case of an authorisation referred to in subregulation 11.040 (2), the applicant's financial standing and financial stability; and
 - (i) any other matter relating to the fitness of the applicant to hold the authorisation.
- (5) For the application of paragraphs (4) (a) to (i) in relation to an applicant that is a corporation, references to the applicant include each of the officers (other than employees) of the applicant.
- (6) For the application of paragraphs (4) (a) to (i) in relation to an applicant that is a member of a partnership, references to the applicant include each of the other members of the partnership.
- (7) CASA may grant the authorisation in respect of only some of the matters sought in the application.
- (8) CASA may grant an authorisation subject to:
- (a) any conditions applicable to the authorisation under CASR; and
 - (b) any other condition necessary in the interests of the safety of air navigation.

Note 1 The Act directly authorises the imposition of conditions on an AOC (Act, sections 28BA and 28BB).

Note 2 The conditions applicable to an authorisation may be set out in a document called an Operational Specification that forms part of the authorisation document.

11.060 Notice of decision

- (1) After making a decision on an application, CASA must:
- (a) if the decision was to grant the authorisation applied for, and not to impose any condition not sought by the applicant:
 - (i) send or give to the applicant a document that is evidence that the applicant holds the authorisation; or

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- (ii) if there is no such document, tell the applicant in writing that the applicant has been approved; or
- (b) if the decision was to refuse to grant the authorisation, or to impose a condition not sought by the applicant — tell the applicant in writing, as soon as practicable, of the decision, and the reasons for it.

Note Most decisions in relation to authorisations are reviewable by the Administrative Appeals Tribunal — see section 31 of the Act, regulation 297A of CAR and regulation 201.004. Section 27A of the *Administrative Appeals Tribunal Act 1975* requires that a person affected by a reviewable decision be given notice of the existence of the right of review.

- (2) A failure by CASA to comply with paragraph (1) (b) in relation to a decision does not invalidate the decision.

11.065 When authorisation comes into effect

An authorisation comes into effect:

- (a) on a day stated for that purpose in a document that is evidence of the holding of the authorisation, or in any relevant notice under paragraph 11.060 (1) (b); or
- (b) if no day is so stated — on the date of the document or notice.

Note Some kinds of authorisation continue indefinitely unless cancelled. Others cease (unless sooner cancelled) at a time set by another provision of these Regulations. Yet others cease (unless sooner cancelled) at a time set by CASA, subject to a maximum duration.

11.070 Conditions of authorisations — notice to CASA of certain matters

- (1) It is a condition of an authorisation that its holder tells CASA in writing of a change of any of the following kinds within 14 days (or any other period allowed, in relation to a particular kind of authorisation, by another provision of CASR) after the change:
 - (a) the holder changes his, her or its name;
 - (b) the holder changes any address that CASA has required to be stated in the application for the authorisation;

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- (c) in the case of a probity-critical authorisation — subject to Part VIIC of the *Crimes Act 1914*, the holder is convicted of a probity offence;
- (d) in the case of a drug-critical authorisation — subject to Part VIIC of the *Crimes Act 1914*, the holder is convicted of a psychoactive substance offence.

Note 1 It may also be an offence for an authorisation holder to fail to tell CASA of a change of name or address — see regulations 201.005 and 201.015.

Note 2 For **drug-critical authorisation**, **probity-critical authorisation**, **probity offence**, and **psychoactive substance offence**, and the extended meaning of **convicted**, see the Dictionary.

- (2) It is a condition of an authorisation upon which is noted the nationality of its holder that the holder tells CASA in writing of a change of his or her nationality within 14 days (or any other period allowed, in relation to a particular kind of authorisation, by another provision of CASR) after the change.

Note The holder's nationality is noted on a flight crew licence and an AME licence. This requirement is imposed by ICAO. It may also be an offence for the holder to fail to tell CASA of the change — see regulation 201.010.

- (3) It is a condition of an authorisation used in connection with an aviation-related activity of a business that its holder tells CASA in writing of a change of any of the following kinds within 14 days (or any other period allowed, in relation to a particular kind of authorisation, by another provision of CASR) after the change:
 - (a) if the holder carries on the business under a name that is registered as a trading or business name under the law of a State or Territory — the holder changes that name, ceases to use that name, or begins to use another name;
 - (b) the holder ceases to be entitled to occupy the premises from which the holder carries on the business;
 - (c) the holder ceases temporarily or permanently to carry on the business;

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- (d) if the holder is an individual, the holder:
 - (i) is declared bankrupt, enters into an arrangement with his or her creditors under Part X of the *Bankruptcy Act 1966* or applies to take the benefit of any other law for the protection of debtors; or
 - (ii) becomes aware that he or she has an illness likely to render him or her unable to carry on the business for a period that is likely to exceed 3 months;
- (e) if the holder is a member of a partnership, an event mentioned in subparagraph (d) (i) or (ii) happens to any of the members;
- (f) if the holder is a corporation:
 - (i) the holder becomes an externally-administered body corporate (within the meaning given by section 9 of the *Corporations Act 2001*) or applies to take the benefit of any other law for the protection of insolvent corporations; or
 - (ii) an event mentioned in subparagraph (d) (i) or (ii) happens to any of the holder's key personnel.

Note It may also be an offence for an authorisation holder to fail to tell CASA of a change of name or address — see regulations 201.005 and 201.015.

- (4) It is a condition of an authorisation held by an individual that its holder's personal representative tells CASA in writing within a reasonable period if the holder dies.
- (5) It is a condition of an authorisation held by a member of a partnership that, if any of the members dies, another of the members tells CASA in writing within a reasonable period.
- (6) It is a condition of an authorisation held by a corporation that, if the holder is placed in liquidation, the liquidator tells CASA in writing within 14 days.
- (7) It is a condition of an authorisation held by a member of a partnership that, if the partnership is dissolved, a former member tells CASA in writing within 14 days.

Note Regulation number 11.075 is reserved for future use.

11.080 When authorisations cease

- (1) An authorisation held by an individual ceases if the holder dies.
- (2) An authorisation held by a corporation ceases if the corporation is dissolved.

**Subpart 11.C Authorisation documents,
certificates and related matters**

**11.090 Authorisation document — authorisations to which
Chicago Convention, Annex 1 applies**

- (1) This regulation applies to an authorisation to which Annex 1, *Personnel Licensing*, to the Chicago Convention applies.
- (2) CASA must issue to the holder of such an authorisation a document that complies with Chapter 5 of that Annex.

**11.095 Authorisation document — maintenance operation
authorisations**

- (1) This regulation applies to a maintenance operation authorisation (within the meaning given by Annex 6, *Operation of Aircraft*, to the Chicago Convention).
- (2) CASA must issue to the holder of such an authorisation a document that complies with paragraph 8.7.1.2 of that Annex.

**11.100 Registration certificate (Chicago Convention,
Annex 7)**

- (1) This regulation applies to a certificate of registration for an aircraft.
- (2) The certificate must be in a form that complies with section 7.1 of Annex 7, *Aircraft Nationality and Registration Marks*, to the Chicago Convention.

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11.105 Certificate of Airworthiness (Chicago Convention, Annex 8)

- (1) This regulation applies to a certificate of airworthiness for an aircraft.
- (2) The certificate must be in a form that complies with section 7 of Annex 8, *Airworthiness of Aircraft*, to the Chicago Convention.

11.110 Authorisation document — other authorisations

- (1) This regulation applies to an authorisation to which none of regulations 11.090 to 11.105 apply.
- (2) CASA must issue to the holder of such an authorisation a document that sets out:
 - (a) what the authorisation is; and
 - (b) any conditions applicable to it; and
 - (c) when it came into effect, and, if it will cease (either under a provision of CASR or on a day set by CASA) if not sooner cancelled — the day when it will cease; and
 - (d) any other information CASA thinks should be included.

11.115 Replacement documents

CASA may issue a replacement authorisation document in place of one:

- (a) that contains anything that is not, or is no longer, correct; or
- (b) from which anything has been omitted; or
- (c) that has been lost or destroyed.

Subpart 11.D Variation, suspension and cancellation of authorisations at holder's request

11.120 Applicability of this Subpart

- (1) This Subpart applies in relation to the variation of an authorisation (including imposing, removing or varying a condition applicable to the authorisation) at the request of the holder.
- (2) This Subpart also applies in relation to suspension or cancellation of an authorisation at the request of the holder.

Note See Part 13 in regard to suspension, variation or cancellation of an authorisation for other reasons.

11.125 Application of Subpart 11.B to variation of authorisation

- (1) Subpart 11.B applies in relation to an application, to which this Subpart applies, to vary an authorisation.
- (2) However, if the applicant has previously given to CASA information or a document relevant to the application, the applicant need not do so again unless the information or document has changed.
- (3) If CASR allows an application for an authorisation to be made to an authorised representative, a reference in Subpart 11.B (as applied by this Subpart) to CASA includes, in relation to such an application, an authorised representative to whom such an application is made.

11.130 Suspension or cancellation of authorisation at holder's request

- (1) CASA must suspend or cancel an authorisation, by written notice to the holder, if the holder asks CASA to suspend or cancel the authorisation.

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- (2) Suspension or cancellation under this Subpart has effect:
 - (a) at the time the holder specifies as the time for the suspension or cancellation to have effect; or
 - (b) if the holder does not specify such a time — when the holder is given written notice by CASA of the suspension or cancellation.
- (3) Suspension of an authorisation under this Subpart ceases to have effect:
 - (a) at the time, if any, that the holder specifies as the time that the suspension is to cease to have effect; or
 - (b) if the holder does not specify a time for that purpose — at the time CASA directs, by written notice to the holder.

Note See Part 13 in relation to suspension or cancellation of an authorisation otherwise than at the holder's request.

Subpart 11.E Time-limited authorisations

11.135 Applicability of this Subpart

This Subpart applies in relation to time-limited authorisations.

11.140 Continuation of authorisation until application decided

- (1) This regulation applies in relation to a time-limited authorisation (the *old authorisation*) if:
 - (a) at least:
 - (i) in the case of an authorisation held by a corporation, 90 days; or
 - (ii) in any other case, 21 days;before the time when the old authorisation would otherwise cease, its holder applies to CASA for the issue of a new time-limited authorisation that confers the same privileges, or authorises the holder to carry out the same functions or duties, as the old authorisation; and
 - (b) at the time when the old authorisation would otherwise cease, CASA has not made a decision on the application.

Regulation 11.145

- (2) For subregulation (1), an applicant has applied for the new authorisation only if:
 - (a) the applicant has given to CASA the necessary application, in the form required by CASR; and
 - (b) the application is taken to be complete, in accordance with regulation 11.030; and
 - (c) the applicant has given to CASA any other documents required by CASR to be given to CASA with the application.

Note The applicant does not need to give to CASA information or a document that CASA already has — see regulation 11.145.

- (3) In spite of any other provision of CASR, but subject to subregulation (4), the old authorisation continues in force until:
 - (a) CASA makes a decision on the application; and
 - (b) if the decision is to grant the new authorisation — the new authorisation comes into force.
- (4) If CASA asks for further information or a document or invites the applicant to make a submission, under a provision of Subpart 11.B as applied by regulation 11.145, and the applicant does not do so within the period specified by CASA under that provision, then, despite subregulation (3), the old authorisation is taken to cease at the end of that period.

11.145 Application of Subpart 11.B

- (1) Subpart 11.B applies to an application referred to in paragraph 11.140 (1) (a).
- (2) However, if the applicant has previously given to CASA information or a document relevant to the application, the applicant need not do so again unless the information or document has changed.
- (3) If CASR allows an application for an authorisation to be made to an authorised representative, a reference in Subpart 11.B or this Subpart to CASA includes, in relation to an application referred to in paragraph 11.140 (1) (a), an authorised representative to whom such an application is made.

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11.150 Conditions on new authorisation

Unless another provision of CASR says otherwise, if CASA grants the new authorisation, CASA is not obliged:

- (a) to impose the same conditions, restrictions or limitations on the new authorisation as applied to the old one; or
- (b) to grant the new authorisation for the same duration as for the old one.

Subpart 11.F Exemptions from provisions of CASR

Division 11.F.1 Grant of standard exemptions

11.155 Applicability of this Division

This Division applies to the granting of exemptions, for particular purposes, from particular requirements of CASR.

Note Division 11.F.2 provides separately for exemptions in exceptional circumstances such as natural disasters.

11.160 What exemptions can be granted under this Division

- (1) CASA may, by instrument, grant an exemption under this Division from compliance with a provision of CASR.
- (2) CASA may grant an exemption under this Division to a person, or to a class of person, and may specify the class by reference to membership of a specified body or any other characteristic.
- (3) CASA may grant an exemption under this Division either on application or on its own initiative.

11.165 Applications for exemptions

- (1) A person may apply to CASA, in accordance with this regulation, for an exemption under this Division.
- (2) The application must be in writing.

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- (3) The application must set out:
 - (a) the applicant's name and address; and
 - (b) details of any relevant authorisation; and
 - (c) references to the relevant provisions of CASR; and
 - (d) details of any aircraft or aeronautical product, or type of aircraft or aeronautical product, or material or kind of material, or service or kind of service, to be affected by the exemption; and
 - (e) if the exemption will affect a particular kind of operation, the kind of operation; and
 - (f) the reasons why the exemption is necessary; and
 - (g) details of how the applicant proposes to ensure that an acceptable level of safety will be provided when operating in accordance with the exemption; and
 - (h) the date on which the applicant requires the exemption to commence; and
 - (i) how long the applicant requires the exemption to remain in effect.
- (4) Unless CASA agrees otherwise, the applicant must give the application to CASA at least 3 months before the day on which the applicant requires the exemption to commence.

11.170 Consideration of applications

- (1) Regulations 11.035 to 11.050 apply in relation to an application under this Division.
- (2) For that application, a reference to an authorisation is taken to be a reference to an exemption.
- (3) In making its decision, CASA must regard the preservation of a level of aviation safety that is at least acceptable as paramount.

11.175 Renewal of exemptions under this Division

- (1) CASA must not grant an exemption under this Division to a person in the same or similar terms as an exemption previously granted under this Division to the person unless the person:

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- (a) applies, in accordance with regulation 11.165, for the new exemption; and
 - (b) includes with the application a statement of the additional reasons why the exemption is necessary, or the reasons why the continuation of the exemption is necessary.
- (2) Regulations 11.035 to 11.050 apply in relation to the consideration of an application mentioned in subregulation (1).
- (3) For that application, a reference to an authorisation is taken to be a reference to an exemption.
- (4) In making its decision, CASA must:
 - (a) take into account the reasons given by the applicant for the new exemption, or the continuation of the exemption, and the fact that the applicant has previously been granted a similar exemption; and
 - (b) regard the preservation of a level of aviation safety that is at least acceptable as paramount.

Division 11.F.2 Grant of exemptions in exceptional circumstances

11.180 Applicability of this Division

This Division applies in relation to the granting of exemptions in certain exceptional circumstances.

11.185 Exemptions in exceptional circumstances

- (1) In exceptional circumstances, CASA may, on its own initiative or on application, by instrument grant an exemption from any provision of CASR.
- (2) In subregulation (1):

exceptional circumstances means the circumstances of a major natural disaster, or some other large-scale emergency, that requires the use of air transport, or some other aviation activity, in a way that is not reasonably possible in compliance with CASR.

Regulation 11.210

Example

Following the destruction of Darwin by Cyclone Tracy, airliners were permitted to operate when severely overloaded to allow evacuation of the city as rapidly as possible.

- (3) To avoid doubt, it is not necessary for subregulation (1) that a state of emergency or natural disaster need have been declared.

11.190 Application

An application for an exemption under this Division may be made in any way that is reasonable in the circumstances.

11.195 Consideration by CASA

In considering whether to grant an exemption under this Division, CASA must regard as paramount the preservation of the highest level of aviation safety that is practicable in the circumstances.

Division 11.F.3 Exemptions generally

11.200 Applicability of this Division

This Division applies in relation to all exemptions under this Subpart.

11.205 Conditions

- (1) CASA may impose, on an exemption under this Subpart, any condition necessary in the interests of the safety of air navigation.
- (2) The condition must be set out in the instrument of exemption.

11.210 Offence: failure to comply with condition

- (1) If a condition of an exemption under this Subpart imposes an obligation on a person, the person must comply with the obligation.

Penalty: 50 penalty units.

Regulation 11.215

- (2) A contravention of subregulation (1) is an offence of strict liability.

11.215 Exemptions to be disallowable

An instrument granting an exemption under this Subpart is a disallowable instrument for section 46A of the *Acts Interpretation Act 1901*.

11.220 Notice of grant of exemption

- (1) In the case of an exemption that was applied for, CASA must give written notice to the applicant of:
- (a) its decision; and
 - (b) if the decision was to refuse to grant the exemption, or to impose a condition not sought by the applicant — the reasons for the decision.

Note An instrument granting an exemption is a legislative instrument — see regulation 11.215 and subparagraph 6(d)(i) of the *Legislative Instruments Act 2003*. It must be registered in accordance with that Act and must be tabled in both Houses of the Parliament within 6 sitting days after its making.

- (2) In the case of an exemption that was applied for, if CASA grants the exemption applied for and sends to the applicant the instrument of exemption, subregulation (1) does not require CASA to send to the applicant a separate notice of its decision.

11.225 Publication of exemption

CASA must, as soon as practicable, publish on the World Wide Web details (including any condition) of an exemption under this Subpart.

Note 1 The URL for CASA's web site is <http://www.casa.gov.au>.

Note 2 An instrument granting an exemption is a legislative instrument — see regulation 11.215 and subparagraph 6(d)(i) of the *Legislative Instruments Act 2003*. It must be registered in accordance with that Act and must be tabled in both Houses of the Parliament within 6 sitting days after its making.

Regulation 11.240

11.230 When exemptions cease

- (1) An exemption under Division 11.F.1 ceases:
 - (a) at the end of the day (no longer than 2 years after the day on which it commences) specified in the instrument of exemption as the day on which it ceases; or
 - (b) if no day is specified for that purpose in the instrument — 2 years after it commences.
- (2) An exemption under Division 11.F.2 ceases:
 - (a) at the end of the day (no longer than 6 months after the day on which it commences) specified in the instrument of exemption as the day on which it ceases; or
 - (b) if no day is specified for that purpose in the instrument — 6 months after it commences.
- (3) If an exemption is granted in relation to a particular aircraft, and, before the time at which the exemption would cease under subregulation (1) or (2), the aircraft ceases to be owned by the person who owned it at the time the exemption was granted, the exemption ceases at the time when the aircraft ceases to be owned by that person.

Note An instrument granting an exemption is a legislative instrument — see regulation 11.215 and subparagraph 6(d)(i) of the *Legislative Instruments Act 2003*. It therefore commences in accordance with section 12 of that Act.

11.235 Exemptions not transferable

An exemption under this Subpart is not transferable.

Subpart 11.G Directions

11.240 Applicability of this Subpart

This Subpart provides for the issue by CASA of temporary directions in relation to matters affecting the safety of air navigation.

Regulation 11.245

11.245 CASA may issue directions

- (1) CASA may issue, by instrument, a direction about any matter affecting the safe navigation and operation, or the maintenance, of aircraft.

Note 1 A direction is a legislative instrument — see subsections 98 (5A) and (5B) of the Act and subparagraph 6 (d) (i) of the *Legislative Instruments Act 2003*. It must be registered in accordance with the latter Act and must be tabled in both Houses of the Parliament within 6 sitting days after its making.

Note 2 The power to issue a direction must be exercised by the Director personally — see subregulation 11.260 (2).

Note 3 See also Part 39 in relation to CASA's powers to issue Airworthiness Directives.

- (2) However, CASA may issue such a direction:
- (a) only if it is reasonably necessary to do so in the interests of the safe navigation and operation, or the maintenance, of aircraft; and
 - (b) only if the direction is not inconsistent with the Act; and
 - (c) only for the purposes of CASA's functions.

Note CASA's functions are set out in section 9 of the Act.

11.250 Period of effect of direction

A direction ceases to be in force:

- (a) if it specifies a day (not longer than 1 year after the day on which it commences) on which it ceases to be in force — on the specified day; or
- (b) if it does not specify a day for that purpose — 1 year after the day it commences.

Note A direction is a legislative instrument — see subsections 98 (5A) and (5B) of the Act and subparagraph 6 (d) (i) of the *Legislative Instruments Act 2003*. It therefore commences in accordance with section 12 of that Act.

11.255 Contravention of direction

- (1) A person must not contravene a direction that is applicable to the person.

Penalty: 50 penalty units.

Regulation 11.265

- (2) A contravention of subregulation (1) is an offence of strict liability.

Subpart 11.H Delegation of CASA's powers

11.260 Delegation

- (1) The Director may, by instrument, delegate to a person CASA's powers and functions under CASR.
- (2) However, the following powers of CASA must be exercised by the Director personally:
 - (a) the power to issue a direction under Subpart 11.G;
 - (b) the power to issue a type acceptance certificate subject to a condition under subregulation 21.029B (2);
 - (c) the power to refuse to issue a type acceptance certificate under subregulation 21.029C (1);
 - (d) the power to suspend or cancel a type acceptance certificate under subregulation 21.051 (4).
- (3) A delegation may be subject to conditions stated in the instrument of delegation.
- (4) A delegate is subject to any written direction of the Director in the exercise of a power, or the performance of a function, delegated under subregulation (1).

Subpart 11.J Manuals of Standards — procedures

11.265 Applicability

- (1) This Subpart sets out the procedures for consultation before CASA issues a Manual of Standards.
- (2) The procedures in this Subpart apply to the amendment or revocation of a MOS in the same way as to the issue of a MOS.

Note Manuals of Standards are documents which support CASR by providing detailed technical material, such as technical specifications or standards. See generally 'Incorporated Manuals' (paragraphs 52 and 53) in the Guide. Manuals of Standards are disallowable instruments and are

Regulation 11.270

subject to registration and disallowance under the *Legislative Instruments Act 2003*.

11.270 Definition — MOS

In this Subpart:

MOS means Manual of Standards.

11.275 Notice of intention to issue Manuals of Standards not required in certain circumstances

- (1) CASA must comply with the procedures set out in this Subpart before issuing a MOS unless the Director determines, in writing, that:
 - (a) it is necessary to issue the MOS as soon as practicable in the interests of aviation safety; or
 - (b) the MOS is required to give effect to a specific undertaking given by the Minister; or
 - (c) the MOS is required to give effect to an obligation under an international treaty or an intergovernmental agreement; or
 - (d) the MOS is of a minor or machinery nature that does not substantially alter existing arrangements; or
 - (e) following the procedures would endanger aviation security or be otherwise contrary to the public interest.
- (2) If the Director makes such a determination, CASA must publish it, and a statement of the reasons for it, on the World Wide Web within 28 days after the determination is made.

Note The URL for CASA's web site is <http://www.casa.gov.au>.

- (3) If CASA issues a MOS on the basis of a determination under paragraph (1) (a) (an **urgent MOS**), CASA must, within 28 days after the determination is made, publish on the World Wide Web a notice about the MOS giving the information set out in paragraphs 11.280 (2) (a) to (d).

Note Certain provisions of these Regulations require copies of such a notice to be given to all providers of certain services.

- (4) Regulations 11.285 and 11.290 apply in relation to an urgent MOS as if it were a draft MOS.

Regulation 11.295

11.280 Notice of intention to issue Manuals of Standards

- (1) If CASA intends to issue a MOS, CASA must publish a notice of its intention to do so on the World Wide Web.

Note 1 The URL for CASA's web site is <http://www.casa.gov.au>.

Note 2 Certain provisions of these Regulations require copies of such a notice to be given to all providers of certain services.

- (2) A notice must include the following information about the draft MOS:
- (a) its title and a description of its contents;
 - (b) how to obtain a copy of it;
 - (c) the period during which comments on it may be lodged;
 - (d) how comments are to be made and lodged.
- (3) For paragraph (2) (c), the period must be reasonable in the circumstances but not less than 28 days.

11.285 Comments on draft Manuals of Standards

A person may comment on a draft MOS in the way set out in the notice published under regulation 11.280 in relation to the MOS.

11.290 CASA to consider comments on draft Manuals of Standards

Before issuing a MOS, CASA:

- (a) must consider any comments it has received on the draft MOS; and
- (b) may consult with any person on issues arising out of the comments.

11.295 Failure to comply with procedures not to affect validity of Manuals of Standards

- (1) A failure to comply with the procedures in this Subpart in relation to a MOS does not affect the validity of the MOS.

Regulation 11.295

- (2) However, if CASA issues a MOS (other than on the basis of a determination under paragraph 11.275 (1) (a)) without complying with those procedures, CASA must, within 28 days after issuing the MOS, publish a notice of consultation in relation to the MOS as if it were a notice of intention published under regulation 11.280.
- (3) Regulations 11.285 and 11.290 apply in relation to such a MOS as if it were a draft MOS.

Part 13 Enforcement procedures

Note Subparts 13.A to 13.J are reserved for future use.

Subpart 13.K Voluntary reporting and demerit points schemes

Division 13.K.1 Aviation Self Reporting Scheme

13.320 Definitions

In this Division:

Aviation Self Reporting Scheme or **ASRS** means the voluntary reporting scheme established under subregulation 13.335 (1) for reporting reportable contraventions.

Executive Director means the person for the time being holding, occupying or performing the duties of the position of Executive Director of Transport Safety Investigation referred to in section 12 of the *Transport Safety Investigation Act 2003*.

13.325 Contraventions that are not reportable

For the purposes of paragraph (d) of the definition of **reportable contravention** in section 30DL of the Act, contraventions of the following provisions of CAR are prescribed:

- (a) regulation 282;
- (b) subregulation 288 (2);
- (c) regulation 298A;
- (d) regulation 298B;
- (e) regulation 298C;
- (f) regulation 301;
- (g) regulation 302;
- (h) subregulation 305 (1A).

Regulation 13.330

13.330 Prescribed person (Act s 30DM)

For the purposes of Division 3C (Protection from administrative action for voluntary reporting) of Part III of the Act, the Executive Director is prescribed.

13.335 Establishment and purposes of scheme (Act s 30DN)

- (1) There is established a scheme (to be known as the *Aviation Self Reporting Scheme*) for the voluntary reporting of reportable contraventions.
- (2) The scheme is to be administered by the Executive Director.
- (3) The purposes of the scheme are:
 - (a) to enable holders of civil aviation authorisations to voluntarily report reportable contraventions without administrative action being taken against them; and
 - (b) to strengthen the foundation of aviation human factors safety research; and
 - (c) to identify deficiencies and problems in the Australian aviation safety system; and
 - (d) to provide data for planning and improvements to the Australian aviation safety system.

13.340 Powers and functions of Executive Director

Without limiting the generality of the powers and functions of the Executive Director as administrator of ASRS, the Executive Director has the following powers and functions:

- (a) to process and accept reports;
- (b) to give receipts for reports;
- (c) to review information contained in reports in order to identify potential safety deficiencies and lessen the likelihood of accidents and serious incidents;
- (d) to issue information briefs or alert bulletins that the Executive Director considers are necessary in the interests of aviation safety;

- (e) to publish details of reviews made under paragraph (c).

Note Regulation 13.360 affects the powers and functions of the Executive Director relating to information contained in reports.

**13.345 Manner in which reports to be made (Act s 30DN
(2) (b))**

- (1) A holder of a civil aviation authorisation who has committed a reportable contravention may make a written report of the reportable contravention under ASRS.
- (2) The report must be made to the Executive Director, in a form approved by the Executive Director, not later than 10 days after the reportable contravention.
- (3) The report must include the following information:
 - (a) the name, postal address and daytime telephone number of the authorisation holder making the report;
 - (b) if applicable — the Aviation Reference Number of the authorisation holder;
 - (c) the class or classes of civil aviation authorisation held by the authorisation holder;
 - (d) the time, date, place and nature of the contravention;
 - (e) a description of the circumstances of the contravention;
 - (f) so far as is practicable, the regulations contravened by the authorisation holder.

Note 1 A copy of the approved form is available from ATSB's website (<http://www.atsb.gov.au>) or by contacting 1-800-020-505.

Note 2 A report made by an authorisation holder under this regulation does not satisfy the reporting obligations under:

- (a) the *Transport Safety Investigation Act 2003*; or
- (b) any other provision of these Regulations relating to the reporting of defects or service difficulties on aircraft or aeronautical products.

13.350 Processing of reports

- (1) A report purportedly made in accordance with regulation 13.345 must be accepted by the Executive Director, unless it appears on the face of the report that the contravention for which the report is made is not a reportable contravention.

Regulation 13.355

Note Under section 30DL of the Act, the following contraventions are not reportable contraventions:

- (a) a contravention of these Regulations that is deliberate;
 - (b) a contravention of these Regulations that is fraudulent;
 - (c) a contravention of these Regulations that causes or contributes to an accident or to a serious incident (whether before or after the contravention is reported);
 - (d) a contravention of a regulation prescribed under regulation 13.325.
- (2) If the Executive Director accepts a report, the Executive Director must:
- (a) ensure that the report is given a unique receipt number and stamped, on the front page, with the receipt number and the date when the report was made; and
 - (b) give to the holder of a civil aviation authorisation who made the report a receipt that sets out:
 - (i) the authorisation holder's name; and
 - (ii) the date the report was made; and
 - (iii) the date and nature of the contravention; and
 - (c) having regard to subregulation 13.360 (2), determine what information contained in the report is to be included in the files or databases primarily kept for the purposes of ASRS; and
 - (d) return the report to the authorisation holder who made the report.
- (3) If the Executive Director does not accept a report, he or she must, subject to regulation 13.355, return the report to the authorisation holder.

13.355 Reports relating to unlawful interference

If a report relates to an act of unlawful interference (within the meaning of ICAO Document 9713, *International Civil Aviation Vocabulary*, as in force from time to time), the Executive Director must send it to the Aviation Security Duty Officer in the Department.

**13.360 Use of information contained in reports (Act s 30DN
(2) (c))**

- (1) The Executive Director must not keep a copy of a report made under ASRS.
- (2) The Executive Director must ensure that, to the extent practicable, information that identifies the authorisation holder who made the report (or any person referred to in the report) is not included in any file or database primarily kept for the purposes of ASRS.
- (3) Information contained in a report of a reportable contravention (other than information that is personal information within the meaning of the *Privacy Act 1988*) may be disclosed by the Executive Director without the consent of the authorisation holder who made the report but only if the information is to be used for a purpose mentioned in subregulation 13.335 (3).

13.365 Delegation by Executive Director

- (1) The Executive Director may, in writing, delegate to a person engaged to perform duties in the Department (whether as an APS employee, SES employee or under any other arrangement) a power (except this power of delegation), function or duty of the Executive Director under this Division.
- (2) In exercising powers, functions and duties under a delegation, the delegate must comply with any directions of the Executive Director.

Division 13.K.2 Demerit points scheme

**13.370 Offences to which demerit points scheme applies
(Act s 30DT)**

- (1) All offences under CAR and CASR that are specified as strict liability offences are prescribed as offences to which Division 3D (Demerit points scheme) of Part III of the Act applies.

Regulation 13.375

- (2) The number of points that are incurred in relation to an offence to which that Division applies are as follows:
- (a) if the maximum penalty for the offence is 10 penalty units or less — 1 demerit point;
 - (b) if the maximum penalty for the offence is more than 10 penalty units but less than 26 penalty units — 2 demerit points;
 - (c) if the maximum penalty for the offence is 26 penalty units or more — 3 demerit points.

13.375 Classes of civil aviation authorisations

For the purposes of section 30DU of the Act, a civil aviation authorisation mentioned in column 2 of an item in table 13.375 belongs to the class of civil aviation authorisation mentioned in column 3 of the item.

Table 13.375 Classes of civil aviation authorisations

Column 1	Column 2	Column 3
Item	Particular civil aviation authorisations	Class of civil aviation authorisation
1	a certificate issued under section 27 of the Act	Air operator certificate
2	a certificate issued under Part 47 of CASR	Certificate of registration
3	a certificate issued under regulation 30 of CAR	Certificate of approval
4	(a) a licence referred to in regulation 31 of CAR (b) an authority referred to in regulation 33B or 33C of CAR	Maintenance authority
5	a licence referred to in paragraph 5.08 (a) of CAR	Flight radiotelephone licence
6	a licence referred to in paragraphs 5.08 (b) to (m) of CAR	Pilot licence

Regulation 13.380

Column 1	Column 2	Column 3
Item	Particular civil aviation authorisations	Class of civil aviation authorisation
7	a licence referred to in paragraph 5.08 (o) or (p) of CAR	Flight engineer licence
8	a certificate issued under Part 6 of CAR or Part 67 of CASR	Medical certificate
9	a licence or authorisation issued under Part 65 of CASR	Air traffic control licence
10	a certificate issued under Subpart 101.F of CASR	UAV certificate
11	(a) a certificate issued under Subpart 139.B of CASR (b) a registration granted under Subpart 139.C of CASR	Aerodrome certificate
12	an approval granted under Subpart 139.H of CASR	ARFFS approval
13	an approval granted under Part 143 or 172 of CASR	ATS approval
14	an approval granted under Part 171 of CASR	Aeronautical telecommunication and radionavigation provider approval
15	a certificate or authorisation issued under Part 173 of CASR	Instrument flight procedure approval

13.380 Effect of subsequent suspension or cancellation in certain situations (Act s 30DV)

If:

- (a) a civil aviation authorisation is cancelled (the *earlier cancellation*); and

Regulation 13.380

- (b) if there had been no earlier cancellation, a subsequent suspension or cancellation under Division 3D of Part III of the Act would have had effect in relation to the authorisation; and
 - (c) the earlier cancellation is later set aside by the Administrative Appeals Tribunal;
- the subsequent suspension or cancellation has effect, in relation to the civil aviation authorisation, on the day immediately following the day when the Administrative Appeals Tribunal set aside the earlier cancellation.

Part 21 Certification and airworthiness requirements for aircraft and parts

Note *This Part is made up as follows:*

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21.002B	Applicants to be told about decisions
21.002C	Suspension or cancellation of an instrument
21.002D	Show cause notices
21.002E	Cancellation of certain certificates
21.003	Reporting failures, malfunctions, and defects
21.005	Aeroplane or rotorcraft flight manual
Subpart 21.B	Type certificates and type acceptance certificates
21.011	Applicability
21.012	Recognised foreign countries
21.013	Eligibility
21.013A	Issue of type certificate
21.014	Recognition of foreign certification
21.015	Application for type certificate
21.016	Special standards and other conditions on type certificates
21.017	Designation of applicable airworthiness standards
21.019	Changes requiring a new type certificate
21.021	Type certificate: normal, utility, acrobatic, commuter, and transport category aircraft; manned free balloons; special classes of aircraft; aircraft engines; propellers
21.024	Type certificate: primary category aircraft
21.025	Issue of type certificate: restricted category aircraft
21.026	Type certificate: intermediate category aircraft
21.027	Type certificate: surplus aircraft of the Armed Forces
21.029	Type certificate for imported aircraft, aircraft engines or propellers not type certificated by NAA of recognised country

21.029A	Type acceptance certificate for imported aircraft certificated by NAA of recognised country
21.029B	Issue of type acceptance certificates subject to conditions
21.029C	Refusal to issue type acceptance certificate
21.031	Type design — meaning
21.033	Inspection and tests
21.035	Flight tests
21.037	Flight test pilot
21.039	Flight test instrument calibration and correction report
21.041	Type certificate — meaning
21.043	Location of manufacturing facilities
21.047	Transferability
21.049	Availability
21.050	Instructions for continued airworthiness and manufacturer's maintenance manuals having airworthiness limitations sections
21.051	Type certificates and type acceptance certificates — duration and suspension or cancellation
21.053	Statement of conformity
Subpart 21.C	Provisional type certificates
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21.073	Eligibility
21.075	Application
21.076	Issue of provisional type certificate
21.077	Duration
21.078	Suspension and cancellation
21.079	Transferability
21.081	Requirements for issue and amendment of Class I provisional type certificates
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Subpart 21.D	Changes to type certificates
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21.098	Issue of approval of major change in type design
21.099	Required design changes

21.101	Designation of applicable regulations
Subpart 21.E	Supplemental type certificates
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21.114	Foreign supplemental type certificates
21.115	Applicable requirements
21.117	Entitlement to supplemental type certificates
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21.119	Duration, suspension and cancellation of foreign supplemental type certificates
Subpart 21.F	Production under type certificate only
21.121	Applicability
21.123	Production under type certificate
21.125	Production inspection system: Materials Review Board
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21.128	Tests: aircraft engines
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21.130	Statement of conformity
21.130A	Records to be kept by manufacturer
Subpart 21.G	Production certificates
21.131	Applicability
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21.133	Eligibility
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21.143	Quality system data requirements: prime manufacturer
21.144	Production inspection system
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21.147	Changes in quality system
21.149	Multiple products
21.151	Production limitation record
21.153	Amendment of production certificate
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21.172	Definitions for Subpart
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21.187	Multiple-category airworthiness certification
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21.192	Experimental certificates: eligibility
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21.249	Inspections
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21.303	Replacement and modification parts

21.304	Conditions of an APMA
21.304A	Changes to an APMA
21.305	Approval of materials, parts, processes and appliances
21.305A	Approval of materials, parts, processes and appliances not covered by regulation 21.305
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Regulation 21.001

Division 21.Q.1 Preliminary

21.805 Applicability of this Subpart

21.810 Meaning of *fireproof***Division 21.Q.2 Aircraft, aircraft engines and aircraft propellers**

21.815 Applicability of this Division

21.820 Manufacturer's data plate must be attached to aircraft

21.825 Manufacturer's data plate must be attached to basket of manned free balloon

21.830 Heater assembly of manned free balloon must carry identification mark

21.835 Manufacturer's data plate must be attached to aircraft engine

21.840 Aircraft propellers, blades and hubs must carry identification marks

Division 21.Q.3 Critical parts

21.845 Applicability of this Division

21.850 Identification of critical parts

21.855 Removal or alteration of identification on critical parts

Division 21.Q.4 Aircraft parts

21.860 Applicability of this Division

21.865 Identification of parts produced under an APMA

21.870 Identification of parts produced under an APMA if marking is impracticable

21.875 Identification of other aircraft parts

21.880 Identification of other aircraft parts — other than by marking

Subpart 21.A General**21.001 Applicability**

This Part deals with certification and airworthiness requirements, and includes:

- (a) rules dealing with type certificates, provisional type certificates, supplemental type certificates, type acceptance certificates, production certificates, certificates of airworthiness and export airworthiness approvals; and

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- (b) rules governing the holders of certificates or approvals mentioned in paragraph (a); and
- (c) rules dealing with the approval of aircraft engines, propellers and certain materials, parts, processes, and appliances.

Source FARs section 21.1 modified.

21.001A Definition for Subpart

In this Subpart:

instrument means an approval, authorisation, certificate or permit issued under this Part.

21.002A Requests for information

- (1) CASA or an authorised person may, by written notice, require an applicant for an instrument to give CASA or the authorised person any written information or document necessary to decide the application.
- (2) If CASA or an authorised person gives the applicant a notice, CASA or the authorised person is not required to consider, or further consider, the application until the applicant complies with the notice.

21.002B Applicants to be told about decisions

- (1) As soon as practicable after CASA or an authorised person decides an application for an instrument, CASA or the authorised person must tell the applicant in writing of its decision.
- (2) If the decision is to refuse the application, CASA or the authorised person must also give the applicant written reasons for the decision.

Note Regulation 201.004 provides for review of certain decisions by the Administrative Appeals Tribunal.

21.002C Suspension or cancellation of an instrument

- (1) CASA may suspend or cancel an instrument, by written notice given to its holder, if:

Regulation 21.002D

- (a) CASA is reasonably satisfied that the holder has made or caused to be made:
 - (i) a fraudulent or intentionally false statement on the application for the instrument; or
 - (ii) an intentionally false entry in a record or report that is required to be kept, made, or used to show compliance with any requirement for the issue or the exercise of the privileges of the instrument; or
 - (iii) a reproduction for a fraudulent purpose of any instrument; or
 - (iv) an alteration for a fraudulent purpose of any instrument; and
 - (b) CASA has given the holder a show cause notice under regulation 21.002D in relation to the instrument; and
 - (c) CASA has taken into account any representations made by or on behalf of the holder within the period stated in the notice.
- (2) A notice must set out:
- (a) the grounds for the suspension or cancellation; and
 - (b) in the case of a suspension — when the suspension stops having effect.
- (3) An instrument that is suspended under this regulation has no force while it is suspended, but, if it was issued for a fixed term, the suspension period counts as part of the term.
- (4) If CASA suspends an instrument under this regulation, the holder cannot use it to meet the requirements for the issue of any other instrument during the period of suspension.

Source FARs section 21.2 modified.

21.002D Show cause notices

- (1) CASA may give the holder of an instrument a show cause notice if there are reasonable grounds for believing that there are facts or circumstances that would justify the suspension or cancellation of the instrument under regulation 21.002C.

Regulation 21.002E

- (2) A show cause notice must be in writing and must:
 - (a) inform the holder of the facts or circumstances that, in CASA's opinion, would justify the suspension or cancellation of the instrument; and
 - (b) invite the holder to show cause, within the period stated in the notice, why the instrument should not be suspended or cancelled.
- (3) The period stated in the notice must be reasonable, having regard to all the circumstances of the case.

21.002E Cancellation of certain certificates

- (2) If CASA cancels a type certificate, provisional type certificate, type acceptance certificate or supplemental type certificate under regulation 11.130, CASA must publish a notice in the *Gazette* stating:
 - (a) that the certificate is cancelled; and
 - (b) when the cancellation takes effect.
- (3) The cancellation of a certificate mentioned in subregulation (2) takes effect on the day after the notice is published in the *Gazette*, or if a later day is stated in the request for cancellation, on the later day.

21.003 Reporting failures, malfunctions, and defects

- (1) The holder of a type certificate, a supplemental type certificate, an APMA or an ATSO authorisation, or the licensee of a type certificate or supplemental type certificate, must report to CASA any failure, malfunction, or defect in any of the following that has resulted in any of the occurrences listed in subregulation (4):
 - (a) an aircraft, aircraft engine or propeller, or any other part or article manufactured by it;
 - (b) a manufacturing process specified by it.

Penalty: 25 penalty units.

Regulation 21.003

- (2) The holder of a type certificate, a supplemental type certificate, an APMA, or an ATSO authorisation, or the licensee of a type certificate or supplemental type certificate, must report to CASA any defect in any aircraft, aircraft engine or propeller, or in any part, or article manufactured by it that has left its control and that could result in any of the occurrences listed in subregulation (4).

Penalty: 25 penalty units.

- (4) The following occurrences must be reported as provided in subregulations (1) and (2):
- (a) fires caused by a system or equipment failure, malfunction, or defect;
 - (b) an engine exhaust system failure, malfunction, or defect which causes damage to the engine, adjacent aircraft structure, equipment, or components;
 - (c) the accumulation or circulation of toxic or noxious gases in the crew compartment or passenger cabin;
 - (d) a malfunction, failure, or defect of a propeller control system;
 - (e) a propeller or rotorcraft hub or blade structural failure;
 - (f) flammable fluid leakage in areas where an ignition source normally exists;
 - (g) a brake system failure caused by structural or material failure during operation;
 - (h) a significant aircraft primary structural defect or failure caused by any self-generating condition (for example, fatigue or corrosion);
 - (i) any abnormal vibration or buffeting caused by a structural or system malfunction, defect, or failure;
 - (j) an engine failure;
 - (k) any structural or flight control system malfunction, defect, or failure which causes an interference with normal control of the aircraft or which derogates from the flying qualities;
 - (l) a complete loss of more than one electrical power generating system or hydraulic power system during a given operation of the aircraft;

Regulation 21.003

- (m) a failure or malfunction of more than one attitude, airspeed, or altitude instrument during a given operation of the aircraft.
- (5) This subregulation applies to:
 - (a) failures, malfunctions, or defects that the holder of a type certificate, a supplemental type certificate, an APMA or an ATSO authorisation, or the licensee of a type certificate or supplemental type certificate:
 - (i) has reasonable grounds for believing were caused by improper maintenance, or improper usage; or
 - (ii) has reasonable grounds for believing were reported to CASA by another person under Part 4B of CAR 1988; or
 - (iii) has already reported under the accident reporting provisions of the *Air Navigation Act 1920*; and
 - (b) failures, malfunctions, or defects in aircraft, aircraft engines, propellers, or other parts or articles:
 - (i) manufactured by a foreign manufacturer under a type certificate of the kind mentioned in regulation 21.025 or 21.027 or issued under regulation 21.029, or a letter of ATSO design approval under regulation 21.617; or
 - (ii) imported into Australian territory under regulation 21.500, 21.500A, 21.502 or 21.502A.
- (6) For subregulations (1) and (2), a report must:
 - (a) be given to CASA, in writing, within 3 working days after the person required to make the report becomes aware, or could reasonably be expected to have become aware, that the failure, malfunction, or defect required to be reported has occurred; and
 - (b) include as much of the following information as is available and applicable:
 - (i) the aircraft's serial number;
 - (ii) the aircraft's registration mark;

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- (iii) when the failure, malfunction, or defect is associated with an article approved under an ATSO authorisation — the article serial number and model designation, as appropriate;
 - (iv) when the failure, malfunction, or defect is associated with an aircraft engine or propeller — the aircraft engine or propeller serial number, as appropriate;
 - (v) identification of the product model;
 - (vi) identification of the part, component, or system involved (including the part number);
 - (vii) the nature of the failure, malfunction, or defect.
- (7) Whenever the investigation of an accident or service difficulty report shows that an article manufactured under an ATSO authorisation is unsafe because of a manufacturing or design defect, the manufacturer must, upon request of CASA, investigate the defect and report to CASA the results of its investigation and any action taken or proposed by the manufacturer to correct that defect.

Penalty: 25 penalty units.

- (8) If action is required to correct the defect in an article manufactured under an ATSO, the manufacturer must submit to CASA the data necessary for the issue of an appropriate airworthiness directive.

Penalty: 10 penalty units.

- (9) An offence against subregulation (7) or (8) is an offence of strict liability.

Note For **strict liability**, see section 6.1 of the *Criminal Code*.

- (10) It is a defence to a prosecution under subregulation (1) if the failure, malfunction or defect is of a kind to which subregulation (5) applies.

Note A defendant bears an evidential burden in relation to the matter mentioned in subregulation (10) (see subsection 13.3 (3) of the *Criminal Code*).

Source FARs section 21.3 modified.

Regulation 21.005

21.005 Aeroplane or rotorcraft flight manual

- (1) With each aeroplane or rotorcraft that was not type certificated with an aeroplane or rotorcraft flight manual and that has had no flight time prior to 1 March 1979, either the holder of a type certificate or a supplemental type certificate, or the licensee of a type certificate, must give the owner, when the owner takes delivery of the aeroplane or rotorcraft from the holder or licensee, a current aeroplane or rotorcraft flight manual that is approved under these regulations and contains the information mentioned in subregulations (2) and (3).

Penalty: 10 penalty units.

- (1A) An offence against subregulation (1) is an offence of strict liability.

Note For **strict liability**, see section 6.1 of the *Criminal Code*.

- (2) The aeroplane or rotorcraft flight manual must contain the operating limitations and information required to be furnished in an aeroplane or rotorcraft flight manual or in manual material, markings, and placards, by the applicable regulations under which the aeroplane or rotorcraft was type certificated.
- (3) The maximum ambient atmospheric temperature for which engine cooling was demonstrated must be stated in the performance information section of the flight manual, if the applicable regulations under which the aircraft was type certificated do not require ambient temperature on engine cooling operating limitations in the flight manual.

Source FARs section 21.5 modified.

Subpart 21.B Type certificates and type acceptance certificates

Note A type certificate or a type acceptance certificate issued under this Part for an aircraft, aircraft engine or propeller does not certify that it complies with the Air Navigation (Aircraft Noise) Regulations, the Air Navigation (Aircraft Engine Emissions) Regulations or any other applicable Commonwealth legislation. Compliance with those regulations or other applicable Commonwealth legislation may be required before the aircraft, aircraft engine or propeller may be legally operated.

Regulation 21.013A

21.011 Applicability

This Subpart prescribes:

- (a) requirements for the issue of:
 - (i) type certificates for aircraft, aircraft engines and propellers; and
 - (ii) type acceptance certificates for aircraft; and
- (b) rules governing the holders of those certificates; and
- (c) rules dealing with the NAAs of foreign countries.

Source FARs section 21.11 modified.

21.012 Recognised foreign countries

Each of the following countries is a recognised country for these regulations:

- (a) Canada;
- (aa) Federal Republic of Germany;
- (b) New Zealand;
- (c) The French Republic;
- (d) The Kingdom of the Netherlands;
- (e) The United Kingdom;
- (f) The United States of America.

21.013 Eligibility

Any person is eligible to apply to CASA for a type certificate or a type acceptance certificate.

Source FARs section 21.13 modified.

21.013A Issue of type certificate

CASA must issue a type certificate (except a type certificate mentioned in regulation 21.029) to an applicant for the certificate if the applicant:

- (a) is eligible, under regulation 21.013, to apply for the certificate; and
- (b) applies for the certificate in accordance with this Subpart; and

Regulation 21.014

- (c) is entitled, under this Subpart, to the certificate; and
- (d) otherwise complies with this Part.

21.014 Recognition of foreign certification

Despite regulation 21.013A, CASA must not issue a type certificate mentioned in regulation 21.021, 21.024, or 21.025, for an aircraft manufactured in another country, if:

- (a) a type acceptance certificate may be issued for the aircraft under regulation 21.029A; or
- (b) a type certificate may be issued for the aircraft under regulation 21.029.

21.015 Application for type certificate

- (1) An application for a type certificate must be made to CASA in a form and manner acceptable to CASA.
- (2) An application for an aircraft type certificate must be accompanied by a three-view drawing of that aircraft and available preliminary basic data.
- (3) An application for an aircraft engine type certificate must be accompanied by a description of the engine design features, the engine operating characteristics, and the proposed engine operating limitations.

Source FARs section 21.15 modified.

21.016 Special standards and other conditions on type certificates

- (1) If CASA considers that some of the airworthiness standards mentioned in these regulations that are applicable to a particular type of aircraft, aircraft engine or propeller do not provide an adequate or appropriate safety standard for the aircraft, aircraft engine or propeller, CASA may issue a type certificate for it on condition that it complies with any special conditions that are necessary to establish a level of safety equivalent to that established under these regulations for comparable aircraft, aircraft engines or propellers.

Regulation 21.017

- (2) CASA may issue a type certificate for an aircraft, aircraft engine or propeller subject to any other conditions that are necessary in the interests of aviation safety.
- (3) A condition imposed under subregulation (2) may include operational limitations.
- (4) A special condition or other condition must be in writing, and set out in, or attached to, the type certificate.
- (5) A person must not engage in conduct that results in a breach of a special condition or other condition of a type certificate.

Penalty: 50 penalty units.

- (6) An offence against subregulation (5) is an offence of strict liability.

Note For **strict liability**, see section 6.1 of the *Criminal Code*.

Source FARs section 21.16 modified.

Source FARs section 21.16 modified.

21.017 Designation of applicable airworthiness standards

- (1) An applicant for a type certificate for an aircraft mentioned in regulation 21.021 or 21.025, or an aircraft engine or propeller, must show that the aircraft, aircraft engine or propeller meets:
 - (a) the applicable requirements of this Part, and of the airworthiness standards mentioned in Parts 22, 23, 25, 27, 29, 31, 32, 33 and 35, that are effective on the date of application for that certificate unless:
 - (i) otherwise specified by CASA; or
 - (ii) compliance with later effective amendments is elected or required under this regulation; and
 - (b) any special conditions imposed under regulation 21.016.
- (2) For special classes of aircraft (airships and other non-conventional aircraft), including the engines and propellers installed thereon, for which airworthiness standards have not been prescribed in these regulations, the airworthiness standards are the portions of those airworthiness standards mentioned in Parts 22, 23, 25, 27, 29, 31, 32, 33 and 35 that CASA considers to be appropriate for the aircraft and

Regulation 21.017

applicable to a specific type design, or such airworthiness criteria as CASA may consider provide an equivalent level of safety to those Parts.

- (3) An application for type certification of a transport category aircraft is effective for 5 years, and an application for any other type certificate is effective for 3 years, unless an applicant shows, before the application lapses, that the aircraft requires a longer period of time for design, development, and testing, and CASA approves a longer period.
- (4) If an application ceases to be effective, the applicant may:
 - (a) file a new application for a type certificate and comply with all the provisions of subregulation (1) applicable to an original application; or
 - (b) file for an extension of the original application and comply with the applicable airworthiness requirements of these regulations that were effective on a date, to be selected by the applicant, not earlier than the date which precedes the date of issue of the type certificate by the time limit established under subregulation (3) for the original application.
- (5) If an applicant elects to comply with an amendment to these regulations, or to any matter incorporated by reference in these regulations, that is effective after the filing of the application for a type certificate, the applicant must also comply with any other amendment or incorporated matter that CASA considers is directly related to the application.
- (6) For primary category aircraft, the airworthiness standards are the airworthiness standards mentioned in Part 26 or such other airworthiness criteria that CASA considers are appropriate to the specific design and intended use and provide a level of safety acceptable to CASA when the aircraft is operated under the conditions stated in its type certification basis.
- (7) For intermediate category aircraft, the airworthiness standards are the airworthiness standards mentioned in Part 26 or such other airworthiness criteria that CASA considers are appropriate to the specific design and intended use and provide a level of safety acceptable to CASA when the aircraft is

Regulation 21.019

operated under the conditions stated in its type certification basis.

- (8) If an airworthiness standard has been agreed by CASA or one of its predecessors after 30 September 1993 as a response to a design advice mentioned in section 100.3 or 100.6 of the Civil Aviation Orders, the standard continues to apply until 5 years after the date of approval of the design advice, unless the applicant elects to comply with a later standard.

Source FARs section 21.17 modified.

21.019 Changes requiring a new type certificate

- (1) A type certificate for an aircraft, aircraft engine or propeller ceases to apply to an aircraft, aircraft engine or propeller of that type if:
- (a) a change is made in the design configuration, power, power limitations (engines), speed limitations (engines), or weight of the aircraft, aircraft engine or propeller that is so extensive that a substantially complete investigation of compliance with the requirements applicable under regulation 21.017 is necessary in the interests of aviation safety; or
 - (b) in the case of a normal, utility, acrobatic, commuter or transport category aircraft, a change is made:
 - (i) in the number of its engines or rotors; or
 - (ii) to engines or rotors using different principles of propulsion or to rotors using different principles of operation; or
 - (c) in the case of an aircraft engine — a change is made in the principle of operation; or
 - (d) in the case of propellers — a change is made in the number of blades or principle of pitch change operation.
- (2) A person who proposes to make a change mentioned in subregulation (1) may apply to CASA for a new type certificate for the aircraft, aircraft engine or propeller.

Source FARs section 21.19 modified.

Regulation 21.021

21.021 Type certificate: normal, utility, acrobatic, commuter, and transport category aircraft; manned free balloons; special classes of aircraft; aircraft engines; propellers

An applicant is entitled to a type certificate for an aircraft (except an aircraft mentioned in regulation 21.027) in the normal, utility, acrobatic, commuter, or transport category, or for a manned free balloon, or for a special class of aircraft or an aircraft engine or propeller, if:

- (a) the applicant submits the type design, test reports, and computations necessary to show that the aircraft, aircraft engine or propeller to be certificated meets the applicable requirements of this Part, the airworthiness standards mentioned in these regulations and any conditions subject to which the type certificate is to be issued; and
- (b) CASA is satisfied that the type design and the aircraft, engine or propeller meet the applicable requirements of this Part and the airworthiness standards mentioned in these regulations, and any airworthiness provisions not complied with are compensated for by factors that provide an equivalent level of safety; and
- (c) for an aircraft — CASA is satisfied the aircraft can reasonably be expected to be safe for its intended use when it is operated under any conditions limiting its intended use.

Source FARs section 21.21 modified.

21.024 Type certificate: primary category aircraft

- (1) The applicant is entitled to a type certificate for an aircraft in the primary category if:
 - (a) the aircraft:
 - (i) is unpowered; is an aeroplane powered by a single, naturally aspirated engine with a 61 knots or less V_{S0} stall speed as defined in FARs section 23.49; or is a rotorcraft powered by a single, naturally aspirated engine with a 29.3 kgm^{-2} main rotor disc loading limitation, under sea level standard day conditions; and

Regulation 21.024

- (ii) has a maximum take-off weight of not more than 1225 kg or, if the aircraft is a seaplane, a maximum take-off weight of not more than 1530 kg; and
 - (iii) has a maximum seating capacity of not more than 4 persons, including the pilot; and
 - (iv) has an unpressurised cabin; and
- (b) the applicant has submitted to CASA:
 - (i) except as provided by subregulation (3), a statement, in a form and manner acceptable to CASA, certifying that: the applicant has completed the engineering analysis necessary to demonstrate compliance with the applicable airworthiness requirements; the applicant has conducted appropriate flight, structural, propulsion, and systems tests necessary to show that the aircraft, its components, and its equipment are reliable and function properly; the type design complies with the airworthiness standards established for the aircraft under subregulation 21.017 (6); and the aircraft can reasonably be expected to be safe for its intended use when it is operated under any conditions limiting its intended use; and
 - (ii) the flight manual required by regulation 21.005, including any information required to be furnished by the applicable airworthiness standards; and
 - (iii) instructions for continued airworthiness in accordance with subregulation 21.050 (2); and
 - (iv) a report that: summarises how compliance with each provision of the type certification basis was determined; lists the specific documents in which the type certification data information is provided; lists all necessary drawings and documents used to define the type design; and lists all the engineering reports on tests and computations the applicant must retain and make available under regulation 21.049 to substantiate compliance with the applicable airworthiness standards; and

Regulation 21.025

- (c) CASA is satisfied that:
 - (i) the aircraft complies with the airworthiness standards or other criteria established under subregulation 21.017 (6); and
 - (ii) the aircraft can reasonably be expected to be safe for its intended use when it is operated under any conditions limiting its intended use.
- (2) An applicant may include a special inspection and preventive maintenance program, designed to be accomplished by the pilot-owner, as part of the aircraft's type design or supplemental type design.
- (3) For aircraft manufactured outside Australian territory in a country with which Australia has a bilateral agreement for the acceptance of these aircraft, and from which the aircraft is to be imported into Australian territory, the statement required by subparagraph (1) (b) (i) must be made by the NAA of the exporting country.

Source FARs section 21.24 modified.

21.025 Issue of type certificate: restricted category aircraft

- (1) An applicant is entitled to a type certificate for an aircraft in the restricted category for one or more of the special purpose operations mentioned in subregulation (2) if:
 - (a) the aircraft can reasonably be expected to be safe for its intended use when it is operated under any conditions limiting its intended use; and
 - (b) the aircraft:
 - (i) meets the airworthiness requirements of the normal, utility, acrobatic, commuter or transport category, except those requirements that CASA considers are inappropriate for the special purpose for which the aircraft is to be used; or
 - (ii) is of a type that has been manufactured in accordance with the requirements of, and accepted for use by, the Defence Force, or an armed force of Canada, the United Kingdom or the United States of

Regulation 21.026

America, and has been later modified for the special purpose operation or operations.

- (2) For subregulation (1), the special purpose operations are:
- (a) agricultural operations (for example, spraying, dusting, and seeding, and livestock and feral animal control); and
 - (b) forest and wildlife conservation; and
 - (c) firefighting; and
 - (d) aerial surveying or scientific research (for example, photography, mapping, and oil and mineral exploration); and
 - (e) patrolling (for example, pipelines, power lines, and canals); and
 - (f) weather control and atmospheric research (for example, cloud seeding); and
 - (g) aerial advertising (for example, skywriting, banner towing, airborne signs and public address systems); and
 - (h) glider towing; and
 - (i) target towing; and
 - (j) target designation; and
 - (k) any other operation similar to any of these operations.

Source FARs section 21.25 modified.

21.026 Type certificate: intermediate category aircraft

- (1) The applicant is entitled to a type certificate for an aircraft in the intermediate category if:
- (a) the aircraft:
 - (i) is an aeroplane with a 61 knots or less V_{S0} stall speed as defined in FARs section 23.49; or is a rotorcraft with a 29.3 kgm^{-2} main rotor disc loading limitation, under sea level standard day conditions; and
 - (ii) has a maximum take-off weight of not more than 1750 kg; and
 - (iii) has a maximum seating capacity of 4 persons, including the pilot; and
 - (iv) has an unpressurised cabin; and

Regulation 21.026

- (b) the applicant has submitted to CASA:
 - (i) except as provided by subregulation (3), a statement, in a form and manner acceptable to CASA, certifying that: the applicant has completed the engineering analysis necessary to demonstrate compliance with the applicable airworthiness requirements; the applicant has conducted appropriate flight, structural, propulsion, and systems tests necessary to show that the aircraft, its components, and its equipment are reliable and function properly; the type design complies with the airworthiness standards established for the aircraft under subregulation 21.017 (7); and the aircraft can reasonably be expected to be safe for its intended use when it is operated under any conditions limiting its intended use; and
 - (ii) the flight manual required by regulation 21.005, including any information required to be furnished by the applicable airworthiness standards; and
 - (iii) instructions for continued airworthiness in accordance with subregulation 21.050 (2); and
 - (iv) a report that: summarises how compliance with each provision of the type certification basis was determined; lists the specific documents in which the type certification data information is provided; lists all necessary drawings and documents used to define the type design; and lists all the engineering reports on tests and computations that the applicant must retain and make available under regulation 21.049 to substantiate compliance with the applicable airworthiness standards; and
- (c) CASA is satisfied that:
 - (i) the aircraft complies with the airworthiness standards or other criteria established under subregulation 21.017 (7); and
 - (ii) the aircraft can reasonably be expected to be safe for its intended use when it is operated under any conditions limiting its intended use.

Regulation 21.027

- (2) An applicant may include a special inspection and preventive maintenance program, designed to be accomplished by the pilot-owner, as part of the aircraft's type design or supplemental type design.
- (3) For aircraft manufactured outside Australian territory in a country with which Australia has a bilateral agreement for the acceptance of these aircraft, and from which the aircraft is to be imported into Australian territory, the statement required by subparagraph (1) (b) (i) must be made by the NAA of the exporting country.

Source FARs section 21.24 modified.

21.027 Type certificate: surplus aircraft of the Armed Forces

- (1) Except as provided in subregulation (2), an applicant is entitled to a type certificate for an aircraft in the normal, utility, acrobatic, commuter, or transport category that was designed and constructed in Australian territory and was accepted for operational use, and declared surplus by, the Defence Force, or an armed force of Canada, the United Kingdom or the United States of America (in this regulation called a ***surplus defence aircraft***), and that is shown to comply with the applicable certification requirements in subregulation (6).
- (2) An applicant is entitled to a type certificate for a surplus defence aircraft that is a counterpart of a previously type certificated civil aircraft, if the applicant shows compliance with the regulations governing the original civil aircraft type certificate.
- (3) Aircraft engines, propellers, and their related accessories installed in surplus defence aircraft, for which a type certificate is sought under this regulation will be approved for use on those aircraft if the applicant shows that on the basis of the previous military qualifications, acceptance, and service record, the engines or propellers provide substantially the same level of airworthiness as would be provided if the engines or propellers met the airworthiness standards mentioned in Part 33 or 35.

Regulation 21.027

- (4) CASA may relieve an applicant from strict compliance with a specific provision of the applicable requirements in subregulation (6), if CASA is satisfied that the method of compliance proposed by the applicant provides substantially the same level of airworthiness and that strict compliance with the requirements would impose a severe burden on the applicant. CASA may use experience that was satisfactory to the relevant armed force in making such a determination.
- (5) CASA may require an applicant to comply with later requirements than those in subregulations (3) and (6) if CASA is satisfied that compliance with the requirements in those subregulations would not ensure an adequate level of airworthiness for the aircraft.
- (6) Except as provided in subregulations (2), (3), (4) and (5), an applicant for a type certificate under this regulation must comply with the appropriate regulations listed in Table 21.027.

Table 21.027 Regulations that must be complied with for particular kinds of aircraft

Type of Aircraft	Date accepted for operational use by the Armed Force	Regulations that apply ¹
Small reciprocating-engine powered aeroplanes	Before May 16, 1956	Civil Air Regulations Part 3, as effective May 15 1956
	After May 15, 1956	Civil Air Regulations Part 3, or FARs Part 23, or CASR Part 23
Small turbine-engine powered aeroplanes	Before Oct. 2, 1959	Civil Air Regulations Part 3, as effective Oct. 1 1959
	After Oct. 1, 1959	Civil Air Regulations Part 3, or FARs Part 23, or CASR Part 23
Commuter category aeroplanes	After Feb. 17, 1987	FARs Part 23, as effective Feb 17, 1987, or CASR Part 23
Large reciprocating-engine	Before Aug. 26, 1955	Civil Air Regulations Part 4b, as effective Aug. 25,

Regulation 21.027

Table 21.027 Regulations that must be complied with for particular kinds of aircraft

Type of Aircraft	Date accepted for operational use by the Armed Force	Regulations that apply ¹
powered aeroplanes		1955
	After Aug. 25, 1955	Civil Air Regulations Part 4b, or FARs Part 25, or CASR Part 25
Large turbine engine-powered aeroplanes	Before Oct. 2, 1959	Civil Air Regulations Part 4b, as effective Oct. 1, 1959
	After Oct. 1, 1959	Civil Air Regulations Part 4b, or FARs Part 25, or CASR 25
Rotorcraft with a maximum certificated take-off weight of:		
2,722 kg or less	Before Oct. 2, 1959	Civil Air Regulations Part 6, as effective Oct. 1, 1959
	After Oct. 1, 1959	Civil Air Regulations Part 6, or FARs Part 27, or CASR Part 27
Over 2,722 kg	Before Oct. 2, 1959	Civil Air Regulations Part 7, as effective Oct. 1, 1959
	After Oct. 1, 1959	Civil Air Regulations Part 7, or FARs Part 29, or CASR Part 29.

¹ Where no specific date is listed, the applicable regulations are those in effect on the date that the first aircraft of the particular model was accepted for operational use by the relevant armed force.

Source FARs section 21.27 modified.

Regulation 21.029

21.029 Type certificate for imported aircraft, aircraft engines or propellers not type certificated by NAA of recognised country

- (1) CASA may issue a type certificate for an aircraft, aircraft engine or propeller manufactured in a foreign country and for which a foreign type certificate issued by the NAA of a recognised country is not in force, if the aircraft, aircraft engine or propeller:
 - (a) meets the applicable airworthiness requirements mentioned in regulation 21.017; or
 - (b) meets the airworthiness requirements of a Contracting State and any other requirements imposed by CASA that are necessary to provide a level of safety equivalent to that provided under these regulations for comparable aircraft, aircraft engines or propellers.
- (2) CASA may accept a certificate given by the NAA of a Contracting State to the effect that an aircraft, aircraft engine or propeller meets the State's airworthiness requirements as evidence of that fact.
- (3) An application for a type certificate under this regulation must be accompanied by:
 - (a) any relevant certificate issued by the NAA of a Contracting State; and
 - (b) the relevant technical data.
- (4) CASA may inspect the aircraft, aircraft engine or propeller and carry out, or require the applicant to carry out, any tests and inspections necessary to enable CASA to decide whether or not to issue the type certificate.

Source FARs section 21.29 modified.

21.029A Type acceptance certificate for imported aircraft certificated by NAA of recognised country

Subject to regulations 21.029B and 21.029C, CASA must issue a type acceptance certificate for an aircraft manufactured in a foreign country, without making the type acceptance certificate subject to any conditions, if:

Regulation 21.029B

- (a) a foreign type certificate or equivalent document issued by the NAA of a recognised country is in force for aircraft of that type; and
- (b) the applicant has given CASA:
 - (i) evidence that the type design has been approved by the NAA of the recognised country by issue of a type certificate or equivalent document; and
 - (ii) details of any equivalent safety determinations or waivers (however described) that were made in the course of the type certification; and
 - (iii) a copy of the applicable type certificate data sheet; and
 - (iv) a copy of the flight manual that contains all the available options applicable to the type, and that was approved by the NAA that issued the foreign type certificate; and
 - (v) a copy of the manufacturer's instructions for continued airworthiness of the aircraft; and
 - (vi) a copy of the parts catalogue for the aircraft; and
 - (vii) a list of all current field service documents applicable to the aircraft; and
 - (viii) an undertaking from the holder of the foreign type certificate to continue to supply to CASA service bulletins and instructions for the continuing airworthiness of aircraft of that type and any amendments of the documents mentioned in subparagraphs (iv), (v), (vi) and (vii).

21.029B Issue of type acceptance certificates subject to conditions

- (1) CASA may issue a type acceptance certificate under regulation 21.029A subject to a condition that is substantially the same as a condition imposed by the NAA of a recognised country on the corresponding foreign type certificate.
- (2) Also, CASA may issue a type acceptance certificate subject to other conditions if:

Regulation 21.029C

- (a) there are reasonable grounds for believing that issuing the certificate without imposing conditions or taking other measures would constitute a significant threat to aviation safety; and
 - (b) CASA has consulted the applicant, the manufacturer of the aircraft and the NAA that issued the foreign type certificate about the safety issues involved; and
 - (c) CASA has considered the views of the applicant, the manufacturer and the NAA before deciding whether or not to issue the type acceptance certificate subject to conditions; and
 - (d) there are reasonable grounds for believing that imposing the conditions would substantially reduce the threat to aviation safety; and
 - (e) there are no other practicable means of substantially reducing the threat to aviation safety.
- (3) A condition may include operational limitations.
- (4) A condition must be in writing, and set out in, or attached to, the type acceptance certificate.
- (5) A person must not engage in conduct that results in a breach of a condition of a type acceptance certificate.

Penalty: 50 penalty units.

- (6) An offence against subregulation (5) is an offence of strict liability.

Note The power of CASA to issue a type acceptance certificate subject to a condition under subregulation (2) must be exercised by the Director personally: see paragraph 11.260 (2) (b).

21.029C Refusal to issue type acceptance certificate

- (1) CASA may refuse to issue a type acceptance certificate for an aircraft manufactured in a foreign country if:
- (a) there are reasonable grounds for believing that issuing the certificate would constitute a significant threat to aviation safety; and

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- (b) CASA has consulted the applicant, the manufacturer of the aircraft and the NAA that issued the foreign type certificate about the safety issues involved; and
 - (c) CASA has considered the views of the applicant, the manufacturer and the NAA before deciding whether to issue the type acceptance certificate; and
 - (d) there are reasonable grounds for believing that issuing the certificate subject to conditions is not a practicable means of substantially reducing the threat to aviation safety and there are no other practicable means of substantially reducing the threat.
- (2) If CASA refuses to issue a type acceptance certificate, CASA must deal with the application for the type acceptance certificate as if it were an application for a type certificate under regulation 21.029.

Note The power of CASA to refuse to issue a type acceptance certificate must be exercised by the Director personally: see paragraph 11.260 (2) (c).

21.031 Type design — meaning

- (1) The type design of an aircraft, aircraft engine or propeller (except an aircraft, aircraft engine or propeller type certificated under regulation 21.029 or 21.029A) consists of the following:
- (a) the drawings and specifications approved by CASA or an authorised person, and a listing of those drawings and specifications, necessary to define the configuration and the design features of the aircraft, aircraft engine or propeller shown to comply with the airworthiness standards applicable to it under regulation 21.017;
 - (b) information on dimensions, materials, and processes necessary to define the structural strength of the aircraft, aircraft engine or propeller;
 - (c) the airworthiness limitations section of the instructions for continued airworthiness as required by the airworthiness standards mentioned in Parts 22, 23, 25, 26, 27, 29, 31, 32, 33 and 35; or as otherwise required by CASA and as specified in the applicable airworthiness criteria for special classes of aircraft mentioned in subregulation 21.017 (2);

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- (d) the operating limitations and other information necessary for the safe operation of the aircraft, aircraft engine or propeller as required by the airworthiness standards mentioned in Parts 22, 23, 25, 26, 27, 29, 31, 32, 33 and 35 and as specified in the applicable airworthiness criteria for special classes of aircraft mentioned in subregulation 21.017 (2);
 - (e) for primary and intermediate category aircraft, if maintenance on the aircraft is to be carried out by an appropriately rated and trained pilot-owner — a special inspection and preventive maintenance program designed to be accomplished by the pilot-owner;
 - (f) any other data necessary to allow, by comparison, the determination of the airworthiness of later aircraft, aircraft engines or propellers of the same type.
- (2) The type design for an aircraft, aircraft engine or propeller type certificated under regulation 21.029 consists of the following:
- (a) the drawings and specifications, and a listing of those drawings and specifications, necessary to define the configuration and the design features of the aircraft, aircraft engine or propeller shown to comply with the airworthiness standards applicable to it under regulation 21.017;
 - (b) information on dimensions, materials, and processes necessary to define the structural strength of the aircraft, aircraft engine or propeller;
 - (c) the airworthiness limitations section of the instructions for continued airworthiness as required by the airworthiness standards mentioned in Parts 22, 23, 25, 26, 27, 29, 31, 32, 33 and 35, or as otherwise required by CASA and as specified in the applicable airworthiness criteria for special classes of aircraft mentioned in subregulation 21.017 (2);
 - (d) the operating limitations and other information necessary for the safe operation of the aircraft, aircraft engine or propeller as required by the airworthiness standards mentioned in Parts 22, 23, 25, 26, 27, 29, 31, 32, 33 and 35, and as specified in the applicable airworthiness criteria

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- for special classes of aircraft mentioned in subregulation 21.017 (2);
- (e) for primary category aircraft, if maintenance on the aircraft is to be carried out by an appropriately rated and trained pilot-owner — a special inspection and preventive maintenance program designed to be accomplished by the pilot-owner;
 - (f) any other data necessary to allow, by comparison, the determination of the airworthiness of later aircraft, aircraft engines or propellers of the same type.
- (3) The type design for an aircraft type certificated under regulation 21.029A consists of the type design that was accepted by the NAA of the recognised country that issued the foreign type certificate for the aircraft.

Source FARs section 21.31 modified.

21.033 Inspection and tests

- (1) CASA is not required to issue, under regulation 21.013A, a type certificate for an aircraft, aircraft engine or propeller unless the applicant allows CASA to make any inspection and any flight and ground test necessary to determine that the aircraft, aircraft engine or propeller complies with the applicable requirements of these regulations. However:
- (a) no aircraft, aircraft engine, propeller, or part thereof may be presented to CASA for test unless compliance with paragraphs (2) (b), (c) and (d) has been shown for that aircraft, aircraft engine, propeller, or part thereof; and
 - (b) no change may be made to an aircraft, aircraft engine, propeller, or part thereof between the time that compliance with paragraphs (2) (b), (c) and (d) is shown for that aircraft, aircraft engine, propeller, or part thereof and the time that it is presented to CASA for test.
- (2) Each applicant must make all inspections and tests necessary to determine:
- (a) compliance with the applicable airworthiness requirements; and

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- (b) that the aircraft, aircraft engine or propeller and its materials conform to the specifications in the type design; and
 - (c) that parts of the aircraft, aircraft engine or propeller conform to the drawings in the type design; and
 - (d) that the manufacturing processes, construction and assembly conform to those specified in the type design.
- (3) For an aircraft with not more than 2 seats, a maximum take-off weight not exceeding 750 kg and a 45 knots or less V_{S0} stall speed as defined in FARs section 23.49 that is to be type certificated in the primary category or intermediate category, an authorised person may make any determination, inspection, flight test or ground test necessary to establish whether the aircraft complies with the applicable requirements of these regulations.

Source FARs section 21.33 modified.

21.035 Flight tests

- (1) Each applicant for a type certificate mentioned in regulation 21.021 (except a type certificate issued under regulation 21.029) must make the tests listed in subregulation (2). Before making the tests the applicant must show CASA:
- (a) compliance with the applicable structural requirements of these regulations; and
 - (b) completion of necessary ground inspections and tests; and
 - (c) that the aircraft conforms with the type design; and
 - (d) that CASA received a flight test report from the applicant (signed, in the case of an application for a type certificate for an aircraft in the transport category, by the applicant's test pilot) containing the results of the tests.
- (2) Upon showing compliance with subregulation (1), the applicant must make all flight tests that CASA considers are necessary:
- (a) to determine compliance with the applicable requirements of these regulations; and

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- (b) for aircraft to be type certificated under these regulations, except gliders and except aeroplanes of 2720 kg or less maximum certificated weight in the normal, utility, acrobatic, or commuter category — to determine whether there is reasonable assurance that the aircraft, its components, and its equipment are reliable and function properly.
- (3) Each applicant must, if practicable, make the tests prescribed in paragraph (2) (b) upon the aircraft that was used to show compliance with:
 - (a) paragraph (2) (a); and
 - (b) for rotorcraft — the rotor drive endurance tests prescribed in the applicable airworthiness standards mentioned in Parts 27 and 29.
- (4) Each applicant must show CASA for each flight test (except in a glider or a manned free balloon) that adequate provision is made for the flight test crew for emergency egress and the use of parachutes.
- (5) Except in a manned free balloon, an applicant must discontinue flight tests under this regulation until the applicant shows CASA that corrective action has been taken, whenever:
 - (a) the applicant's test pilot is unable or unwilling to make any of the required flight tests; or
 - (b) items of non-compliance with requirements are found that may make additional test data meaningless or that would make further testing unduly hazardous.
- (6) The flight tests prescribed in paragraph (2) (b) must include:
 - (a) for aircraft incorporating turbine engines of a type not previously used in a type certificated aircraft — at least 300 hours of operation with a full complement of engines that conform to a type certificate; and
 - (b) for all other aircraft — at least 150 hours of operation.

Source FARs section 21.35 modified.

Regulation 21.037

21.037 Flight test pilot

Each applicant for a type certificate mentioned in regulation 21.021 (except a type certificate issued under regulation 21.029) must provide a person holding an appropriate endorsement under regulation 5.22 of CAR, or an appropriate permission under regulation 5.50 of CAR, to make the flight tests required by this Part.

Source FARs section 21.37 modified.

21.039 Flight test instrument calibration and correction report

- (1) Each applicant for a type certificate mentioned in regulation 21.021 (except a type certificate issued under regulation 21.029) must submit a report to CASA showing the computations and tests required in connection with the calibration of instruments used for test purposes and in the correction of test results to standard atmospheric conditions.
- (2) Each applicant must allow CASA to conduct any flight tests that CASA is satisfied is necessary to check the accuracy of the report submitted under subregulation (1).

Source FARs section 21.39 modified.

21.041 Type certificate — meaning

- (1) In these regulations, unless the contrary intention appears:
foreign type certificate, for an aircraft, aircraft engine or propeller:
 - (a) means a certificate (however described) for the aircraft, aircraft engine or propeller that is issued by the NAA of a foreign country and is equivalent to a type certificate; but
 - (b) does not include a certificate (however described) for the aircraft, aircraft engine or propeller that is issued by the NAA of a foreign country solely on the basis of a certificate (however described) for the aircraft, aircraft engine or propeller that is issued by the NAA of another country and is equivalent to a type certificate.*type certificate*, for an aircraft, aircraft engine or propeller, means a type certificate issued by CASA under regulation

Regulation 21.047

21.013A or 21.029 certifying that the aircraft, aircraft engine or propeller meets the airworthiness standard mentioned for it in the certificate.

- (2) In these regulations, except in this Subpart, a reference to a *type certificate*, or *foreign type certificate*, for an aircraft, aircraft engine or propeller, includes a reference to the type design, the operating limitations, the type certificate data sheet, the applicable airworthiness standards with which the certificate records compliance, and any other conditions or limitations prescribed for the aircraft, aircraft engine or propeller under these regulations.

Source FARs section 21.41 modified.

21.043 Location of manufacturing facilities

Despite regulation 21.013A, CASA is not required to consider an application for a type certificate for an aircraft, aircraft engine or propeller (except an application under regulation 21.029) if the manufacturing facilities for the aircraft, aircraft engine or propeller are located outside Australian territory, unless the location of the manufacturer's facilities places no undue burden on CASA in administering applicable airworthiness requirements.

Source FARs section 21.43 modified.

21.047 Transferability

- (1) A type certificate may be transferred or made available to third persons by licensing agreements.
- (2) A transferor or licensor must, within 30 days after the transfer of a certificate or execution or termination of a licensing agreement, notify CASA in writing.

Penalty: 5 penalty units.

- (3) The notification must state the name and address of the transferee or licensee, the date of the transaction, and in the case of a licensing agreement, the extent of authority granted the licensee.

Penalty: 5 penalty units.

Regulation 21.049

- (4) An offence against subregulation (2) or (3) is an offence of strict liability.

Note For **strict liability**, see section 6.1 of the *Criminal Code*.

Source FARs section 21.47 modified.

21.049 Availability

- (1) The holder of a type certificate must make the certificate, and the type design of the aircraft, aircraft engine or propeller described or identified in the certificate, available for examination by CASA upon the request of CASA.

Penalty: 5 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.

Note For **strict liability**, see section 6.1 of the *Criminal Code*.

Source FARs section 21.49 modified.

21.050 Instructions for continued airworthiness and manufacturer's maintenance manuals having airworthiness limitations sections

- (1) The holder of a type certificate for an aircraft for which an aircraft Maintenance Manual containing an "Airworthiness Limitations" section has been approved as part of the type design and who obtains approval of changes to any replacement time, inspection interval, or related procedure in that section of the manual must make particulars of the changes available upon request to any operator of the same type of aircraft.

Penalty: 5 penalty units.

- (2) The holder of a design approval, including either the type certificate or supplemental type certificate for an aircraft, aircraft engine, or propeller must furnish at least one set of complete Instructions for Continued Airworthiness, prepared in accordance with the applicable airworthiness standards mentioned in Parts 22, 23, 25, 27, 26, 29, 31, 32, 33 and 35, or as specified in the applicable airworthiness criteria for special classes of aircraft mentioned in subregulation 21.017 (2), as

Regulation 21.051

applicable, to the owner of each type of aircraft, aircraft engine, or propeller upon its delivery, or upon issue of the first standard certificate of airworthiness for the affected aircraft, whichever occurs later, and thereafter, on request by a person required by these regulations to comply with any of the terms of the instructions, give them to the person. In addition, changes to the Instructions for Continued Airworthiness shall be made available to any person who requests the changes and who is required by these regulations to comply with any of those instructions.

Penalty: 5 penalty units.

- (3) An offence against subregulation (1) or (2) is an offence of strict liability.

Note For **strict liability**, see section 6.1 of the *Criminal Code*.

Source FARs section 21.50 modified.

21.051 Type certificates and type acceptance certificates — duration and suspension or cancellation

- (1) Subject to regulation 21.019, a type certificate or type acceptance certificate remains in force until it is cancelled.
- (2) Despite subregulation (1), a type certificate or type acceptance certificate is not in force during any period of suspension.
- (3) CASA may suspend or cancel a type certificate if there are reasonable grounds for believing that the type certificate no longer provides a reliable guide that the aircraft can reasonably be expected to be safe for its intended use when operated under any conditions limiting its intended use.
- (4) CASA may suspend or cancel a type acceptance certificate if:
- (a) there are reasonable grounds for believing that not doing so would constitute a significant threat to aviation safety; and
 - (b) CASA has consulted the operator of the aircraft, the manufacturer of the aircraft and the NAA that issued the foreign type certificate about the safety issues involved; and

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- (c) CASA has considered the views of the operator, the manufacturer and the NAA before deciding whether to suspend or cancel the type acceptance certificate.
- (5) If CASA suspends or cancels a type certificate it must:
 - (a) notify the certificate holder in writing of the suspension or cancellation; and
 - (b) publish a notice of the suspension or cancellation, in accordance with subregulation (8), in the *Gazette*.
- (6) If CASA suspends or cancels a type acceptance certificate CASA must publish a notice of the suspension or cancellation, in accordance with subregulation (8), in the *Gazette*.
- (7) A suspension or cancellation takes effect on the day after the notice is published in the *Gazette*.
- (8) A notice of suspension or cancellation under paragraph (5) (b) or subregulation (6) must set out:
 - (a) the grounds for the suspension or cancellation; and
 - (b) when the suspension or cancellation takes effect; and
 - (c) in the case of a suspension — when the suspension stops having effect.

Source FARs section 21.51 modified.

Note 1 The power of CASA to suspend or cancel a type acceptance certificate under subregulation (4) must be exercised by the Director personally: see paragraph 11.260 (2) (d).

Note 2 See also regulations 21.002C and 21.002E in relation to suspension and cancellation of type acceptance certificates.

21.053 Statement of conformity

- (1) Each applicant must submit to CASA a statement of conformity in a manner and form acceptable to CASA for each aircraft engine and propeller presented to CASA for type certification. This statement of conformity must include a statement that the aircraft engine or propeller conforms to the type design therefor.

Regulation 21.073

- (2) Each applicant must submit to CASA a statement of conformity for each aircraft or part thereof presented to CASA for tests. This statement of conformity must include a statement to the effect that the applicant has complied with subregulation 21.033 (1).

Source FARs section 21.53 modified.

Subpart 21.C Provisional type certificates

Note A provisional type certificate issued under this Part for an aircraft, aircraft engine or propeller does not certify that it complies with the Air Navigation (Aircraft Noise) Regulations, the Air Navigation (Aircraft Engine Emissions) Regulations or any other applicable Commonwealth legislation. Compliance with those regulations or other applicable Commonwealth legislation may be required before the aircraft, aircraft engine or propeller may be legally operated.

21.071 Applicability

This Subpart prescribes:

- (a) requirements for the issue of provisional type certificates, approvals of amendments to provisional type certificates, and approvals of provisional amendments to type certificates; and
- (b) rules governing the holders of those certificates.

Source FARs section 21.71 modified.

21.073 Eligibility

- (1) A manufacturer of aircraft manufactured in Australian territory is eligible to apply for a Class I or Class II provisional type certificate for the aircraft, for approval of an amendment to a Class I or Class II provisional type certificate held by the manufacturer, and for approval of a provisional amendment to a type certificate held by the manufacturer.

Regulation 21.075

- (2) Any manufacturer of aircraft manufactured in a foreign country with which Australia has an agreement for the acceptance of those aircraft for export and import is eligible to apply for a Class II provisional type certificate, for approval of amendments to Class II provisional type certificates held by the manufacturer, and for approval of provisional amendments to type certificates held by the manufacturer.
- (3) An aircraft engine manufacturer who has altered a type certificated aircraft by installing different type certificated aircraft engines manufactured by the manufacturer in Australian territory is eligible to apply for a Class I provisional type certificate for the aircraft, and for approval of amendments to Class I provisional type certificates held by the manufacturer, if the basic aircraft, before alteration, was type certificated in the normal, utility, acrobatic, commuter, primary, intermediate, restricted or transport category.

Source FARs section 21.73 modified.

21.075 Application

Applications for provisional type certificates, for approval of amendments thereto, and for approval of provisional amendments to type certificates must be submitted in writing to CASA, and must be accompanied by the pertinent information specified in this Subpart.

Source FARs section 21.75 modified.

21.076 Issue of provisional type certificate

CASA must issue a provisional type certificate, or an approval of amendments to a provisional type certificate, or an approval of provisional amendments to a type certificate, to an applicant for the certificate or approval if the applicant:

- (a) is eligible, under regulation 21.073, to apply for the certificate or approval; and
- (b) applies for the certificate or approval in accordance with this Subpart; and

Regulation 21.078

- (c) is entitled, under this Subpart, to the certificate or approval; and
- (d) otherwise complies with this Part.

21.077 Duration

- (1) Unless sooner superseded or cancelled, provisional type certificates and amendments thereto are effective for the periods specified in this regulation.
- (2) A Class I provisional type certificate is effective for 24 months after the date of issue.
- (3) A Class II provisional type certificate is effective for 12 months after the date of issue.
- (4) An amendment to a Class I or Class II provisional type certificate is effective for the duration of the amended certificate.
- (5) A provisional amendment to a type certificate is effective for 6 months after its approval or until the amendment of the type certificate is approved, whichever is first.

Source FARs section 21.77 modified.

21.078 Suspension and cancellation

- (1) CASA may suspend or cancel a provisional type certificate by written notice given to its holder if CASA considers that it is necessary to do so in the interests of aviation safety.
- (2) A notice must set out:
 - (a) the grounds for the suspension or cancellation; and
 - (b) in the case of a suspension — when the suspension stops having effect.
- (3) Despite regulation 21.077, a provisional type certificate is not effective while it is suspended but the suspension period counts as part of a period mentioned in subregulation 21.077 (2) or (3).

Note See also regulations 21.002C and 21.002E in relation to suspension and cancellation of provisional type certificates.

Regulation 21.079

21.079 Transferability

Provisional type certificates are not transferable.

Source FARs section 21.79.

21.081 Requirements for issue and amendment of Class I provisional type certificates

- (1) An applicant for a type certificate or a supplemental type certificate is entitled to the issue of a Class I provisional type certificate, or an approval of an amendment of a Class I provisional type certificate, if the applicant shows compliance with this regulation and CASA is satisfied that the relevant aircraft can reasonably be expected to be safe for its intended use when operated in accordance with the limitations:
 - (a) established by the applicant under subregulation (4); and
 - (b) in regulation 262AO of CAR.
- (2) The applicant must certify that:
 - (a) the aircraft has been designed and constructed in accordance with the airworthiness requirements applicable to the issue of the type certificate or supplemental type certificate applied for; and
 - (b) the aircraft substantially meets the applicable flight characteristic requirements for the type certificate or supplemental type certificate applied for; and
 - (c) the aircraft can be operated safely under the appropriate operating limitations specified in subregulation (1).
- (3) The applicant must submit a report to CASA showing that the aircraft had been flown in all manoeuvres necessary to show compliance with the flight requirements for the issue of the type certificate or supplemental type certificate applied for, and to establish that the aircraft can be operated safely in accordance with the limitations contained in these regulations.

Regulation 21.083

- (4) The applicant must establish all limitations required for the issue of the type certificate or supplemental type certificate applied for, including limitations on weights, speeds, flight manoeuvres, loading, and operation of controls and equipment unless, for each limitation not established, appropriate operating restrictions are established for the aircraft.
- (5) The applicant must establish an inspection and maintenance program for the continued airworthiness of the aircraft.
- (6) The applicant must show CASA that a prototype aircraft has been flown for at least 50 hours under an experimental certificate or under the auspices of the Defence Force, or an armed force of Canada, the United Kingdom or the United States of America. However, in the case of an approval of an amendment to a provisional type certificate, CASA may reduce the number of required flight hours.

Source FARs section 21.81 modified.

21.083 Requirements for issue and amendment of Class II provisional type certificates

- (1) An applicant who manufactures an aircraft within Australian territory, and who applies for a type certificate for the aircraft in the transport category, is entitled to the issue of a Class II provisional type certificate, or an approval of an amendment to a Class II provisional type certificate, if the applicant shows compliance with this regulation and CASA is satisfied that the aircraft can reasonably be expected to be safe for its intended use when operated in accordance with the limitations:
 - (a) set out in the provisional aircraft flight manual (if any) required by subregulation (7); and
 - (b) in regulation 262AO of CAR.
- (2) An applicant who manufactures an aircraft in a country with which Australia has an agreement for the acceptance of those aircraft for export and import, and who applies for a type certificate for the aircraft in the transport category, is entitled to the issue of a Class II provisional type certificate, or an approval of an amendment to a Class II provisional type certificate, if the NAA of the country in which the aircraft was manufactured certifies that the applicant has shown compliance

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with this regulation and that the aircraft meets the requirements of subregulation (5) and CASA is satisfied that the aircraft can reasonably be expected to be safe for its intended use when operated in accordance with the limitations:

- (a) in the provisional aircraft flight manual (if any) required by subregulation (7); and
 - (b) in regulation 262AO of CAR.
- (3) The applicant must hold a type certificate for at least one other aircraft in the same transport category as the subject aircraft.
- (4) The flight test program to be carried out for the purposes of the type certificate or the flight test program conducted by the authorities of the country in which the aircraft was manufactured, with respect to the issue of a type certificate for that aircraft, must be in progress.
- (5) The applicant or, in the case of a foreign manufactured aircraft, the NAA of the country in which the aircraft was manufactured, must certify that:
- (a) the aircraft has been designed and constructed in accordance with the airworthiness requirements applicable to the issue of the type certificate applied for; and
 - (b) the aircraft substantially complies with the applicable flight characteristic requirements for the type certificate applied for; and
 - (c) the aircraft can be operated safely under the appropriate operating limitations in these regulations.
- (6) The applicant must submit a report to CASA showing that the aircraft has been flown in all manoeuvres necessary to show compliance with the flight requirements for the issue of the type certificate and to establish that the aircraft can be operated safely in accordance with the limitations in these regulations.
- (7) The applicant must prepare a provisional aircraft flight manual containing all limitations required for the issue of the type certificate applied for, including limitations on weights, speeds, flight manoeuvres, loading, and operation of controls and equipment unless, for each limitation not established, appropriate operating restrictions are established for the aircraft.

Regulation 21.085

- (8) The applicant must establish an inspection and maintenance program for the continued airworthiness of the aircraft.
- (9) The applicant must show CASA that a prototype aircraft has been flown for at least 100 hours. In the case of an approval of an amendment to a provisional type certificate, CASA may reduce the number of required flight hours.

Source FARs section 21.83 modified.

21.085 Provisional amendments to type certificates

- (1) An applicant who manufactures an aircraft within Australian territory, and who applies for an amendment to the type certificate for the aircraft, is entitled to a provisional amendment to the type certificate if the applicant shows compliance with this regulation and CASA is satisfied that the aircraft can reasonably be expected to be safe for its intended use when operated under the appropriate limitations contained in these regulations.
- (2) An applicant who manufactures an aircraft in a foreign country with which Australia has an agreement for the acceptance of those aircraft for export and import, and who applies for an amendment to the type certificate for the aircraft, is entitled to a provisional amendment to the type certificate if the NAA of the country in which the aircraft was manufactured certifies that the applicant has shown compliance with this regulation and that the aircraft meets the requirements mentioned in subregulation (4) and CASA is satisfied that the aircraft can reasonably be expected to be safe for its intended use when operated under the appropriate limitations contained in these regulations.
- (3) The flight test program approved by CASA, or conducted under the agreement by the authorities of the country in which the aircraft was manufactured, with respect to the amendment of the type certificate, must be in progress.
- (4) The applicant or, in the case of foreign manufactured aircraft, the NAA of the country in which the aircraft was manufactured, must certify that:

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- (a) the modification involved in the amendment to the type certificate has been designed and constructed in accordance with the airworthiness requirements applicable to the issue of the type certificate for the aircraft; and
 - (b) the aircraft incorporating the modification substantially complies with the applicable flight characteristic requirements for the type certificate; and
 - (c) the aircraft can be operated safely under the appropriate operating limitations in these regulations.
- (5) The applicant must submit a report to CASA showing that the aircraft incorporating the modifications involved has been flown in all manoeuvres necessary to show compliance with the flight requirements applicable to those modifications and to establish that the aircraft can be operated safely in accordance with the limitations mentioned in regulation 262AO of CAR.
- (6) The applicant must establish and publish, in a provisional aircraft flight manual or other document and on appropriate placards, all limitations required for the issue of the type certificate applied for, including weight, speed, flight manoeuvres, loading, and operation of controls and equipment, unless, for each limitation not established, appropriate operating restrictions are established for the aircraft.
- (7) The applicant must establish an inspection and maintenance program for the continued airworthiness of the aircraft.
- (8) The applicant must operate a prototype aircraft, modified in accordance with the corresponding amendment to the type certificate, for the number of hours found necessary by CASA in the particular case.

Source FARs section 21.85 modified.

Subpart 21.D Changes to type certificates

21.091 Applicability

This Subpart deals with the approval of changes to type certificates.

Source FARs section 21.91 modified.

Regulation 21.097

21.093 Classification of changes in type design

Changes in type design are classified as minor or major. A **minor change** is one that has no appreciable effect on the weight, balance, structural strength, reliability, operational characteristics, or other characteristics affecting the airworthiness of an aircraft, aircraft engine or propeller. All other changes are **major changes**.

Source FARs section 21.93 modified.

21.095 Approval of minor changes in type design

Minor changes in a type design may be approved by CASA or an authorised person under a method acceptable to CASA before any substantiating or descriptive data is submitted to CASA for inclusion in the type design.

Source FARs section 21.95 modified.

21.097 Eligibility for approval of major changes in type design

- (1) The holder of a type certificate for an aircraft, aircraft engine or propeller is eligible to apply to CASA or an authorised person for approval of a major change in the type design of the aircraft, aircraft engine or propeller.
- (2) An applicant is entitled to the approval if the applicant:
 - (a) submits with the application substantiating data and necessary descriptive data for inclusion in the type design; and
 - (b) complies with regulation 21.101.
- (3) Approval of a major change in the type design of an aircraft engine is limited to the specific engine configuration upon which the change is made unless the applicant identifies in the necessary descriptive data for inclusion in the type design the other configurations of the same engine type for which approval is requested and shows that the change is compatible with the other configurations.

Source FARs section 21.97 modified.

Regulation 21.098

21.098 Issue of approval of major change in type design

- (1) CASA, or an authorised person, must approve a major change in the type design of an aircraft, aircraft engine or propeller if the applicant for the approval:
 - (a) is eligible, under subregulation 21.097 (1), to apply for the approval; and
 - (b) applies for the approval in accordance with this Subpart; and
 - (c) is entitled, under this Subpart, to the approval; and
 - (d) otherwise complies with this Part.
- (2) If an approval is issued, CASA must give the applicant notice of the approval.
- (3) An approval takes effect when the notice is given to the applicant.

21.099 Required design changes

- (1) If an airworthiness directive is issued for an aircraft, aircraft engine or propeller, and CASA considers that design changes are necessary to correct the unsafe condition of the aircraft, aircraft engine or propeller, the holder of the type certificate for the aircraft, aircraft engine or propeller must, on CASA's request, submit appropriate design changes for approval.

Penalty: 50 penalty units.

- (1A) If approval is granted for design changes mentioned in subregulation (1), the holder of the type certificate for the aircraft, aircraft engine or propeller must, on request by the operator of an affected aircraft, aircraft engine or propeller previously certificated under the type certificate, give to that operator the descriptive data covering the design changes.

Penalty: 50 penalty units.

Regulation 21.101

- (2) In a case where there are no current unsafe conditions, but CASA or the holder of the type certificate is satisfied through service experience that changes in type design will contribute to the safety of the aircraft, aircraft engine or propeller, the holder of the type certificate may submit appropriate design changes for approval. Upon approval of the changes, and on request by an operator of the same type of aircraft, aircraft engine or propeller, the manufacturer must give information on the design changes to the operator.

Penalty: 5 penalty units.

- (3) An offence against subregulation (1), (1A) or (2) is an offence of strict liability.

Note For **strict liability**, see section 6.1 of the *Criminal Code*.

Source FARs section 21.99 modified.

21.101 Designation of applicable regulations

- (1) An applicant for approval of a change in the type design described or identified in a type certificate must comply with either:
- (a) the regulations mentioned in the type certificate; or
 - (b) the applicable regulations in effect on the date of the application, plus any other amendments that CASA is satisfied are directly related.
- (2) If CASA is satisfied that a proposed change consists of a new design or a substantially complete redesign of a component, equipment installation, or system installation, and that the regulations mentioned in the type certificate for the aircraft, aircraft engine or propeller do not provide adequate standards with respect to the proposed change, the applicant must comply with:
- (a) the applicable provisions of these regulations, in effect on the date of the application for the change, that CASA is satisfied are necessary to provide a level of safety equivalent to that established by the regulations mentioned in the type certificate for the aircraft, aircraft engine or propeller; and

Regulation 21.101

- (b) any special conditions, and amendments to those special conditions, prescribed by CASA to provide a level of safety equal to that established by the regulations mentioned in the type certificate for the aircraft, aircraft engine or propeller.
- (3) Unless otherwise required by subregulation 21.019 (1), an applicant for a change to a type certificate for a transport category aeroplane involving the replacement of reciprocating engines with the same number of turbopropeller powerplants must comply with the provisions of Part 25 of the FARs for the aeroplane as type certificated with reciprocating engines, and with the following:
 - (a) the certification performance requirements prescribed in sections 25.101 to 25.125 (inclusive) and 25.149, 25.1533, 25.1583, and 25.1587 of Part 25 of the FARs;
 - (b) the powerplant requirements of Part 25 of the FARs that apply to turbopropeller engine-powered aeroplanes;
 - (c) the requirements of Part 25 of the FARs for the standardisation of cockpit controls and instruments, unless CASA is satisfied that compliance with a particular detailed requirement would be impractical and would not contribute materially to standardisation;
 - (d) any other requirement of Part 25 of the FARs that applies to turbopropeller engine-powered aeroplanes that CASA is satisfied relates to the changes in engines and that is necessary to ensure a level of safety equal to that of the aeroplane certificated with reciprocating engines.
- (4) For subregulation (3), for each new limitation established with respect to weight, speed, or altitude that is significantly altered from those approved for the aeroplane with reciprocating engines, the applicant must show compliance with the requirements of Part 25 of the FARs applicable to the limitations being changed.

Source FARs section 21.101 modified.

Regulation 21.113A

Subpart 21.E Supplemental type certificates

Note A supplemental type certificate issued under this Part for an aircraft, aircraft engine or propeller does not certify that it complies with the Air Navigation (Aircraft Noise) Regulations, the Air Navigation (Aircraft Engine Emissions) Regulations or any other applicable Commonwealth legislation. Compliance with those regulations or other applicable Commonwealth legislation may be required before the aircraft, aircraft engine or propeller may be legally operated.

21.111 Applicability

This Subpart prescribes requirements for the issue of supplemental type certificates.

Source FARs section 21.111 modified.

21.113 Eligibility for supplemental type certificate

- (1) Any person is eligible to apply to CASA for a supplemental type certificate for the approval of the design of a major change to a type certificated aircraft, aircraft engine or propeller, if the change is not great enough to require an application for a new type certificate under regulation 21.019.
- (2) The holder of the type certificate for the aircraft, aircraft engine or propeller may apply for amendment of the type certificate instead of applying for a supplemental type certificate.
- (3) An application must be made in a form and manner acceptable to CASA.

Source FARs section 21.113 modified.

21.113A Issue of supplemental type certificate

CASA must issue a supplemental type certificate to an applicant for the certificate if the applicant:

- (a) is eligible, under regulation 21.113, to apply for the certificate; and
- (b) applies for the certificate in accordance with this Subpart; and

Regulation 21.114

- (c) is entitled, under this Subpart, to the certificate; and
- (d) otherwise complies with this Part.

21.114 Foreign supplemental type certificates

A certificate (however described) for an aircraft, aircraft engine or propeller that is issued by or for the NAA of a recognised country and is equivalent to a supplemental type certificate that could have been issued by CASA (a *foreign supplemental type certificate*) is taken to have been issued by CASA for these regulations.

21.115 Applicable requirements

- (1) Each applicant for a supplemental type certificate must show that the altered aircraft, aircraft engine or propeller meets the applicable airworthiness requirements mentioned in subregulation 21.101 (1) and (2).
- (2) Regulations 21.033 (Inspections and tests) and 21.053 (Statement of conformity) apply in relation to the application, with respect to each change in the type design, as if it were an application for a type certificate under Subpart 21.B.

Source FARs section 21.115 modified.

21.117 Entitlement to supplemental type certificates

- (1) An applicant is entitled to a supplemental type certificate if the applicant meets the requirements of regulations 21.113 and 21.115.
- (2) A supplemental type certificate is taken to consist of:
 - (a) the type certificate or type acceptance certificate previously issued for the aircraft, aircraft engine or propeller; and
 - (b) each change in the type design of the aircraft, aircraft engine or propeller described or identified in the supplemental type certificate.

Source FARs section 21.117 modified.

Regulation 21.119

21.118 Duration, suspension and cancellation of supplemental type certificates

- (1) A supplemental type certificate for an aircraft, aircraft engine or propeller remains in force until it is cancelled or the type certificate previously issued for the aircraft, aircraft engine or propeller is cancelled, whichever happens first.
- (2) Despite subregulation (1), a supplemental type certificate for an aircraft, aircraft engine or propeller is not in force during any period of suspension or any period of suspension of the type certificate previously issued for the aircraft, aircraft engine or propeller.
- (3) CASA may suspend or cancel a supplemental type certificate by written notice given to its holder if CASA considers that it is necessary to do so in the interests of aviation safety.
- (4) If CASA suspends or cancels a supplemental type certificate it must publish a notice of the suspension or cancellation in the *Gazette*.
- (5) A suspension or cancellation takes effect on the day after the notice is published in the *Gazette*.
- (6) A notice under subregulation (3) or (4) must set out:
 - (a) the grounds for the suspension or cancellation; and
 - (b) when the suspension or cancellation takes effect; and
 - (c) in the case of a suspension — when the suspension stops having effect.

Note See also regulations 21.002C and 21.002E in relation to suspension and cancellation of supplemental type certificates.

21.119 Duration, suspension and cancellation of foreign supplemental type certificates

- (1) A foreign supplemental type certificate for an aircraft, aircraft engine or propeller remains in force until it is cancelled by CASA or the NAA of the relevant recognised country.

Regulation 21.121

- (2) Despite subregulation (1), a foreign supplemental type certificate for an aircraft, aircraft engine or propeller is not in force during any period of suspension or any period of suspension of the type certificate previously issued for the aircraft, aircraft engine or propeller.
- (3) CASA may suspend or cancel a foreign supplemental type certificate if CASA considers that it is necessary to do so in the interests of aviation safety.
- (4) If CASA suspends or cancels a foreign supplemental type certificate it must publish a notice of the suspension or cancellation in the *Gazette*.
- (5) A suspension or cancellation takes effect on the day after the notice is published in the *Gazette*.
- (6) A notice must set out:
 - (a) the grounds for the suspension or cancellation; and
 - (b) when the suspension or cancellation takes effect; and
 - (c) in the case of a suspension — when the suspension stops having effect.

Note See also regulations 21.002C and 21.002E in relation to suspension and cancellation of foreign supplemental type certificates.

Subpart 21.F Production under type certificate only

21.121 Applicability

- (1) This Subpart prescribes rules for the production of an aircraft, aircraft engine or propeller under a type certificate only.
- (2) For this Subpart, a person manufactures an aircraft, aircraft engine or propeller under a type certificate only if the person is the holder, or licensee, of a type certificate, but not a production certificate, for the aircraft, aircraft engine or propeller.

Source FARs section 21.121 modified.

Note Subpart 21.G deals with production certificates.

Regulation 21.123

21.123 Production under type certificate

- (1) Each manufacturer of an aircraft, aircraft engine or propeller being manufactured under a type certificate only must:
 - (a) make each aircraft, aircraft engine or propeller available for inspection by CASA; and
 - (b) maintain at the place of manufacture the technical data and drawings necessary for CASA to determine whether the aircraft, aircraft engine or propeller and its parts conform to the type design; and
 - (c) establish and maintain an approved production inspection system that:
 - (i) meets the requirements of subregulation 21.125 (2); and
 - (ii) ensures that each aircraft, aircraft engine or propeller manufactured under the type certificate more than 6 months after it was issued conforms to the type design and is in a condition for safe operation; and
 - (d) upon the establishment of the approved production inspection system — submit to CASA a manual that describes the system and the means for meeting the requirements of subregulation 21.125 (2).

Penalty: 25 penalty units.

- (1A) An offence against subregulation (1) is an offence of strict liability.

Note For **strict liability**, see section 6.1 of the *Criminal Code*.

- (2) Each manufacturer may apply to CASA for an extension of the period of 6 months mentioned in subparagraph (1) (c) (ii).
- (3) CASA may extend the period in a particular case if unusual or extenuating circumstances prevent the manufacturer from establishing an approved production inspection system within 6 months after the issue of the type certificate.

Source FARs section 21.123 modified.

Regulation 21.125

21.125 Production inspection system: Materials Review Board

- (1) Each manufacturer required to establish a production inspection system under paragraph 21.123 (1) (c) must:
 - (a) establish a Materials Review Board (to include representatives from the manufacturer's inspection and engineering departments) and materials review procedures; and
 - (b) maintain complete records of Materials Review Board action for at least two years after the action was taken.

Penalty: 50 penalty units.

- (1A) An offence against subregulation (1) is an offence of strict liability.

Note For **strict liability**, see section 6.1 of the *Criminal Code*.

- (2) The production inspection system must provide for the following:
 - (a) ensuring that incoming materials, and bought or subcontracted parts, used in the finished aircraft, aircraft engine or propeller comply with the specifications in the type design data, or are suitable equivalents;
 - (b) properly identifying incoming materials, and bought or subcontracted parts, if their physical or chemical properties cannot be readily and accurately determined;
 - (c) suitable storage and adequate protection of materials subject to damage and deterioration;
 - (d) carrying out processes affecting the quality and safety of the finished aircraft, aircraft engine or propeller in accordance with acceptable industry or Australian specifications;
 - (e) inspecting parts and components during production for conformity with the type design data at points in the process where accurate determinations can be made;
 - (f) ensuring that current design drawings are readily available to manufacturing and inspection personnel, and used when necessary;

Regulation 21.127

- (g) ensuring that design changes, including material substitutions, are controlled before being incorporated in a finished aircraft, aircraft engine or propeller;
- (h) segregating, identifying, marking and disposing of rejected materials and parts in a manner that precludes installation in the finished aircraft, aircraft engine or propeller;
- (i) a system for processing through the Materials Review Board any materials and parts that are withheld because of departures from design data or specifications, and that are to be considered for installation in a finished aircraft, aircraft engine or propeller;
- (j) a system for identifying and reinspecting materials and parts determined by the Materials Review Board to be serviceable if rework or repair is necessary;
- (k) maintaining inspection records, identified with the finished aircraft, aircraft engine or propeller where practicable, and retaining them for at least 2 years.

Source FARs section 21.125 modified.

21.127 Tests: aircraft

- (1) Each person manufacturing aircraft under a type certificate only must establish an approved production flight test procedure and flight check-off form, and in accordance with that form, flight test each aircraft produced.

Penalty: 25 penalty units.

- (1A) An offence against subregulation (1) is an offence of strict liability.

Note For **strict liability**, see section 6.1 of the *Criminal Code*.

- (2) Each production flight test procedure must include the following:
 - (a) an operational check of the trim, controllability, or other flight characteristics to establish that the production aircraft has the same range and degree of control as the prototype aircraft;

Regulation 21.128

- (b) an operational check of each part or system operated by the crew while in flight to establish that, during flight, instrument readings are within normal range;
- (c) a determination that all instruments are properly marked, and that all placards and required flight manuals are installed after flight test;
- (d) a check of the operational characteristics of the aircraft on the ground;
- (e) a check on any other items peculiar to the aircraft being tested that can best be done during the ground or flight operation of the aircraft.

Source FARs section 21.127 modified.

21.128 Tests: aircraft engines

- (1) Each person manufacturing aircraft engines that are not rocket engines under a type certificate only must subject each engine to an acceptable test run that includes the following:
 - (a) break-in runs that include a determination of fuel and oil consumption and a determination of power characteristics at rated maximum continuous power or thrust and, if applicable, at rated take-off power or thrust;
 - (b) at least five hours of operation at rated maximum continuous power or thrust, including, for engines having a rated take-off power or thrust higher than rated maximum continuous power or thrust, 30 minutes at rated take-off power or thrust.

Penalty: 25 penalty units.

- (2) The test runs required by subregulation (1) may be made with the engine appropriately mounted and using current types of power and thrust measuring equipment.
- (3) A person manufacturing rocket engines under a type certificate only must establish a sampling technique for testing the engines.

Penalty: 25 penalty units.

- (4) An offence against subregulation (1) or (3) is an offence of strict liability.

Regulation 21.130

Note For **strict liability**, see section 6.1 of the *Criminal Code*.

Source FARs section 21.128 modified.

21.129 Tests: variable pitch propellers

- (1) Each person manufacturing variable pitch propellers under a type certificate only must give each propeller an acceptable functional test to determine if it operates properly throughout the normal range of operation.

Penalty: 25 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.

Note For **strict liability**, see section 6.1 of the *Criminal Code*.

Source FARs section 21.129 modified.

21.130 Statement of conformity

- (1) Each holder or licensee of a type certificate for a type of aircraft, aircraft engine or propeller must give CASA a statement of conformity, in a form acceptable to CASA, for each aircraft, aircraft engine or propeller manufactured under the type certificate only:
 - (a) when the holder or licensee applies for the original issue of an aircraft certificate of airworthiness or an aircraft engine or propeller authorised release certificate for the aircraft, aircraft engine or propeller; or
 - (b) if the holder or licensee transfers the ownership of the aircraft, aircraft engine or propeller without applying for an authorised release certificate for it — when the ownership of the aircraft, aircraft engine or propeller is transferred.
- (2) The statement of conformity must be signed by a person who holds a responsible position in the manufacturing organisation and has been authorised by the manufacturer to sign the statement, and must include:
 - (a) for each aircraft, aircraft engine or propeller, a statement that it conforms to its type certificate and is in a condition for safe operation; and

Regulation 21.130A

- (b) for each aircraft, a statement that the aircraft has been flight checked; and
 - (c) for each aircraft engine or variable pitch propeller, a statement that the engine or propeller has been subjected by the manufacturer to a final operational check.
- (3) However, in the case of an aircraft, aircraft engine or propeller manufactured for the Defence Force, or for an armed force of Canada, the United Kingdom or the United States of America, a statement of conformity is not required if the aircraft, aircraft engine or propeller has been accepted by the relevant force.

Source FARs section 21.130 modified.

21.130A Records to be kept by manufacturer

- (1) A person who manufactures an aircraft, aircraft engine or propeller under a type certificate only must keep, at the place of manufacture, the following current records for the aircraft, aircraft engine or propeller:
- (a) a technical data file that includes the type design drawings, specifications, reports on tests prescribed by this Part, and the original type inspection report and any amendments to that report;
 - (b) the information required to prepare the statement of conformity mentioned in regulation 21.130;
 - (c) a complete inspection record, the serial number, and data covering the processes and tests to which materials and parts are subjected;
 - (d) a record of service difficulties reported to the manufacturer.

Penalty: 50 penalty units.

- (2) The records mentioned in paragraphs (1) (a) and (b) must be kept for the period in which aircraft, aircraft engines or propellers are manufactured by the person under the type certificate.

Penalty: 50 penalty units.

Regulation 21.132

- (3) The records mentioned in paragraphs (1) (c) and (d) must be kept for 2 years after the aircraft, aircraft engine or propeller to which the records relate was manufactured.

Penalty: 50 penalty units.

- (4) On CASA's request, the records must be made available for examination by CASA.

Penalty: 50 penalty units.

- (5) If the manufacturer stops manufacturing aircraft, aircraft engines or propellers under the type certificate, and does not continue manufacturing under a production certificate, the manufacturer must send the records to CASA within 30 days.

Penalty: 50 penalty units.

- (6) An offence against subregulation (1), (2), (3), (4) or (5) is an offence of strict liability.

Note For **strict liability**, see section 6.1 of the *Criminal Code*.

Source FARs section 21.293 modified.

Source FARs section 21.293 modified.

Subpart 21.G Production certificates

21.131 Applicability

This Subpart prescribes requirements for the issue of production certificates and rules governing production of Class I, Class II, Class III and unapproved Class I products by the holders of those certificates.

Source FARs section 21.131 modified.

21.132 Definitions for Subpart 21.G

For this Subpart:

Class I product includes a complete aircraft, aircraft engine or propeller for which a foreign type certificate has been issued.

Class II product includes a major component of:

- (a) a Class I product; or

Regulation 21.132A

- (b) an unapproved Class I product.

product design has the meaning given by regulation 21.132A.

unapproved Class I product means a complete aircraft, aircraft engine or propeller:

- (a) designed by or for a manufacturer that is in a foreign country; and
- (b) for which an application for a foreign type certificate has been made; and
- (c) for which no foreign type certificate has been issued.

21.132A Product design

- (1) The product design of an unapproved Class I product is the design that was submitted with the application for a foreign type certificate.
- (2) The product design of a Class II or Class III product:
 - (a) consists of drawings, specifications and other information that:
 - (i) fully describe the product; and
 - (ii) are approved by:
 - (A) CASA; or
 - (B) an authorised person; or
 - (C) if the product is manufactured under an agreement with a foreign manufacturer for supply to that manufacturer — the NAA of the relevant foreign country; and
 - (b) must include all the information necessary to manufacture the product, including:
 - (i) information that shows the dimensions and appearance of the product; and
 - (ii) the materials used in the manufacture of the product; and
 - (iii) information about the process or processes used to manufacture the product; and
 - (iv) any methods used to test or measure the product; and
 - (v) information that shows the structural strength of the product.

Regulation 21.133

21.133 Eligibility

- (1) A person is eligible to apply for a production certificate for a Class I product if the person:
 - (a) holds a current type certificate or foreign type certificate for the product; or
 - (b) holds the right, under a licensing agreement, to the benefits of the type certificate or foreign type certificate for the product; or
 - (c) holds a supplemental type certificate or foreign supplemental type certificate for the product.
- (2) A person is also eligible to apply for a production certificate if:
 - (a) the person has an agreement with a foreign manufacturer to:
 - (i) manufacture a Class I, Class II, Class III or unapproved Class I product; and
 - (ii) supply the product to the foreign manufacturer; and
 - (b) the terms of the agreement require that the person be approved to manufacture the product.
- (2A) A person is also eligible to apply for a production certificate for a Class II or Class III product if:
 - (a) the product is an aircraft component of a type in respect of which a certificate of type approval is in force; and
 - (b) the person is lawfully manufacturing the component or is proposing to manufacture the component and is entitled to do so.
- (2B) A person is also eligible to apply for a production certificate to manufacture a Class II or Class III product on a one-off basis for supply to:
 - (a) the holder of a certificate of approval engaged in the maintenance of an aircraft for installation in or on the aircraft; or
 - (b) the operator of an aircraft or the owner of an aircraft, aircraft engine or propeller for installation in or on the aircraft, aircraft engine or propeller.
- (3) An application for a production certificate must be in an approved form.

Regulation 21.134

Source FARs section 21.133 modified.

21.134 Issue of production certificate

- (1) CASA must issue a production certificate to an applicant for the certificate if the applicant:
 - (a) is eligible, under regulation 21.133, to apply for the certificate; and
 - (b) applies for the certificate in accordance with this Subpart; and
 - (c) is entitled, under this Subpart, to the certificate; and
 - (d) otherwise complies with this Part.
- (2) CASA may issue the production certificate subject to any conditions that CASA considers necessary in the interests of aviation safety.
- (3) Any conditions must be in writing and set out in, or attached to, the production certificate.
- (4) A person must not engage in conduct that results in a breach of a condition set out in the production certificate.

Penalty: 50 penalty units.

- (5) An offence against subregulation (4) is an offence of strict liability.

Note For *strict liability*, see section 6.1 of the *Criminal Code*.

21.135 Requirements for entitlement

- (1) An applicant is entitled to a production certificate if CASA is satisfied that the applicant has complied with regulations 21.139 and 21.143 in relation to the Class I, Class II, Class III or unapproved class I product to be manufactured under the certificate.
- (2) CASA may inspect the applicant's organisation and manufacturing facilities to determine whether the applicant has complied with regulations 21.139 and 21.143.

Source FARs section 21.135 modified.

Regulation 21.143

21.137 Location of manufacturing facilities

Despite subregulation 21.134 (1), CASA is not required to issue a production certificate if the manufacturing facilities concerned are located outside Australian territory, unless there is no undue burden on CASA in administering the applicable requirements of these regulations.

Source FARs section 21.137 modified.

21.139 Quality system

An applicant for a production certificate must show that the applicant has established, and can maintain, a quality system so that:

- (a) each Class I product to be manufactured under the certificate will conform to the type design for the product; and
- (b) each Class II, Class III or unapproved Class I product to be manufactured under the certificate will conform to the product design for the product.

Source FARs section 21.139 modified.

21.143 Quality system data requirements: prime manufacturer

- (1) An applicant for a production certificate must submit to CASA, for approval, a manual describing the inspection and test procedures necessary to ensure that each product manufactured under the production certificate is in a condition for safe operation and conforms to:
 - (a) for a Class I product — the type design; and
 - (b) for a Class II, Class III or unapproved Class I product — the product design.
- (1A) The manual mentioned in subregulation (1) must include any of the following that apply to the product:
 - (a) a statement describing how responsibilities are assigned and authority is delegated in the quality system organisation, together with a chart indicating:

Regulation 21.143

- (i) the functional relationship of the quality system organisation to management and to other organisational components; and
 - (ii) the chain of authority and responsibility within the quality system organisation;
- (b) a description of:
 - (i) the inspection procedures for raw materials, purchased items and parts and assemblies produced by manufacturers' suppliers; and
 - (ii) the methods used to ensure that parts and assemblies that cannot be completely inspected when delivered to the production certificate holder's plant are acceptable;
- (c) a description of:
 - (i) the production inspection system for individual parts and complete assemblies; and
 - (ii) the methods used for the identification of any special manufacturing processes involved; and
 - (iii) the means used to control the processes; and
 - (iv) the final test procedure for the product; and
 - (v) in the case of a Class I product that is a completed aircraft, a copy of the manufacturer's production flight test procedures and check-off list;
- (d) for a product other than a Class II or Class III product referred to in subregulation 21.133 (2B), an outline of the materials review system, the procedure for recording decisions of the Materials Review Board and for disposing of rejected parts;
- (e) an outline of a system for informing company inspectors of current changes in engineering drawings, specifications, and quality system procedures;
- (f) a list or chart showing the location and type of inspection stations.

Note A Materials Review Board must be established by the holder of a production certificate: see regulation 21.145.

- (1B) CASA must approve a manual that is prepared for, and meets the requirements of, this regulation.

Regulation 21.144

- (2) The holder of a production certificate must, on the request of CASA, make available to CASA information regarding all delegation of authority to suppliers to make major inspections of parts or assemblies for which the holder is responsible.

Penalty: 25 penalty units.

- (3) An offence against subregulation (2) is an offence of strict liability.

Note For **strict liability**, see section 6.1 of the *Criminal Code*.

Source FARs section 21.143 modified.

21.144 Production inspection system

The production inspection system mentioned in paragraph 21.143 (1A) (c) must provide for the following:

- (a) properly identifying incoming materials, and bought or subcontracted parts, if their physical or chemical properties cannot be readily and accurately determined;
- (b) suitable storage and adequate protection of materials subject to damage and deterioration;
- (c) carrying out processes affecting the quality and safety of the finished Class I, Class II, Class III or unapproved Class I product in accordance with acceptable industry or Australian specifications;
- (d) inspecting parts and components, at points during the production process at which accurate determinations can be made, to determine whether:
 - (i) parts and components for a Class I product conform to the type design data for the product; or
 - (ii) parts and components for a Class II, Class III or unapproved Class I product conform to the product design data for the product;
- (e) ensuring that current design drawings are readily available to manufacturing and inspection personnel, and used when necessary;

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- (f) ensuring that design changes, including material substitutions, are controlled before being incorporated in:
 - (i) a finished Class I product; or
 - (ii) a Class II, Class III or unapproved Class I product;
- (g) segregating and identifying rejected materials and parts in a manner that precludes installation in the finished Class I, Class II, Class III or unapproved Class I product;
- (h) a system for processing through the Materials Review Board any materials and parts that are withheld because of departures from design data or specifications, and that are to be considered for installation in a finished Class I, Class II, Class III or unapproved Class I product;
- (i) a system for identifying and reinspecting materials and parts determined by the Materials Review Board to be serviceable if rework or repair is necessary;
- (j) maintaining inspection records, identified with the finished Class I, Class II, Class III or unapproved Class I product where practicable, and retaining them for at least 2 years.

Source FARs section 21.125 modified.

21.145 Materials Review Board

- (1) The holder of a production certificate (other than a production certificate referred to in subregulation 21.133 (2B)) must:
 - (a) establish a Materials Review Board (to include representatives from the manufacturer's inspection and engineering departments) and materials review procedures; and
 - (b) maintain complete records of Materials Review Board action for at least 2 years after the action was taken.

Penalty: 50 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.

Note For **strict liability**, see section 6.1 of the *Criminal Code*.

Source FARs section 21.125 modified.

Regulation 21.151

21.147 Changes in quality system

- (1) After the issue of a production certificate, each change to the quality system is subject to review by CASA.
- (2) The holder of a production certificate must immediately notify CASA, in writing, of any change to the quality system that may affect:
 - (a) the inspection of a Class I product being manufactured under the certificate, or the conformity of such a product to its type design data, or the airworthiness of such a product; or
 - (b) the inspection of an unapproved Class I product being manufactured under the certificate, or the conformity of such a product to its product design data, or the airworthiness of such a product; or
 - (c) the inspection of a Class II or Class III product being manufactured under the certificate, or the conformity of such a product to its product design data.

Penalty: 50 penalty units.

- (3) An offence against subregulation (2) is an offence of strict liability.

Note For **strict liability**, see section 6.1 of the *Criminal Code*.

21.149 Multiple products

CASA may authorise more than 1 Class I, Class II, Class III or unapproved Class I product to be manufactured under 1 production certificate if the products have similar production characteristics.

Source FARs section 21.149 modified.

21.151 Production limitation record

A production certificate must include, or have attached to it, a production limitation record that sets out:

- (a) for a Class I product — the type certificate or foreign type certificate of each product authorised to be manufactured under the production certificate; and

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- (b) for a Class II or Class III product (other than a Class II or Class III product referred to in subregulation 21.133 (2B)) or an unapproved Class I product — the product design of each product authorised to be manufactured under the production certificate; and
- (c) for a Class II or Class III product referred to in subregulation 21.133 (2B) — a description of each product authorised to be manufactured under the production certificate.

Source FARs section 21.151 modified.

21.153 Amendment of production certificate

- (1) The holder of a production certificate may apply to CASA to amend the certificate to add 1 or more of the following:
 - (a) a Class I product type certificate or foreign type certificate;
 - (b) a model to a Class I product type certificate or foreign type certificate;
 - (c) an unapproved Class I product design;
 - (d) a Class II product design;
 - (e) a Class III product design.
- (2) CASA may amend the certificate if the applicant complies with the applicable requirements of regulations 21.139, 21.143 and 21.147.
- (3) An application must be in a form and manner acceptable to CASA.

Source FARs section 21.153 modified.

21.155 Transferability

A production certificate is not transferable.

Source FARs section 21.155.

Regulation 21.159

21.157 Inspections and tests

- (1) If CASA requires the holder of a production certificate to allow CASA to make any inspections and tests necessary to determine compliance with the applicable requirements of these Regulations, the holder must allow CASA to make those inspections and tests.

Penalty: 50 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.

Note For **strict liability**, see section 6.1 of the *Criminal Code*.

Source FARs section 21.157 modified.

21.159 Duration

- (1) A production certificate ceases to be in force:
- (a) if the location of the manufacturing facility is changed; or
 - (b) if it is cancelled; or
 - (c) if a termination date is specified in the certificate — at midnight on that date.
- (2) A production certificate is not in force during any period of suspension.
- (3) CASA may suspend or cancel a production certificate by written notice given to its holder if CASA considers that it is necessary to do so in the interests of aviation safety.
- (4) A notice must set out:
- (a) the grounds for the suspension or cancellation; and
 - (b) in the case of a suspension — when the suspension stops having effect.

Source FARs section 21.159 modified.

Note See also regulations 21.002C and 21.002E in relation to suspension and cancellation of production certificates.

Regulation 21.161

21.161 Display

- (1) The holder of a production certificate must take reasonable steps to ensure that it is displayed prominently in the main office of the manufacturing facility in which the aircraft, aircraft engine or propeller to which the certificate relates is manufactured.

Penalty: 5 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.

Note For **strict liability**, see section 6.1 of the *Criminal Code*.

Source FARs section 21.161 modified.

21.163 Privileges

- (1) Notwithstanding regulation 30 of CAR, the holder of a production certificate for a primary category aircraft who is eligible for a special certificate of airworthiness in the primary category under subregulation 21.184 (1), and the holder of a production certificate for a normal, utility, or acrobatic category aircraft of a type design that is eligible for a special certificate of airworthiness in the primary category under subregulation 21.184 (3), may:
 - (a) conduct training for persons in the performance of a special inspection and preventive maintenance program approved as a part of the aircraft's type design under subregulation 21.024 (2), provided the training is given by the holder of an aircraft maintenance engineer licence in the category airframes or engines issued under regulation 31 of CAR; and
 - (b) issue a certificate of competency, specifying the aircraft make and model to which it applies, to persons successfully completing the approved training program.
- (2) Notwithstanding regulation 30 of CAR, the holder of a production certificate for an intermediate category aircraft who is eligible for a special certificate of airworthiness in the intermediate category under subregulation 21.184A (1), may:
 - (a) conduct training for persons in the performance of a special inspection and preventive maintenance program

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approved as a part of the aircraft's type design under subregulation 21.026 (2), provided the training is given by the holder of a maintenance engineer licence in the category airframes or engines issued under regulation 31 of CAR; and

- (b) issue a certificate of competency, specifying the aircraft make and model to which it applies, to persons successfully completing the approved training program.

Source FARs section 21.163 modified.

21.165 Responsibility of holder of production certificate

- (1) The holder of a production certificate must maintain the quality system in conformity with the manual approved under regulation 21.143 in relation to the production certificate.

Penalty: 50 penalty units.

- (2) The holder of a production certificate for a Class I product must ensure that each finished product that is:
 - (a) manufactured under the authority of the certificate; and
 - (b) submitted for airworthiness certification or approval; conforms to the type design for the product and is in a condition for safe operation.

Penalty: 50 penalty units.

- (3) The holder of a production certificate for a Class II, Class III or unapproved Class I product must ensure that each product that is:
 - (a) manufactured under the authority of the certificate; and
 - (b) submitted for approval; conforms to the product design and is in a condition for safe operation.

Penalty: 50 penalty units.

- (4) An offence against subregulation (1), (2) or (3) is an offence of strict liability.

Note For **strict liability**, see section 6.1 of the *Criminal Code*.

Source FARs section 21.165 modified.

Regulation 21.166

21.166 Records to be kept by holder of production certificate

- (1) A person who manufactures a Class I, Class II, Class III or unapproved Class I product under a production certificate must keep, at the place of manufacture, the following records for each product:
 - (a) for a Class I product, a technical data file that includes:
 - (i) the current type design drawings; and
 - (ii) the current specifications; and
 - (iii) the reports on the results of any tests required by or under this Part; and
 - (iv) the original type inspection report; and
 - (v) any amendments to that report;
 - (b) for a Class II, Class III or unapproved Class I product, the current product design and the reports on the results of any tests required by or under this Part;
 - (c) any data (including any amendments) required to be submitted with the original application for the production certificate;
 - (d) a record of any rebuilding or alteration performed by the person;
 - (e) an inspection record;
 - (f) any serial number;
 - (g) any data about the processes and tests to which materials and parts used in the product are subjected;
 - (h) a record of any service difficulties reported to the person.

Penalty: 50 penalty units.

- (2) The records mentioned in paragraphs (1) (a), (b), (c) and (d) must be retained for the period during which the product is manufactured by the person under the production certificate.

Penalty: 50 penalty units.

- (3) The records mentioned in paragraphs (1) (e), (f), (g) and (h) must be retained for 2 years after the manufacture of the product to which the records relate.

Penalty: 50 penalty units.

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- (4) The person must allow CASA to examine the records at any reasonable time after reasonable notice is given to the person.

Penalty: 50 penalty units.

- (5) If the person stops manufacturing a product under the production certificate, and does not continue manufacturing the product at another place under another production certificate, the person must send the records retained for subregulation (3) to CASA within 30 days after manufacturing stops.

Penalty: 50 penalty units.

- (6) An offence against subregulation (1), (2), (3), (4) or (5) is an offence of strict liability.

Note For **strict liability**, see section 6.1 of the *Criminal Code*.

Source FARs section 21.293 modified.

Source FARs section 21.293 modified.

Subpart 21.H Certificates of airworthiness (except provisional certificates of airworthiness) and special flight permits

Note A certificate of airworthiness issued under this Part for an aircraft, aircraft engine or propeller does not certify that it complies with the Air Navigation (Aircraft Noise) Regulations, the Air Navigation (Aircraft Engine Emissions) Regulations or any other applicable Commonwealth legislation. Compliance with those regulations or other applicable Commonwealth legislation may be required before the aircraft, aircraft engine or propeller may be legally operated.

21.171 Applicability

This Subpart prescribes requirements for the issue of certificates of airworthiness (except provisional certificates of airworthiness) and special flight permits.

Source FARs section 21.171 modified.

Note Under Part 200 (Aircraft to which CASR do not apply), certain Australian aircraft are authorised to fly without a certificate of airworthiness.

Regulation 21.172

21.172 Definitions for Subpart

In this Subpart:

LSA standards means:

- (a) the standards for the design, performance or continuing airworthiness of light sport aircraft issued by the American Society for Testing and Materials, as in force from time to time; or
- (b) any other standards, for the design, performance or continuing airworthiness of light sport aircraft, the use of which is approved by CASA.

Note 1 Advisory Circular 21-42 lists the LSA standards.

Note 2 The standards issued by the American Society for Testing and Materials may be found in www.astm.com.

qualified manufacturer of a light sport aircraft means:

- (a) a manufacturer who, at the time the light sport aircraft was manufactured, held a current production certificate for an aircraft; or
- (b) a manufacturer who has made a written declaration that, at the time the light sport aircraft was manufactured, it had:
 - (i) contracted engineering personnel with experience in ultralight or light aircraft design to ensure compliance with LSA standards referred to in paragraph 21.186 (2) (b); and
 - (ii) facilities and tools suitable for the production of the aircraft in accordance with the applicable LSA standards; and
 - (iii) competent personnel, with appropriate training, skills and experience, to perform work that affects product quality.

21.173 Eligibility

- (1) An aircraft registration holder, or the owner of an aircraft that is registered with a sport aviation body, is eligible to apply to CASA or an authorised person for a certificate of airworthiness for the aircraft.

Note For the meaning of **sport aviation body**, see subregulation 2 (1) of CAR.

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- (2) An application must be made in a form and manner acceptable to CASA or the authorised person.
- (3) In this regulation:
certificate of airworthiness does not include a provisional certificate of airworthiness or an experimental certificate.

Source FARs section 21.173 modified.

21.175 Certificates of airworthiness: classification

In these regulations:

special certificate of airworthiness means:

- (a) a certificate of airworthiness issued for:
 - (i) an aircraft type certificated in the primary, intermediate or restricted category; or
 - (ii) an aircraft in the limited category; or
 - (iii) an amateur-built aircraft accepted under an ABAA; or
 - (iv) a light sport aircraft covered by regulation 21.186; or
- (b) a provisional certificate of airworthiness; or
- (c) an experimental certificate.

standard certificate of airworthiness means a certificate of airworthiness issued for:

- (a) an aircraft type certificated in the normal, utility, acrobatic, commuter, or transport category; or
- (b) a manned free balloon; or
- (c) an aircraft in a special class of aircraft.

Source FARs section 21.175 modified.

21.176 Issue of certain certificates of airworthiness

- (1) CASA or an authorised person must issue a certificate of airworthiness to an applicant for the certificate if the applicant:
 - (a) is eligible, under regulation 21.173, to apply for the certificate; and
 - (b) applies for the certificate in accordance with this Subpart; and

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- (c) is entitled, under this Subpart, to the certificate; and
 - (d) otherwise complies with this Part.
- (2) CASA or an authorised person may issue a certificate of airworthiness for an aircraft subject to any conditions that CASA or the authorised person considers necessary in the interests of aviation safety.
 - (3) A condition imposed under subregulation (2) may include operational limitations.
 - (4) Any conditions imposed under this regulation, and any conditions imposed under regulation 21.016 or 21.029B that limit the use of the aircraft, must be in writing, and set out in, or attached to, the certificate of airworthiness.
 - (5) A person must not engage in conduct that results in a breach of a condition of a certificate of airworthiness.

Penalty: 50 penalty units.

- (5A) An offence against subregulation (5) is an offence of strict liability.

Note For **strict liability**, see section 6.1 of the *Criminal Code*.

- (6) In this regulation:
certificate of airworthiness does not include a provisional certificate of airworthiness or an experimental certificate.

21.179 Transferability

Subject to regulation 21.219, a certificate of airworthiness is transferred with the aircraft.

Source FARs section 21.179 modified.

Note Regulation 21.219 relates to the transferability of provisional certificates of airworthiness.

21.181 Duration of certain certificates of airworthiness

- (1) In this regulation:
certificate of airworthiness does not include a provisional certificate of airworthiness or an experimental certificate.

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- (2) Subject to subregulation (4), a certificate of airworthiness continues in force:
- (a) if a period is specified in the certificate — until the end of the period or until it is cancelled, whichever occurs first; or
 - (b) in any other case — until it is cancelled.
- (3) The holder of a certificate of airworthiness must, on request by CASA or an authorised person, make it available for inspection by CASA or the authorised person.

Penalty: 5 penalty units.

- (4) A certificate of airworthiness for an aircraft stops being in force if:
- (a) the aircraft ceases to be registered in Australia; or
 - (b) any type certificate or type acceptance certificate for the type of aircraft concerned stops being in force; or
 - (c) in the case of a certificate of airworthiness issued for a light sport aircraft covered by regulation 21.186, a modification is made to the aircraft and the modification:
 - (i) is not authorised by the manufacturer; or
 - (ii) if the manufacturer was no longer existing at the time of the modification or could not have authorised the modification at that time — is not authorised by a person appointed by CASA to perform the functions of the manufacturer in relation to the continuing airworthiness of the light sport aircraft; or
 - (iii) does not comply with the LSA standards.
- (5) CASA or an authorised person may suspend or cancel a certificate of airworthiness for an aircraft that is being used in regular public transport operations, by written notice given to its holder, if:
- (a) any maintenance is not carried out in accordance with Part 4A of CAR; or
 - (b) the aircraft type ceases to be supported by the type certificate holder, the NAA of the country in which the

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aircraft's original type certificate was issued or the NAA of a Contracting State, with respect to:

- (i) collecting and investigating information on defects; or
 - (ii) reporting defects to the NAA of the country of original type certification; or
 - (iii) keeping type records; or
 - (iv) producing and maintaining manuals; or
 - (v) issuing instructions for continuing airworthiness; or
 - (c) CASA or the authorised person otherwise considers that it is necessary to do so in the interests of aviation safety.
- (6) CASA or an authorised person may suspend or cancel a certificate of airworthiness for an Australian aircraft not covered by subregulation (5), by written notice given to its holder, if:
- (a) any maintenance is not carried out in accordance with Part 4A of CAR; or
 - (b) CASA or the authorised person otherwise considers that it is necessary to do so in the interests of aviation safety.
- (7) A notice under subregulation (5) or (6) must set out:
- (a) the grounds for the suspension or cancellation; and
 - (b) in the case of a suspension — when the suspension stops having effect.
- (8) Despite anything else in this regulation, a certificate of airworthiness is not in force during any period of suspension, but, if the certificate was issued for a specified period, the period of suspension counts as part of the period for which the certificate was issued.
- (9) The holder of a certificate of airworthiness that stops being in force under subregulation (4), expires, or is suspended or cancelled, must, at the written request of CASA or an authorised person, surrender the certificate to CASA or the authorised person.

Penalty: 5 penalty units.

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- (10) An offence against subregulation (3) or (9) is an offence of strict liability.

Note For **strict liability**, see section 6.1 of the *Criminal Code*.

Source FARs section 21.181 modified.

Note See also regulations 21.002C and 21.002E in relation to suspension and cancellation of certificates of airworthiness.

21.182 Aircraft manufacturer's data plate

- (1) Except as set out in subregulation (2), an applicant for a certificate of airworthiness for an aircraft must show that the aircraft is identified:
- (a) as required by Subpart 21.Q; or
 - (b) in the case of an imported aircraft:
 - (i) as required by the NAA of the Contracting State in which it was certificated; or
 - (ii) in another way acceptable to CASA.
- (2) Subregulation (1) does not apply to an applicant:
- (a) if the applicant is applying for an experimental certificate for an aircraft that is not an amateur-built aircraft, a kit-built aircraft or a light sport aircraft; or
 - (b) if:
 - (i) a different certificate of airworthiness is in force for the aircraft; and
 - (ii) the applicant for the issue of that certificate complied with subregulation (1).

Source FARs section 21.182 modified.

21.183 Standard certificates of airworthiness

New aircraft manufactured under a production certificate

- (1) An applicant for a standard certificate of airworthiness for a new aircraft manufactured under a production certificate, is entitled to the certificate without further showing unless CASA or an authorised person decides that the aircraft:
- (a) does not conform to the type design; or

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- (b) has been modified or repaired otherwise than in accordance with approved maintenance data; or
- (c) is not in a condition for safe operation.

New aircraft manufactured under type certificate only

- (2) An applicant for a standard certificate of airworthiness for a new aircraft manufactured under a type certificate only is entitled to the certificate upon presentation, by the holder or licensee of the type certificate, of the statement of conformity required by regulation 21.130, if CASA finds after inspection that the aircraft:
 - (a) conforms to the type design, has had any modifications or repairs carried out in accordance with approved maintenance data, and is in a condition for safe operation; and
 - (b) was manufactured by the holder of the type certificate for the aircraft or the licensee of that type certificate.

Imported aircraft

- (3) An applicant for a standard certificate of airworthiness for an aircraft for which a type certificate was issued under regulation 21.029, or a type acceptance certificate was issued under regulation 21.029A, is entitled to the certificate if CASA or an authorised person is satisfied that:
 - (a) the aircraft conforms to the type design; and
 - (b) any modifications or repairs to the aircraft have been carried out in accordance with approved maintenance data; and
 - (c) the aircraft is in a condition for safe operation.

Other aircraft

- (4) An applicant for a standard certificate of airworthiness for aircraft not covered by subregulation (1), (2) or (3) is entitled to the certificate if:
 - (a) the aircraft:
 - (i) has a type design approved under a type certificate or a supplemental type certificate; or

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- (ii) if there is no type certificate or supplemental type certificate for the aircraft — is of a type or model that has previously been issued a certificate of airworthiness in the category applied for; and
- (b) the aircraft complies with any applicable airworthiness directives; and
- (c) the aircraft (except an experimentally certificated aircraft that previously had been issued a different certificate of airworthiness under this regulation) has been inspected for the issue of a maintenance release; and
- (d) CASA or an authorised person is satisfied that:
 - (i) the aircraft conforms to the type design (if any); and
 - (ii) any modifications or repairs to the aircraft have been carried out in accordance with approved maintenance data; and
 - (iii) the aircraft is in a condition for safe operation.

Inspection

- (5) CASA or an authorised person may inspect an aircraft mentioned in subregulation (1), (3) or (4) to determine whether:
 - (a) it conforms to the type design; and
 - (b) any modifications or repairs to it have been carried out in accordance with approved maintenance data; and
 - (c) it is in a condition for safe operation.

Source FARs section 21.183 modified.

21.184 Special certificates of airworthiness for primary category aircraft

New primary category aircraft manufactured under a production certificate

- (1) An applicant for the original issue of a special certificate of airworthiness for a new aircraft in the primary category that meets the criteria of paragraph 21.024 (1) (a), manufactured under a production certificate, including aircraft assembled by another person from a kit provided by the holder of the

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production certificate and under the supervision and quality control of that holder, is entitled to the certificate without further showing unless CASA or an authorised person decides that the aircraft:

- (a) does not conform to the type design; or
- (b) has been modified or repaired otherwise than in accordance with approved maintenance data; or
- (c) is not in a condition for safe operation.

Imported aircraft

- (2) An applicant for a special certificate of airworthiness for an aircraft in the primary category for which a type certificate was issued under regulation 21.029, or a type acceptance certificate was issued under regulation 21.029A, is entitled to the certificate if CASA or an authorised person finds, after inspection, that:
 - (a) the aircraft conforms to the type design; and
 - (b) any modifications or repairs to the aircraft have been carried out in accordance with approved maintenance data; and
 - (c) the aircraft is in a condition for safe operation.

Aircraft having a current standard certificate of airworthiness

- (3) An applicant for a special certificate of airworthiness for an aircraft in the primary category having a current standard certificate of airworthiness may obtain the certificate in exchange for its standard certificate of airworthiness through the supplemental type certification process if it meets the criteria of paragraph 21.024 (1) (a), has been maintained in accordance with Part 4A of CAR and has a current maintenance release.

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Other aircraft

- (4) An applicant for a special certificate of airworthiness for an aircraft in the primary category that meets the criteria of paragraph 21.024 (1) (a), and is not covered by subregulation (1), (2), or (3), is entitled to the certificate if CASA or an authorised person is satisfied that:
- (a) the aircraft:
 - (i) conforms to an approved primary, normal, utility, acrobatic or manned free balloon type design; or
 - (ii) complies with section 101.55 of the Civil Aviation Orders; and
 - (b) the aircraft complies with all applicable airworthiness directives; and
 - (c) the aircraft has been inspected for the issue of a maintenance release; and
 - (d) any modifications or repairs to the aircraft have been carried out in accordance with approved maintenance data; and
 - (e) the aircraft is in a condition for safe operation.

Inspection

- (5) CASA or an authorised person may inspect an aircraft mentioned in subregulation (3) or (4) to determine whether:
- (a) it conforms to the type design; and
 - (b) any modifications or repairs to it have been carried out in accordance with approved maintenance data; and
 - (c) it is in a condition for safe operation.

Multiple-category certification

- (6) A multiple-category certificate of airworthiness in the primary category and any other category must not be issued; a primary category aircraft may hold only one certificate of airworthiness.

Source FARs section 21.184 modified.

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21.184A Special certificates of airworthiness for intermediate category aircraft*New intermediate category aircraft manufactured under a production certificate*

- (1) An applicant for the original issue of a special certificate of airworthiness for a new aircraft in the intermediate category that meets the criteria of paragraph 21.026 (1) (a) and was manufactured under a production certificate, is entitled to the certificate without further showing unless CASA or an authorised person decides that the aircraft:
 - (a) does not conform to the type design; or
 - (b) has been modified or repaired otherwise than in accordance with approved maintenance data; or
 - (c) is not in a condition for safe operation.

Other aircraft

- (2) An applicant for a special certificate of airworthiness for an aircraft in the intermediate category that meets the criteria of paragraph 21.026 (1) (a) and is not covered by subregulation (1) is entitled to the certificate if CASA or an authorised person is satisfied that:
 - (a) the aircraft:
 - (i) conforms to an approved intermediate, normal, utility, or acrobatic type design; or
 - (ii) complies with section 101.55 of the Civil Aviation Orders; and
 - (b) the aircraft complies with all applicable airworthiness directives; and
 - (c) the aircraft has been inspected for the issue of a maintenance release; and
 - (d) any modifications or repairs to the aircraft have been carried out in accordance with approved maintenance data; and
 - (e) the aircraft is in a condition for safe operation.

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Inspection

- (3) CASA or an authorised person may inspect an aircraft mentioned in subregulation (1) or (2) to determine whether:
 - (a) it conforms to the type design; and
 - (b) any modifications or repairs to it have been carried out in accordance with approved maintenance data; and
 - (c) it is in a condition for safe operation.

Multiple-category certification

- (4) A multiple-category certificate of airworthiness in the intermediate category and any other category must not be issued; an intermediate category aircraft may hold only one certificate of airworthiness.

Source FARs section 21.184 modified.

21.185 Certificates of airworthiness for restricted category aircraft

Aircraft manufactured under a production certificate or type certificate only

- (1) An applicant for the original issue of a special certificate of airworthiness for an aircraft type certificated in the restricted category, that was not previously type certificated in any other category, is entitled to the certificate if the applicant complies with the appropriate provisions of regulation 21.183.

Imported aircraft

- (2) An applicant for the original issue of a restricted category certificate of airworthiness for an imported aircraft type certificated only in the restricted category under regulation 21.029 or 21.029A is entitled to a certificate of airworthiness if CASA or an authorised person is satisfied that:
 - (a) the aircraft conforms to the type design; and
 - (b) any modifications or repairs to the aircraft have been carried out in accordance with approved maintenance data; and

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- (c) the aircraft is in a condition for safe operation.

Other aircraft

- (3) An applicant for a special certificate of airworthiness for an aircraft type certificated in the restricted category, that was a surplus aircraft of the Defence Force, or of an armed force of Canada, the United Kingdom or the United States of America, or was previously certificated in another category, is entitled to the certificate if CASA or an authorised person is satisfied, after inspection, that the aircraft is in a good state of preservation and repair and is in a condition for safe operation.
- (3A) Subregulation (3B) applies to an aircraft:
- (a) that is type certificated in the normal, utility, acrobatic, commuter or transport category; and
 - (b) that has been modified for 1 or more of the special purpose operations mentioned in regulation 21.025; and
 - (c) the modifications to which have been carried out in accordance with:
 - (i) approved maintenance data; or
 - (ii) a supplemental type certificate.
- (3B) An applicant for a special certificate of airworthiness for an aircraft to which this subregulation applies is entitled to the certificate as if the aircraft were type certificated in the restricted category if CASA or an authorised person finds, after inspection, that:
- (a) the aircraft meets the requirements of the normal utility, acrobatic, commuter or transport category except the requirements that CASA or the authorised person considers are inappropriate for the special purpose for which the aircraft is to be used; and
 - (b) the aircraft can reasonably be expected to be safe for its intended use when it is operated under any conditions limiting its intended use.

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Inspection

- (4) CASA or an authorised person may inspect an aircraft mentioned in subregulation (1) or (3) to determine whether:
 - (a) it conforms to the type design; and
 - (b) any modifications or repairs to it have been carried out in accordance with approved maintenance data; and
 - (c) it is in a condition for safe operation.

Source FARs section 21.185 modified.

21.186 Special certificates of airworthiness for light sport aircraft

- (1) An applicant is entitled to a special certificate of airworthiness for a light sport aircraft if:
 - (a) the aircraft was manufactured by a qualified manufacturer; and
 - (b) the applicant gives CASA, or the authorised person referred to in regulation 21.176, the following:
 - (i) a statement of compliance by the manufacturer that complies with subregulation (2);
 - (ii) copies of the aircraft operating instructions, aircraft maintenance and inspection procedures, and aircraft flight training supplement, issued for the aircraft by the manufacturer;
 - (iii) in the case of a light sport aircraft manufactured outside Australia — written information showing that:
 - (A) the aircraft was manufactured in a Contracting State; and
 - (B) the aircraft is eligible for a certificate of airworthiness, or another document of similar effect, in the country of manufacture; and
 - (c) CASA or an authorised person finds, after inspection, that the aircraft is in a condition for safe operation.

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- (2) A statement of compliance must be signed by the manufacturer and include at least the following:
 - (a) a statement setting out the aircraft's make and model, serial number and date of manufacture;
 - (b) a statement specifying which of the LSA standards apply to the design of the aircraft, including a statement to the effect that the design of the aircraft complies with the specified standards;
 - (c) a statement specifying that:
 - (i) the manufacturer has a quality system that complies with the LSA standards; and
 - (ii) based on that system, the aircraft conforms to the manufacturer's design data;
 - (d) a statement to the effect that the manufacturer will make the statements, documents and information referred to in paragraph (1) (b) available to any person who asks the manufacturer for them;
 - (e) a statement to the effect that the manufacturer will monitor the continuing airworthiness of the aircraft and will issue directions or requirements that comply with the LSA standards to correct any unsafe condition;
 - (f) a statement to the effect that, in accordance with a production acceptance test procedure that complies with the LSA standards:
 - (i) the manufacturer has ground-tested and flight-tested the aircraft; and
 - (ii) the manufacturer found the aircraft's performance during ground and flight testing acceptable; and
 - (iii) the aircraft is in a condition for safe operation.

21.187 Multiple-category airworthiness certification

- (1) An applicant for a certificate of airworthiness for an aircraft in the restricted category, and in one or more other categories (except the primary or intermediate category), is entitled to the certificate, if the aircraft:
 - (a) complies with the requirements for a particular category, when the aircraft is in the configuration for that category; and

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(b) can be converted from one category to another by removing or adding equipment by simple mechanical means.

(2) The operator of an aircraft certificated in the restricted category and in one or more other categories must have the aircraft inspected to determine airworthiness each time the aircraft is converted from the restricted category to another category for the carriage of passengers.

Penalty: 50 penalty units.

(2A) An offence against subregulation (2) is an offence of strict liability.

Note For **strict liability**, see section 6.1 of the *Criminal Code*.

(3) The inspection must be carried out by:

- (a) CASA or an authorised person; or
- (b) a person who, under regulation 42ZE or 42ZN of CAR, can certify that the maintenance carried out on the aircraft for the purposes of its conversion was completed.

(4) CASA or an authorised person may inspect the aircraft, and may require the applicant to make any tests reasonably necessary, to determine whether the aircraft:

- (a) complies with the requirements for a particular category, when the aircraft is in the configuration for that category; and
- (b) can be converted from one category to another by removing or adding equipment by simple mechanical means.

Source FARs section 21.187 modified.

21.189 Special certificate of airworthiness for limited category aircraft

- (1) An applicant is entitled to a special certificate of airworthiness for an aircraft in the limited category for one or more special purpose operations mentioned in subregulation (3) if:
 - (a) either:

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- (i) CASA or an authorised person is satisfied that the aircraft meets the airworthiness requirements for the issue of a standard certificate of airworthiness (except any requirements that are inappropriate for the special purpose for which the aircraft is to be used); or
 - (ii) the aircraft is of a type that has been manufactured in accordance with the requirements of, and accepted for use by, an armed force, and for which the applicant can demonstrate to CASA or an authorised person a satisfactory history of operation; and
 - (b) as far as can be reasonably determined, CASA or an authorised person is satisfied that the aircraft is in a good state of preservation and repair and is in a condition for safe operation; and
 - (c) as far as can be reasonably determined, CASA or an authorised person is satisfied that the aircraft can reasonably be expected to be safe when it is operated under the conditions limiting its intended use; and
 - (d) the applicant meets the requirements of subregulation (2).
- (2) The applicant must give CASA or an authorised person the following:
- (a) a statement, in a form and manner acceptable to CASA or the authorised person, setting out the purpose or purposes for which the aircraft is to be used;
 - (b) data (for example photographs) to identify the aircraft;
 - (c) any other information reasonably needed by CASA or the authorised person to enable it to impose any conditions necessary in the interests of the safety of other airspace users and persons on the ground or water.
- (3) The special purpose operations are the following:
- (a) operating historic or ex-military aircraft in adventure style operations;
 - (b) aerobatic flights;
 - (c) aerobatic training;
 - (d) exhibition flights;

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- (e) mock combat;
 - (f) operating replica aircraft;
 - (g) operating aircraft to carry people for parachute jumping;
 - (h) any other operation in which the only use of the aircraft is to carry people taking part in a recreational activity that is intrinsically hazardous.
- (4) CASA or an authorised person may:
- (a) inspect the aircraft to determine whether it is in a good state of preservation and repair and is in a condition for safe operation; and
 - (b) require the applicant to carry out a flight check to enable CASA or the authorised person to make the determination.

Source FARs section 21.189 modified.

21.190 Special certificates of airworthiness — amateur-built category aircraft accepted under an ABAA

- (1) An applicant is entitled to a special certificate of airworthiness for an aircraft in the amateur-built aircraft category if:
- (a) CASA or an authorised person has given an ABAA for the aircraft; and
 - (b) the aircraft complies with subsections 3 and 4 of section 101.28 of the Civil Aviation Orders; and
 - (c) approval for the manufacture of the aircraft was given by CASA or an authorised person and the aircraft was manufactured in accordance with the approval; and
 - (d) CASA or an authorised person finds, after inspection, that:
 - (i) the aircraft conforms with the data on the basis of which the ABAA was given; and
 - (ii) any modifications or repairs to the aircraft have been carried out in accordance with approved maintenance data; and
 - (iii) the aircraft is in a condition for safe operation.
- (1A) In the case of an aircraft that is a rotorcraft, for the application of section 101.28 of the Civil Aviation Orders:
- (a) a reference in that section to an aeroplane is taken to be a reference to an aircraft; and

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- (b) CASA may direct that a requirement of that section does not apply in a particular case.
- (2) CASA or an authorised person must not give an ABAA for an aircraft, except an aircraft with:
 - (a) a maximum take-off weight not greater than 1500 kilograms; and
 - (b) not more than 4 seats; and
 - (c) if the aircraft is an aeroplane that is fitted with one or more type certificated engines:
 - (i) a stalling speed V_{S0} at maximum weight not exceeding 61 knots; or
 - (ii) if accurate data about the stalling speed is not available — a maximum wing loading not exceeding:
 - (A) 65 kg/m^2 with a flap area of less than 6 percent gross wing area; or
 - (B) 80 kg/m^2 with a flap area of at least 6 percent gross wing area; and
 - (d) if the aircraft is an aeroplane that is fitted with one or more non-type certificated engines:
 - (i) a stalling speed V_{S0} at maximum weight not exceeding 55 knots; or
 - (ii) if accurate data about the stalling speed is not available — a maximum wing loading not exceeding:
 - (A) 55 kg/m^2 with a flap area of less than 6 percent gross wing area; or
 - (B) 65 kg/m^2 with a flap area of at least 6 percent gross wing area.
- (3) CASA or an authorised person must not give an ABAA for an aircraft if the ABAA is applied for after 30 September 2000.

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21.191 Experimental certificates

An experimental certificate may be issued for one or more of the following purposes:

- (a) research and development: for example testing new aircraft design concepts, new aircraft equipment, new aircraft installations, new aircraft operating techniques, or new uses for aircraft;
- (b) showing compliance with regulations: for example conducting flight tests and other operations to show compliance with the airworthiness regulations including flights to show compliance for issue of type and supplemental type certificates, flights to substantiate major design changes, and flights to show compliance with the function and reliability requirements of the regulations;
- (c) training the applicant's flight crew;
- (d) exhibition: for example exhibiting the aircraft's flight capabilities, performance, or unusual characteristics at air shows, motion picture, television, and similar productions, and the maintenance of exhibition flight proficiency, including (for persons exhibiting aircraft) flying to and from such air shows and productions;
- (e) air racing: for example participating in air races, including (for participants) practising for air races and flying to and from racing events;
- (f) market surveys: for example use of aircraft for purposes of conducting market surveys, sales demonstrations, and customer crew training only as provided in regulation 21.195;
- (g) operating an amateur-built aircraft: that is an aircraft the major portion of which has been fabricated and assembled by a person who undertook the construction project solely for the person's own education or recreation;
- (h) operating a kit-built aircraft: that is an aircraft in the primary category that meets the criteria of paragraph 21.024 (1) (a) and that was assembled by a person from a kit manufactured by the holder of a production certificate for that kit, without the supervision and quality control of the production certificate holder under subregulation 21.184 (1);

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- (i) private operations of prototype aircraft previously certificated under paragraph 21.191 (a), (b) or (d);
- (j) operating a light sport aircraft that:
 - (i) has been assembled from a kit in relation to which the applicant can give the information, statement and documents required by paragraph 21.193 (e); and
 - (ii) has been assembled in accordance with the kit manufacturer's instructions for assembling the aircraft; and
 - (iii) is of the same make and model as a production aircraft covered by regulation 21.186 that has been issued with a special certificate of airworthiness;
- (k) operating any other light sport aircraft covered by regulation 21.186 for which a special certificate of airworthiness for light sport aircraft, or another document of similar effect under a law of a Contracting State, has been issued.

Source FARs section 21.191 modified.

21.192 Experimental certificates: eligibility

An aircraft registration holder, or the owner of an aircraft that is registered with a sport aviation body, is eligible to apply for an experimental certificate for one or more of the purposes mentioned in regulation 21.191.

Note For the meaning of *sport aviation body*, see subregulation 2 (1) of CAR.

21.193 Experimental certificates: general

An applicant for an experimental certificate is entitled to the certificate if the applicant gives CASA or an authorised person the following:

- (a) a statement, in a form and manner acceptable to CASA or the authorised person, setting forth the purpose for which the aircraft is to be used;
- (b) enough data (such as photographs) to identify the aircraft;

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- (c) upon inspection of the aircraft, any information reasonably needed by CASA or the authorised person to enable it to impose any conditions or operational limitations necessary in the interests of the safety of other airspace users and persons on the ground or water;
- (d) if the experimental certificate is to be issued for a purpose mentioned in paragraph 21.191 (a) (research and development) or paragraph 21.191 (b) (showing compliance with the regulations):
 - (i) a description of the experimental purposes for which the certificate is sought; and
 - (ii) a statement setting out the estimated time or number of flights required for the purpose; and
 - (iii) a description of the areas over which the experiment will be conducted; and
 - (iv) except for aircraft converted from a previously certificated type without appreciable change in the external configuration — three-view drawings or three-view dimensioned photographs of the aircraft;
- (e) if the experimental certificate is to be issued for a purpose mentioned in paragraph 21.191 (j) (operating certain light sport aircraft):
 - (i) written information that shows that a special certificate of airworthiness for light sport aircraft covered by regulation 21.186, or another document of similar effect under a law of a Contracting State, has been issued for a production aircraft of the same make and model; and
 - (ii) a statement of compliance, issued by the manufacturer of the kit from which the aircraft was assembled, that includes the statements and information required by subregulation 21.186 (2), in so far as the statements and information relate to the manufacture of such kits; and
 - (iii) copies of the aircraft assembly and operating instructions, aircraft maintenance and inspection procedures, and aircraft flight training supplement, issued for the aircraft by the manufacturer.

Source FARs section 21.193 modified.

Regulation 21.195

21.195 Experimental certificates: aircraft to be used for market surveys, sales demonstrations, and customer crew training

- (1) A manufacturer of aircraft manufactured within Australian territory is eligible to apply for an experimental certificate for an aircraft that is to be used for a purpose mentioned in paragraph 21.191 (f).
- (2) A manufacturer of aircraft engines who has altered a type certificated aircraft by installing different engines, manufactured by the manufacturer within Australian territory, is eligible to apply for an experimental certificate for a purpose mentioned in paragraph 21.191 (f) if the basic aircraft, before alteration, was type certificated in the normal, acrobatic, commuter, primary, intermediate or transport category.
- (3) A person who has altered the design of a type certificated aircraft is eligible to apply for an experimental certificate for the altered aircraft to be used for a purpose mentioned in paragraph 21.191 (f) if the basic aircraft, before alteration, was type certificated in the normal, utility, acrobatic, primary, intermediate or transport category.
- (4) An applicant for an experimental certificate for a purpose mentioned in paragraph 21.191 (f) is entitled to the certificate if, in addition to meeting the requirements of regulation 21.193:
 - (a) the applicant has established an inspection and maintenance program for the continued airworthiness of the aircraft; and
 - (b) the aircraft has been flown for at least 50 hours, or for at least 5 hours if it is a type certificated aircraft which has been modified.

Source FARs section 21.195 modified.

21.195A Issue of experimental certificates

- (1) CASA or an authorised person must issue an experimental certificate to an applicant for the certificate if the applicant:
 - (a) is eligible, under regulation 21.192, to apply for the certificate; and

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- (b) applies for the certificate in accordance with this Subpart;
and
 - (c) is entitled, under this Subpart, to the certificate; and
 - (d) otherwise complies with this Part.
- (2) CASA or an authorised person must issue the certificate subject to the conditions (if any) that CASA or the authorised person considers necessary for the safety of other airspace users and persons on the ground or water.
- (3) A condition imposed under subregulation (2) may include operational limitations.
- (4) Any conditions imposed under this regulation must be in writing and set out in, or attached to, the experimental certificate.
- (5) A person must not engage in conduct that results in a breach of a condition of an experimental certificate.

Penalty: 50 penalty units.

- (6) An offence against subregulation (5) is an offence of strict liability.

Note For **strict liability**, see section 6.1 of the *Criminal Code*.

21.195B Duration of experimental certificates

- (1) Subject to subregulation (4), an experimental certificate issued for the purpose of research and development, showing compliance with regulations, crew training or market surveys, continues in force:
- (a) if a period of less than one year is specified in the certificate — until the end of the period, or until it is cancelled, whichever occurs first; or
 - (b) in any other case — until the end of the period of one year after the date on which it was issued, or until it is cancelled, whichever occurs first.

Regulation 21.195B

- (2) Subject to subregulation (4), an experimental certificate issued for the purpose of exhibition, air racing, operating amateur-built, kit-built or light sport aircraft or private operations of prototype aircraft previously certificated under paragraph 21.191 (a), (b) or (d), continues in force:
 - (a) if a period is specified in the certificate — until the end of the period, or until it is cancelled, whichever occurs first; or
 - (b) in any other case — until it is cancelled.
- (3) The holder of an experimental certificate must, on the request of CASA or an authorised person, make it available for inspection by CASA.

Penalty: 5 penalty units.
- (4) An experimental certificate for an aircraft stops being in force if the aircraft ceases to be registered in Australia.
- (5) CASA or an authorised person may suspend or cancel an experimental certificate for an aircraft, by written notice given to its holder, if:
 - (a) any maintenance is not carried out in accordance with regulation 42CB of CAR; or
 - (b) CASA or the authorised person otherwise considers that it is necessary to do so in the interests of the safety of other airspace users and persons on the ground or water.
- (6) A notice under subregulation (5) must set out:
 - (a) the grounds for the suspension or cancellation; and
 - (b) in the case of a suspension — when the suspension stops having effect.
- (7) Despite anything else in this regulation, an experimental certificate is not in force during any period of suspension, but, if the certificate was issued for a specified period, the period of suspension counts as part of the period for which the certificate was issued.

Regulation 21.197

- (8) The holder of an experimental certificate that stops being in force under subregulation (4), expires, or is suspended or cancelled, must, at the written request of CASA or an authorised person, surrender the certificate to CASA or the authorised person.

Penalty: 5 penalty units.

- (9) An offence against subregulation (3) or (8) is an offence of strict liability.

Note For **strict liability**, see section 6.1 of the *Criminal Code*.

Source FARs section 21.181 modified.

Note See also regulations 21.002C and 21.002E in relation to suspension and cancellation of experimental certificates.

21.196 Special flight permits: eligibility

Any person is eligible to apply for a special flight permit.

21.197 Special flight permits

- (1) A special flight permit may be issued for one or more of the following purposes for an aircraft that may not currently meet the applicable airworthiness requirements, but can reasonably be expected to be capable of safe flight for the intended purpose:
- (a) flying the aircraft to a base where repairs, alterations, or maintenance are to be performed, or to a point of storage;
 - (b) delivering or exporting the aircraft;
 - (c) production flight testing new production aircraft;
 - (d) evacuating the aircraft from areas of impending danger;
 - (e) conducting customer demonstration flights in new production aircraft that have satisfactorily completed production flight tests;
 - (f) assisting in searching for, bringing aid to or rescuing persons in danger on a particular occasion;
 - (g) assisting in dealing with a state of emergency.

Regulation 21.199

- (2) A special flight permit may authorise the operation of an aircraft at a weight in excess of its maximum certificated take-off weight for flight beyond the normal range over water, or over land areas where adequate landing facilities or appropriate fuel is not available. The excess weight that may be authorised under this paragraph is limited to the additional fuel, fuel-carrying facilities, and navigation equipment necessary for the flight.
- (3) For subsection 20AA (1) of the Act, an aircraft with a special flight permit, except a special flight permit issued for a purpose mentioned in paragraph (1) (b), is not required to be registered.
- (4) For paragraph 20AA (3) (a) of the Act, an aircraft with a special flight permit is not required to have a certificate of airworthiness.
- (5) For paragraph 20AA (3) (b) of the Act, an aircraft with a special flight permit is not required to have a maintenance release.
- (6) When CASA or an authorised person issues a special flight permit, it may direct that, while the permit is in force, all or any of paragraphs 133 (1) (a), (c) and (d), and regulation 139, of CAR do not apply to the aircraft.

Source FARs section 21.197 modified.

21.199 Applications for special flight permits

- (1) An applicant for a special flight permit must submit a statement in a form and manner acceptable to CASA or an authorised person, indicating the following:
 - (a) the purpose or purposes of the flight;
 - (b) the proposed itinerary;
 - (c) the crew required to operate the aircraft and its equipment, for example, pilot, co-pilot, navigator;
 - (d) the ways, if any, in which the aircraft does not comply with the applicable airworthiness requirements;
 - (e) any restriction the applicant considers necessary for safe operation of the aircraft;

Regulation 21.200

- (f) any other information that CASA or the authorised person reasonably needs to be able to prescribe operating limitations or other conditions in the interests of aviation safety.
- (2) CASA or an authorised person may make, or require the applicant to make, appropriate inspections or tests necessary to determine whether the aircraft can reasonably be expected to be capable of safe flight for the intended purpose or purposes.

Source FARs section 21.199 modified.

21.200 Issue of special flight permits

- (1) Subject to subregulation (1A), CASA or an authorised person must issue a special flight permit to an applicant for the permit if the applicant:
 - (a) is eligible, under regulation 21.196, to apply for the permit; and
 - (b) applies for the permit in accordance with this Subpart; and
 - (c) otherwise complies with this Part.
- (1A) CASA or an authorised person must not issue a special flight permit for an aircraft if:
 - (a) the aircraft is covered by an AD; and
 - (b) the AD includes a statement to the effect that a special flight permit must not be issued for an aircraft covered by the AD.
- (2) CASA or an authorised person may issue a special flight permit for an aircraft subject to any conditions that CASA or the authorised person considers necessary in the interests of aviation safety.
- (3) A condition imposed under subregulation (2) may include operational limitations.
- (4) Any conditions imposed under this regulation, and any conditions imposed under regulation 21.016 or 21.029B that limit the use of the aircraft, must be in writing and set out in, or attached to, the special flight permit.

Regulation 21.201

- (5) A person must not engage in conduct that results in a breach of a condition of a special flight permit.

Penalty: 50 penalty units.

- (6) An offence against subregulation (5) is an offence of strict liability.

Note For **strict liability**, see section 6.1 of the *Criminal Code*.

21.201 Duration of special flight permits

- (1) A special flight permit continues in force:
- (a) if a period is specified in the permit — until the end of the period, or until it is cancelled, whichever occurs first; or
 - (b) in any other case — until it is cancelled.

- (2) The holder of a special flight permit must, on the request of CASA or an authorised person, make it available for inspection by CASA or an authorised person.

Penalty: 5 penalty units.

- (2A) An offence against subregulation (2) is an offence of strict liability.

Note For **strict liability**, see section 6.1 of the *Criminal Code*.

- (3) CASA or an authorised person may suspend or cancel a special flight permit, by written notice given to its holder, if CASA or the authorised person considers that it is necessary to do so in the interests of aviation safety.

- (4) A notice under subregulation (3) must set out:
- (a) the grounds for the suspension or cancellation; and
 - (b) in the case of a suspension — when the suspension stops having effect.

- (5) Despite anything else in this regulation, a special flight permit is not in force during any period of suspension, but, if the permit was issued for a specified period, the period of suspension counts as part of the period for which the permit was issued.

Regulation 21.213

Source FARs section 21.181 modified.

Note See also regulations 21.002C and 21.002E in relation to suspension and cancellation of special flight permits.

Subpart 21.I Provisional certificates of airworthiness

Note A provisional certificate of airworthiness issued under this Part for an aircraft, aircraft engine or propeller does not certify that it complies with the Air Navigation (Aircraft Noise) Regulations, the Air Navigation (Aircraft Engine Emissions) Regulations or any other applicable Commonwealth legislation. Compliance with those regulations or other applicable Commonwealth legislation may be required before the aircraft, aircraft engine or propeller may be legally operated.

21.211 Applicability

This Subpart prescribes requirements for the issue of provisional certificates of airworthiness.

Source FARs section 21.211 modified.

21.213 Eligibility

- (1) A manufacturer is eligible to apply for a Class I or Class II provisional certificate of airworthiness for aircraft manufactured by the manufacturer in Australian territory.
- (2) The holder of an AOC issued for regular public transport operations is eligible to apply for a Class II provisional certificate of airworthiness for transport category aircraft if:
 - (a) the aircraft has a current Class II provisional type certificate or a current amendment of a Class II provisional type certificate; or
 - (b) the aircraft has a current provisional amendment to a type certificate that was preceded by a corresponding Class II provisional type certificate.

Regulation 21.215

- (3) An aircraft engine manufacturer who has altered a type certificated aircraft by installing different type certificated engines, manufactured by the aircraft engine manufacturer in Australian territory, is eligible to apply for a Class I provisional certificate of airworthiness for that aircraft, if the basic aircraft, before alteration, was type certificated in the normal, utility, acrobatic, commuter, primary, intermediate or transport category.

Source FARs section 21.213 modified.

21.215 Application

Application for a provisional certificate of airworthiness may be submitted to CASA. The application must be accompanied by the pertinent information specified in these regulations.

Source FARs section 21.215 modified.

21.216 Issue of provisional certificates of airworthiness

CASA must issue a provisional certificate of airworthiness to an applicant for the certificate if the applicant:

- (a) is eligible, under regulation 21.213, to apply for the certificate; and
- (b) applies for the certificate in accordance with this Subpart; and
- (c) is entitled, under this Subpart, to the certificate; and
- (d) otherwise complies with this Part.

21.217 Duration

- (1) Unless sooner cancelled, provisional certificates of airworthiness are effective for the duration of the corresponding provisional type certificate, amendment to a provisional type certificate, or provisional amendment to the type certificate.
- (2) Despite subregulation (1), a provisional certificate of airworthiness is not in force during any period of suspension.

Regulation 21.221

- (3) CASA may suspend or cancel a provisional certificate of airworthiness, by written notice given to its holder, if CASA considers that it is necessary to do so in the interests of aviation safety.
- (4) A notice must set out:
 - (a) the grounds for the suspension or cancellation; and
 - (b) in the case of a suspension — when the suspension stops having effect.

Source FARs section 21.217 modified.

Note See also regulations 21.002C and 21.002E in relation to suspension and cancellation of provisional certificates of airworthiness.

21.219 Transferability

- (1) Class I provisional certificates of airworthiness are not transferable.
- (2) Class II provisional certificates of airworthiness may be transferred to an AOC holder eligible to apply for a certificate under subregulation 21.213 (2).

Source FARs section 21.219 modified.

21.221 Class I provisional certificates of airworthiness

- (1) Except as provided in regulation 21.225, an applicant who holds a Class I provisional type certificate for an aircraft is entitled to a Class I provisional certificate of airworthiness for the aircraft if:
 - (a) the applicant meets the eligibility requirements of regulation 21.213; and
 - (b) CASA is satisfied that the requirements of this regulation are satisfied and that there is no feature, characteristic or condition of the aircraft that would make the aircraft unsafe when operated in accordance with the limitations mentioned in subregulation 21.081 (4) of these regulations and regulation 262AO of CAR.
- (2) The manufacturer must hold a provisional type certificate for the aircraft.

Regulation 21.223

- (3) The manufacturer must submit a statement that the aircraft conforms to the type design corresponding to the provisional type certificate and has been found by the manufacturer to be in safe operating condition under all applicable limitations.
- (4) The aircraft must be flown at least five hours by the manufacturer.
- (5) The aircraft must be supplied with a provisional aircraft flight manual or other document and appropriate placards containing the limitations mentioned in subregulation 21.081 (4) of these regulations and regulation 262AO of CAR.

Source FARs section 21.221 modified.

21.223 Class II provisional certificates of airworthiness

- (1) Except as provided in regulation 21.225, an applicant who holds a Class II provisional type certificate for an aircraft is entitled to a Class II provisional certificate of airworthiness for the aircraft if:
 - (a) the applicant meets the eligibility requirements of regulation 21.213; and
 - (b) CASA is satisfied that the requirements of this regulation are satisfied and that there is no feature, characteristic, or condition of the aircraft that would make the aircraft unsafe when operated in accordance with the limitations mentioned in subregulation 21.083 (7) of these regulations and regulation 262AO of CAR.
- (2) The applicant must show that a Class II provisional type certificate for the aircraft has been issued to the manufacturer.
- (3) The applicant must submit a statement by the manufacturer that the aircraft has been manufactured under a quality system adequate to ensure that the aircraft conforms to the type design corresponding with the provisional type certificate.
- (4) The applicant must submit a statement that the applicant has found the aircraft to be in a safe operating condition under the applicable limitations.
- (5) The aircraft must be flown at least five hours by the manufacturer.

Regulation 21.225

- (6) The aircraft must be supplied with a provisional aircraft flight manual containing the limitations mentioned in subregulation 21.083 (7) of these regulations and regulation 262AO of CAR.

Source FARs section 21.223 modified.

**21.225 Provisional certificates of airworthiness
corresponding with provisional amendments to type
certificates**

- (1) An applicant is entitled to a Class I or a Class II provisional certificate of airworthiness for an aircraft for which a provisional amendment to the type certificate has been issued, if:
- (a) the applicant meets the eligibility requirements of regulation 21.213; and
 - (b) CASA is satisfied that the requirements of this regulation are satisfied and that there is no feature, characteristic, or condition of the aircraft, as modified in accordance with the provisionally amended type certificate, that would make the aircraft unsafe when operated in accordance with the applicable limitations mentioned in subregulation 21.085 (6) of these regulations and regulation 262AO of CAR.
- (2) The applicant must show that the modification was made under a quality system adequate to ensure that the modification conforms to the provisionally amended type certificate.
- (3) The applicant must submit a statement that the applicant has found the aircraft to be in a safe operating condition under the applicable limitations.
- (4) The aircraft must be flown at least five hours by the manufacturer.
- (5) The aircraft must be supplied with a provisional aircraft flight manual or other document and appropriate placards containing the limitations mentioned in subregulation 21.085 (6) of these regulations and regulation 262AO of CAR.

Source FARs section 21.225 modified.

Regulation 21.231

Subpart 21.J Delegation option authorisation procedures

21.231 Applicability

- (1) This Subpart prescribes requirements for:
 - (a) obtaining and using a delegation option authorisation for type, production, and airworthiness certification (as applicable) of the following:
 - (i) small aeroplanes and small gliders;
 - (ii) normal category rotorcraft;
 - (iii) turbojet engines of not more than 4.45 kN thrust;
 - (iv) turbopropeller and reciprocating engines with a power rating of not more than 373 kW;
 - (v) propellers manufactured for use on engines covered by subparagraph (iv); and
 - (b) issuing authorised release certificates for engines, propellers, and parts of products covered by paragraph (a).

- (2) In subregulation (1):

small aeroplane means an aeroplane with a maximum take-off weight of not more than 5,700 kilograms.

small glider means a glider with a maximum design weight of not more than 750 kilograms.

Source FARs section 21.231, modified.

21.235 Application

- (1) The manufacturer of an aircraft, aircraft engine or propeller may apply to CASA for a delegation option authorisation in relation to the aircraft, aircraft engine or propeller.
- (2) The application must be in a form and manner acceptable to CASA.

Regulation 21.243

- (3) The application must include the names, signatures, and qualifications of the persons (***nominated persons***) for whom authorisation to sign certificates of airworthiness, repair and alteration certificates, and inspection certificates is requested.

Source FARs section 21.235, modified.

21.239 Eligibility

CASA may issue a delegation option authorisation for an aircraft, aircraft engine or propeller to an applicant if the applicant:

- (a) holds a current type certificate for another aircraft, aircraft engine or propeller that is type certificated by reference to the same Part of these regulations as the aircraft, aircraft engines or propellers for which the authorisation is sought; and
- (b) holds a current production certificate for aircraft, aircraft engines or propellers for which the authorisation is sought; and
- (c) employs, or has available working under an arrangement, a staff of engineering, flight test, production and inspection personnel who can determine compliance with the applicable airworthiness requirements of these regulations; and
- (d) meets any other requirements of this Subpart.

Source FARs section 21.239, modified.

21.243 Duration

- (1) A delegation option authorisation continues in force until it is cancelled.
- (2) CASA may suspend or cancel a delegation option authorisation, by written notice given to its holder, if:
 - (a) the holder of the authorisation does not continue to meet the requirements of this Part; or
 - (b) any change (including a change of personnel) occurs that could affect the ability of the holder to meet those requirements.

Regulation 21.245

- (3) Despite subregulation (1), a delegation option authorisation is not in force during any period of suspension.
- (4) A notice under subregulation (2) must set out:
 - (a) the grounds for the suspension or cancellation; and
 - (b) in the case of a suspension — when the suspension stops having effect.

Source FARs section 21.243 modified.

Note See also regulations 21.002C and 21.002E in relation to suspension and cancellation of delegation option authorisations.

21.245 Maintenance of eligibility

- (1) If the holder of a delegation option authorisation ceases to meet the requirements for issue of the authorisation, the holder must notify CASA within 2 working days why the holder no longer meets the requirements.

Penalty: 50 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.

Note For **strict liability**, see section 6.1 of the *Criminal Code*.

Source FARs section 21.245, modified.

21.247 Transferability

A delegation option authorisation is not transferable.

Source FARs section 21.247.

21.249 Inspections

- (1) Upon request, each holder of, or applicant for, a delegation option authorisation must let CASA inspect the holder's or applicant's organisation, facilities, product, and records to determine whether the holder or applicant is suitable to hold a delegation option authorisation.
- (2) If the holder of a delegation option authorisation does not comply with a request for inspection, the authorisation is suspended until the request is complied with.

Regulation 21.251

- (3) If an applicant for a delegation option authorisation does not comply with a request for inspection, CASA is not required to issue the authorisation.

Source FARs section 21.249 modified.

21.251 Use of delegation option authorisation

- (1) A delegation option authorisation authorises a nominated person for the authorisation to do any, or all, of the following in relation to an aircraft, aircraft engine or propeller to which the authorisation applies:
- (a) certify that the type design meets the applicable requirements, and do anything else for the purpose of obtaining a type certificate under regulation 21.253;
 - (b) if the holder of the authorisation also holds the type certificate for the aircraft, aircraft engine or propeller — approve changes in the type design of the aircraft, aircraft engine or propeller;
 - (c) certify that a new model or type of aircraft, aircraft engine or propeller meets the production certification requirements, and do anything else for the purposes of regulation 21.267;
 - (d) if the authorisation relates to an aircraft for which the holder of the authorisation has applied for a type certificate or amended type certificate under regulation 21.253 — issue experimental certificates to permit the operation of the aircraft for the purpose of research and development, crew training, market surveys, or showing compliance with the applicable airworthiness requirements;
 - (e) if the authorisation relates to an aircraft for which the holder of the authorisation also holds a type certificate and holds, or is in the process of obtaining, a production certificate — issue certificates of airworthiness for the aircraft;
 - (f) if the authorisation relates to aircraft engines or propellers for which the holder of the authorisation also holds a type certificate and holds, or is in the process of obtaining, a production certificate — issue authorised release certificates for the aircraft engines or propellers;

Regulation 21.253

- (g) issue authorised release certificates for parts of aircraft, aircraft engines or propellers covered by the authorisation.
- (2) Delegation option authorisation procedures may be applied to one or more types of aircraft, aircraft engine or propeller selected by the manufacturer, who must notify CASA of each model, and of the first serial number of each model manufactured under the delegation option authorisation procedures. Other types or models may remain under the standard procedures.
- (3) Delegation option authorisations are subject to any additional limitations determined by CASA in the interests of aviation safety after inspection of the applicant's facilities or review of the staff qualifications.

Source FARs section 21.251 modified.

21.253 Type certificates: application

To obtain, under the delegation option authorisation, a type certificate for a new aircraft, aircraft engine or propeller, or an amended type certificate, the holder of the authorisation must submit to CASA:

- (a) an application for the type certificate or amended type certificate; and
- (b) a statement listing the airworthiness requirements of these regulations (by number and effective date) that the manufacturer considers applicable; and
- (c) after determining that the type design meets the applicable requirements, a statement certifying that this determination has been made; and
- (d) after placing the required technical data and type inspection report in the technical data file required by subparagraph 21.293 (1) (a) (i), a statement certifying that this has been done; and
- (e) a proposed type certificate data sheet; and
- (f) an aircraft flight manual (if required) or a summary of required operating limitations and other information necessary for safe operation of the aircraft, aircraft engine or propeller.

Regulation 21.261

Source FARs section 21.253 modified.

21.257 Type certificates: issue

- (1) An applicant is entitled to a type certificate for an aircraft, aircraft engine or propeller manufactured under a delegation option authorisation if the aircraft, aircraft engine or propeller meets the applicable airworthiness requirements or any airworthiness provisions not met are compensated for by factors that provide an equivalent level of safety.
- (2) CASA may inspect an aircraft, aircraft engine or propeller to determine whether it meets the applicable airworthiness requirements.

Source FARs section 21.257 modified.

21.261 Equivalent safety provisions

- (1) A manufacturer manufacturing an aircraft, aircraft engine or propeller under a delegation option authorisation must notify CASA if the manufacturer does not comply with an applicable airworthiness requirement but is compensating for the non-compliance by factors that provide an equivalent level of safety.

Penalty: 50 penalty units.
- (2) CASA must notify the manufacturer, in writing, if CASA is satisfied that the compensating factors provide an equivalent level of safety.
- (3) If CASA is not satisfied that the compensating factors provide an equivalent level of safety, CASA must give the manufacturer a direction, in writing, setting out what the manufacturer must do to provide an equivalent level of safety.
- (4) The manufacturer must not engage in conduct that results in a breach of a direction given under subregulation (3).

Penalty: 50 penalty units.

Regulation 21.267

- (5) An offence against subregulation (1) or (4) is an offence of strict liability.

Note For **strict liability**, see section 6.1 of the *Criminal Code*.

Source FARs section 21.261 modified.

Source FARs section 21.261 modified.

21.267 Production certificates

To have a new model or new type certificate listed on a production certificate, the manufacturer must submit to CASA:

- (a) an application for an amendment to the production certificate; and
- (b) after determining that the production certification requirements of Subpart 21.G, with respect to the new model or type, are met, a statement certifying that this determination has been made; and
- (c) a statement identifying the type certificate number under which the aircraft, aircraft engine or propeller is being manufactured; and
- (d) after placing the manufacturing and quality system data required by regulation 21.143 with the data required by subparagraph 21.293 (1) (a) (ii), a statement certifying that this has been done.

Source FARs section 21.261 modified.

21.269 Export airworthiness approvals

A delegation option authorisation for an aircraft, aircraft engine or propeller authorises a nominated person for the authorisation to issue an export airworthiness approval for the aircraft, aircraft engine or propeller.

Source FARs section 21.269 modified.

21.271 Authorised release certificates — criteria for issue

- (1) A nominated person for a delegation option authorisation may issue an authorised release certificate mentioned in paragraph 21.251 (1) (f) or (g) for an aircraft engine, or propeller, or part

Regulation 21.275

if the aircraft engine, propeller or part, after inspection and operations tests:

- (a) conforms to a type design for which the manufacturer who holds the delegation option authorisation also holds the type certificate; and
 - (b) is in a condition for safe operation.
- (2) When a new model has been included on the production limitation record mentioned in regulation 21.151, the production certification number must be stamped on the aircraft engine or propeller identification data plate instead of issuing an authorised release certificate.

Penalty: 50 penalty units.

- (3) An offence against subregulation (2) is an offence of strict liability.

Note For **strict liability**, see section 6.1 of the *Criminal Code*.

Source FARs section 21.271 modified.

21.273 Certificates of airworthiness

A nominated person for a delegation option authorisation may issue a certificate of airworthiness mentioned in paragraph 21.251 (1) (e) for an aircraft if the aircraft:

- (a) conforms to a type design for which the holder of a delegation authorisation option holds a certificate of type approval; and
- (b) is in a condition for safe operation.

Source FARs section 21.273 modified.

21.275 Experimental certificates

- (1) A nominated person for a delegation option authorisation must, before issuing an experimental certificate for an aircraft under this Subpart, obtain from CASA any limitations and conditions that CASA considers necessary in the interests of the safety of other airspace users and persons on the ground or water.

Regulation 21.277

- (2) For experimental certificates issued under this Subpart for aircraft for which the manufacturer holds the type certificate and which have undergone changes to the type design requiring flight test, the manufacturer may prescribe any operating limitations that the manufacturer considers necessary in the interests of the safety of other airspace users and persons on the ground or water.

Source FARs section 21.275 modified.

21.277 Data review and service experience

- (1) If CASA is satisfied that an aircraft, aircraft engine or propeller for which a type certificate was issued under this Subpart does not meet the applicable airworthiness requirements, or that an unsafe feature or characteristic caused by a defect in design or manufacture exists, the manufacturer, upon notification by CASA, must investigate the matter and report to CASA the results of the investigation and the action, if any, taken or proposed.

Penalty: 50 penalty units.

- (2) If corrective action by the user of the aircraft, aircraft engine or propeller is necessary for safety because of any non-compliance or defect specified in subregulation (1), the manufacturer must submit the information necessary for the issue of an airworthiness directive under regulation 37A of CAR.

Penalty: 50 penalty units.

- (3) An offence against subregulation (1) or (2) is an offence of strict liability.

Note For **strict liability**, see section 6.1 of the *Criminal Code*.

Source FARs section 21.277, modified.

21.289 Major repairs, rebuilding and alteration

A delegation option authorisation for an aircraft, aircraft engine or propeller authorises a nominated person for the authorisation:

Regulation 21.293

- (a) to approve a major repair or major alteration of the aircraft, aircraft engine or propeller; and
- (b) to certify that the repair or alteration meets the applicable airworthiness requirements.

Source FARs section 21.289, modified.

21.293 Records to be kept by a manufacturer under a delegation option authorisation

- (1) A person who manufactures an aircraft, aircraft engine or propeller type certificated under a delegation option authorisation must keep, at the place of manufacture, the following current records for the aircraft, aircraft engine or propeller:
 - (a) a technical data file that includes the type design drawings, specifications, reports on tests prescribed by this Part, and the original type inspection report and any amendments to that report;
 - (b) the data (including any amendments) required to be submitted with the original application for the delegation option authorisation;
 - (c) a record of any rebuilding and alteration performed by the person;
 - (d) a complete inspection record, the serial number, and data covering the processes and tests to which materials and parts are subjected;
 - (e) a record of service difficulties reported to the person.

Penalty: 50 penalty units.

- (2) The records mentioned in paragraphs (a), (b) and (c) must be kept for the period in which aircraft, aircraft engines or propellers are manufactured by the person under the delegation option authorisation.

Penalty: 50 penalty units.

Regulation 21.301

- (3) The records mentioned in paragraphs (d) and (e) must be kept for 2 years after the aircraft, aircraft engine or propeller to which the records relate was manufactured.

Penalty: 50 penalty units.

- (4) On CASA's request, the records must be made available for examination by CASA.

Penalty: 50 penalty units.

- (5) If the person stops manufacturing aircraft, aircraft engines or propellers under the delegation option authorisation, the person must send the records to CASA within 30 days after manufacturing stops.

Penalty: 50 penalty units.

- (6) An offence against subregulation (1), (2), (3), (4) or (5) is an offence of strict liability.

Note For **strict liability**, see section 6.1 of the *Criminal Code*.

Source FARs section 21.293, modified.

Subpart 21.K Approval of materials, parts, processes and appliances

21.301 Applicability

This Subpart prescribes requirements for the approval of certain materials, parts, processes, and appliances.

Source FARs section 21.301 modified.

21.303 Replacement and modification parts

- (1) A person may produce a modification or replacement part for sale for installation on a type certificated aircraft, aircraft engine or propeller only if:
- (a) it is produced in accordance with an Australian Parts Manufacturer Approval (APMA) issued under this Subpart; or

Regulation 21.303

- (b) the person holds an approval to produce the part issued under regulation 30 of CAR (as in force immediately before 1 December 1998).

Penalty: 50 penalty units.

- (1A) An offence against subregulation (1) is an offence of strict liability.

Note For **strict liability**, see section 6.1 of the *Criminal Code*.

- (1B) Paragraph (1) (b) ceases to have effect on 30 November 2003.

- (2) This regulation does not apply to the following:

- (a) parts manufactured in the course of maintenance by a maintenance organisation having approval to manufacture the parts;
- (b) parts produced under a type certificate or production certificate;
- (c) parts manufactured by the owner or operator of an aircraft, aircraft engine or propeller manufactured by the owner or operator, for maintaining or altering the aircraft, aircraft engine or propeller;
- (d) parts produced under an ATSO authorisation;
- (e) standard parts (such as bolts and nuts) conforming to established industry or Australian specifications.

- (2A) Any person is eligible to apply for an APMA.

- (3) An application for an APMA may be made to CASA and must include the following:

- (a) the identity of the aircraft, aircraft engine or propeller on which the part is to be installed;
- (b) the name and address of the manufacturing facilities at which the part is to be manufactured;
- (c) the design of the part, which consists of:
 - (i) drawings and specifications necessary to show the configuration of the part; and
 - (ii) information on dimensions, materials, and processes necessary to define the structural strength of the part;

Regulation 21.303

- (d) test reports and computations necessary to show that the design of the part meets the airworthiness requirements of these regulations applicable to the aircraft, aircraft engine or propeller on which the part is to be installed, unless the applicant shows that the design of the part is identical to the design of a part that is covered under a type certificate. If the design of the part was obtained by a licensing agreement, evidence of that agreement must be furnished;
 - (e) subject to subregulation (3A), a copy of the system that the applicant proposes to use, if granted an APMA, to comply with the requirements of subregulation 21.303 (11).
- (3A) An applicant is not required to include a copy of the system referred to in paragraph 21.303 (3) (e) if the applicant has previously given CASA a copy of the same version of the system.
- (4) An applicant is entitled to an APMA for a replacement or modification part if:
 - (a) following examination of the design, or on the basis of design data for the design approved by CASA or an authorised person, CASA is satisfied that the design meets the airworthiness requirements of these Regulations applicable to the aircraft, aircraft engine or propeller on which the part is to be installed; and
 - (b) the applicant will, if the APMA were to be granted, be able to comply with the requirements of subregulation (11).
- (5) An applicant for an APMA must allow CASA to make any inspection or test necessary to determine compliance with the applicable regulations.
- (6) CASA is not required to consider an application unless the applicant has complied with paragraphs (8) (b), (c) and (d).
- (7) The applicant must ensure that no change is made to a part between the time compliance with paragraphs (8) (b), (c) and (d) is shown for that part and the time the part is presented to CASA for inspection or test.

Regulation 21.303

- (8) An applicant for an APMA must make all inspections and tests necessary to determine the following:
 - (a) compliance with the applicable airworthiness requirements;
 - (b) that materials conform to the specifications in the design;
 - (c) that the part conforms to the drawings in the design;
 - (d) that the fabrication processes, construction, and assembly conform to those specified in the design.
- (9) CASA must issue an APMA to an applicant for the APMA if the applicant:
 - (a) is eligible, under this regulation, to apply for the APMA; and
 - (b) applies for the APMA in accordance with this Subpart; and
 - (c) is entitled, under this Subpart, to the APMA; and
 - (d) otherwise complies with this Part.
- (10) CASA is not required to issue an APMA if the manufacturing facilities for the part are located outside Australian territory, unless the location of the manufacturing facilities places no undue burden on CASA in administering the applicable airworthiness requirements.
- (11) The holder of an APMA must establish and maintain a fabrication inspection system that ensures that each completed part conforms to its design data and is safe for installation on applicable type certificated aircraft, aircraft engines or propellers. The system must be documented and include procedures to ensure that:
 - (a) incoming materials used in the finished part are as specified in the design data; and
 - (b) incoming materials are properly identified if their physical and chemical properties cannot otherwise be readily and accurately determined; and
 - (c) materials subject to damage and deterioration are suitably stored and adequately protected; and
 - (d) processes affecting the quality and safety of the finished aircraft, aircraft engine or propeller are accomplished in accordance with acceptable specifications; and

Regulation 21.303

- (e) parts in process are inspected for conformity with the design data at points in production where accurate determination can be made. Statistical quality control procedures may be employed where it is shown that a satisfactory level of quality will be maintained for the particular part involved; and
 - (f) current design drawings are readily available to manufacturing and inspection personnel, and used when necessary; and
 - (g) major changes to the basic design are adequately controlled and approved before being incorporated in the finished part; and
 - (h) rejected materials and components are segregated and identified in such a manner as to preclude their use in the finished part; and
 - (i) inspection records are maintained, identified with the completed part, where practicable, and retained in the holder's file for a period of at least 2 years after the part has been completed.
- (12) An APMA is not transferable and continues in force until cancelled.
- (13) The holder of an APMA must notify CASA in writing within 10 days from the date the manufacturing facility at which the parts are manufactured is relocated or expanded to include additional facilities at other locations.
- (13A) The holder of an APMA must, within 2 days after the day when any change is made to the holder's fabrication inspection system that may affect the inspection, conformation to design data or airworthiness of a part to which the APMA relates, tell CASA in writing of the change.
- (14) The holder of an APMA must determine whether each completed part conforms to the design data and is safe for installation on type certificated aircraft, aircraft engines or propellers.
- (15) CASA may suspend or cancel an APMA, by written notice given to its holder, if the holder does not comply, or ceases to comply, with this Subpart.

Regulation 21.304A

- (16) Despite subregulation (12), an APMA is not in force during any period of suspension.
- (17) A notice under subregulation (15) must set out:
 - (a) the grounds for the suspension or cancellation; and
 - (b) in the case of a suspension — when the suspension stops having effect.

Source FARs section 21.303 modified.

Note See also regulations 21.002C and 21.002E in relation to suspension and cancellation of APMA.

21.304 Conditions of an APMA

- (1) CASA may issue an APMA subject to any conditions that CASA considers necessary in the interests of the safety of air navigation.
- (2) A condition must be set out in the APMA or in a document attached to the APMA.
- (3) The holder of an APMA must not contravene a condition subject to which his or her APMA is issued.

Penalty: 50 penalty units.

- (4) An offence against subregulation (3) is an offence of strict liability.

21.304A Changes to an APMA

- (1) The holder of an APMA may apply in writing to CASA to approve a change to any of the particulars specified in the APMA, including a condition of the APMA.
- (2) CASA may, on receiving an application made under subregulation (1), approve the change.
- (3) In deciding whether to approve the change, CASA must take into account any relevant considerations relating to the interests of the safety of air navigation.

Regulation 21.305

21.305 Approval of materials, parts, processes and appliances

Whenever a material, part, process, or appliance is required to be approved under these regulations, it may be approved:

- (a) under an APMA; or
- (b) under an ATSO authorisation or letter of ATSO design approval; or
- (c) in conjunction with type certification procedures for an aircraft, aircraft engine or propeller; or
- (d) under Subpart 21.N; or
- (e) in any other manner approved by CASA.

Source FARs section 21.305 modified.

21.305A Approval of materials, parts, processes and appliances not covered by regulation 21.305

- (1) A person may apply to CASA or an authorised person for approval of any material, part, process or appliance that is not covered by regulation 21.305.
- (2) CASA or an authorised person must, following any inspection that may be necessary, give the approval to the applicant if CASA or the authorised person is satisfied that doing so would be unlikely to have an adverse effect on aviation safety.

21.306 Use of standard parts and materials

- (1) Standard parts (such as bolts and nuts) and materials conforming to established industry or Australian specifications may be used, where required by the type design, in the manufacture of an aircraft, aircraft engine, propeller, material, part or appliance if:
 - (a) the part or material to be used was supplied with a document that:
 - (i) was issued under the law of a Contracting State; and
 - (ii) contains a statement that identifies the part or material and that includes (if applicable) the specification of the part or material; and

Regulation 21.321

- (b) the part or material has zero time in service.
- (2) For the purposes of determining whether any material or part complies with established industry or Australian specifications, CASA may:
 - (a) require the person who is using, or proposing to use, the material or part to give CASA any technical data relevant to the material or part; or
 - (b) inspect any material or part to determine whether it complies with the specifications.

Subpart 21.L Export airworthiness approvals

21.321 Applicability

- (1) This Subpart prescribes:
 - (a) requirements for the issue of export airworthiness approvals; and
 - (b) rules governing the holders of those approvals.
- (2) For these regulations:
 - (a) a ***Class I product*** is a complete aircraft, aircraft engine, or propeller, that:
 - (i) has been type certificated in accordance with these regulations and for which civil specifications or type certificate data sheets have been issued; or
 - (ii) is identical to a type certificated product specified in subparagraph (i) in all respects except as is otherwise acceptable to the NAA of the importing state; and
 - (b) a ***Class II product*** is a major component of a Class I product (for example, wings, fuselages, empennage assemblies, landing gears, power transmissions and control surfaces), the failure of which would jeopardise the safety of a Class I product; or any part, material, or appliance, approved and manufactured under an ATSO in the “C” series; and
 - (c) a ***Class III product*** is any part or component which is not a Class I or Class II product and includes standard parts (for example, those designated as AN, NAS or SAE); and

Regulation 21.323

- (d) the word *overhauled* when used to describe a product means that the product has not been operated or placed in service, except for functional testing, since having been overhauled, inspected and approved for return to service in accordance with these regulations.

Source FARs section 21.321, modified.

21.323 Eligibility

Any person may obtain an export airworthiness approval for a Class I, Class II or Class III product.

Source FARs section 21.323, modified.

21.324 Issue of export airworthiness approvals

CASA, or an authorised person, must issue an export airworthiness approval for a Class I, Class II or Class III product to an applicant for the approval if the applicant:

- (a) is eligible, under regulation 21.323, to obtain the approval; and
- (b) applies for the approval in accordance with this Subpart; and
- (c) is entitled, under this Subpart, to the approval; and
- (d) otherwise complies with this Part.

21.325 Export airworthiness approvals*Kinds of approvals*

- (1) Export airworthiness approval of Class I products is issued:
 - (a) for an aircraft — in the form of an export certificate of airworthiness; or
 - (b) for an aircraft engine or propeller — in the form of an authorised release certificate.
- (2) An export certificate of airworthiness does not authorise the operation of aircraft.
- (3) Export airworthiness approval of Class II and III products is issued in the form of an authorised release certificate.

Regulation 21.325

Products which may be approved

- (4) Export airworthiness approvals may be issued for the following:
- (a) new aircraft that are assembled and that have been flight-tested, except that export airworthiness approval may be issued for any of the following without assembly or flight-test:
 - (i) a small aeroplane type certificated by reference to Part 23 and manufactured under a production certificate;
 - (ii) a glider, powered sailplane or manned free balloon for which a type certificate of the kind mentioned in regulation 21.021 or 21.024 is issued under this Part and that is manufactured under a production certificate;
 - (iii) a normal category rotorcraft type certificated by reference to Part 27 and manufactured under a production certificate;
 - (b) used aircraft possessing a valid certificate of airworthiness, or other used Class I or Class II products that have been maintained in accordance with the applicable provisions of CAR or CASR.
- (4A) Authorised release certificates may be issued for any of the following that are manufactured and located in Australia:
- (a) Class I products other than aircraft;
 - (b) Class II and III products.
- (5) Despite regulation 21.324, CASA is not required to issue an export airworthiness approval for used aircraft or used Class I products mentioned in paragraph (4)(b) that are located outside Australian territory, unless there is no undue burden on CASA in administering this regulation.

Export airworthiness approval exceptions

- (6) If CASA or an authorised person issues an export airworthiness approval on the basis of a written statement by the importing state as provided for in paragraph 21.327 (4) (d), CASA or the authorised person must list on the export airworthiness

Regulation 21.327

approval, as exceptions, the requirements that are not met and the differences in configuration, if any, between the product to be exported and the related type certificated product.

Penalty: 50 penalty units.

- (7) An offence against subregulation (6) is an offence of strict liability.

Note For **strict liability**, see section 6.1 of the *Criminal Code*.

Source FARs section 21.325, modified.

21.327 Application

- (1) Except as provided in subregulation (2), an application for export airworthiness approval for a Class I, Class II or Class III product must be made to CASA or an authorised person in a form and manner acceptable to CASA.
- (2) A manufacturer holding a production certificate may apply orally to CASA or an authorised person for export airworthiness approval of a Class II product approved under the manufacturer's production certificate.
- (3) A separate application must be made for:
 - (a) each aircraft; and
 - (b) each engine or propeller, except that one application may be made for more than one engine or propeller, if all are of the same type and model and are to be exported to the same purchaser and country; and
 - (c) each type of Class II product, except that one application may be made for more than one type of Class II product when:
 - (i) they are separated in the application and the type and model of the related Class I product is identified; and
 - (ii) they are to be exported to the same purchaser and country.
- (4) Each application must be accompanied by a written statement from the importing country that will validate the export airworthiness approval if the product being exported is:

Regulation 21.327

- (a) an aircraft manufactured outside Australian territory and being exported to a country with which Australia has a reciprocal agreement concerning the validation of export certificates; or
 - (b) an unassembled aircraft which has not been flight-tested; or
 - (c) a product that does not meet the special requirement of the importing country; or
 - (d) a product that does not meet a requirement specified in regulation 21.329, 21.331, or 21.333, as applicable, for the issue of an export airworthiness approval; or
 - (e) a product for which the importing country does not require the weight and balance report mentioned in paragraph (6) (b).
- (5) The written statement must list any requirements mentioned in paragraph (4) (d) that are not met.
- (6) Each application for export airworthiness approval of a Class I product must include the following, as applicable:
 - (a) a statement of conformity mentioned in subregulation 21.130 (2) for each new product that has not been manufactured under a production certificate;
 - (b) unless the importing country does not require it, a weight and balance report in accordance with subregulations (7), (8), (9) and (10), as applicable, with a loading schedule when applicable, for each aircraft in accordance with section 100.7 of the Civil Aviation Orders;
 - (c) a maintenance manual for each new product when such a manual is required under these regulations;
 - (d) evidence of compliance with the applicable airworthiness directives, or a suitable notation if any airworthiness directives are not complied with;
 - (e) when temporary installations are incorporated in an aircraft for the purpose of export delivery — a general description of the installations together with a statement that the installation will be removed and the aircraft restored to the approved configuration upon completion of the delivery flight;

Regulation 21.327

- (f) historical records such as aircraft and engine log books, repair and alteration forms, for used aircraft and overhauled products;
- (g) for products intended for overseas shipment — a description of the methods used, if any, for the preservation and packaging of such products to protect them against corrosion and damage while in transit or storage. The description must also indicate the duration of the effectiveness of such methods;
- (h) the aircraft's flight manual required by the applicable airworthiness regulations for the particular aircraft;
- (i) a statement as to the date when title passed or is expected to pass to a foreign purchaser;
- (j) the data required by the special requirements of the importing country.

Weight and balance reports

- (7) A weight and balance report for transport aircraft and commuter category aeroplanes must be based on an actual weighing of the aircraft within the period of 12 months preceding the application for the export airworthiness approval for the aircraft, but after any major repairs or alteration to the aircraft.
- (8) Any changes in equipment that are made after the actual weighing of the aircraft (except changes classes as major changes) may be accounted for on a "computed" basis and the report revised accordingly.
- (9) Manufacturers of new non-transport category aeroplanes, normal category rotorcraft or gliders may include computed weight and balance data in the report, instead of the results of an actual weighing of the aircraft, if fleet weight control procedures approved by CASA have been established for the aircraft. In this case, the following statement must be included in each report: "The weight and balance data shown in this report are computed on the basis of CASA's approved procedures for establishing fleet weight averages."

Regulation 21.329

- (10) A weight and balance report must include an equipment list showing weights and moment arms of all required and optional items of equipment that are included in the certificated empty weight.

Source FARs section 21.327, modified.

21.329 Issue of export airworthiness approvals for Class I products

- (1) An applicant is entitled to an export airworthiness approval for a Class I product if the applicant shows, at the time the application is made, that the product meets the requirements of subregulations (2) to (6) (inclusive), as applicable, except as provided in subregulation (7).
- (2) New and used aircraft must meet:
- (a) the airworthiness requirements for a standard certificate of airworthiness under regulation 21.183; or
 - (b) the airworthiness certification requirements for a special certificate of airworthiness for an aircraft in the primary, intermediate or restricted category under regulation 21.184, 21.184A or 21.185 respectively.
- (3) Used aircraft must have undergone an annual, or 100 hour, type inspection in accordance with Part 4A of CAR. The inspection must have been performed and properly documented within 30 days before the date the application is made for an export certificate of airworthiness. In complying with this subregulation, consideration may be given to any inspections performed within the 30 days prior to the date the application is made for an export certificate of airworthiness on an aircraft maintained in accordance with a system of maintenance for the aircraft approved in accordance with Part 4A of CAR.
- (4) New engines and propellers must conform to the type design and must be in a condition for safe operation.
- (5) Used engines and propellers which are not being exported as part of a certificated aircraft must have been overhauled.
- (6) CASA or an authorised person must be satisfied that the special requirements of the importing country have been met.

Regulation 21.331

- (7) A product need not meet a requirement mentioned in subregulation (2), (3), (4), (5) or (6) if the product is acceptable to the importing country and the importing country indicates that acceptability in accordance with paragraph 21.327 (4) (d) and subregulation 21.327 (5).

Source FARs section 21.329, modified.

21.331 Issue of airworthiness approvals for Class II products

- (1) An applicant is entitled to an export airworthiness approval for a Class II product if that applicant shows, and CASA or an authorised person is satisfied, that the product:
- (a) is new or has been overhauled and conforms to the approved design data; and
 - (b) is in a condition for safe operation; and
 - (c) is identified with at least the manufacturer's name, part number, model designation (if applicable), and serial number or equivalent; and
 - (d) meets any special requirements of the importing country.
- (2) However, a product need not meet a requirement mentioned in subregulation (1) if the product is acceptable to the importing country and the importing country indicates that acceptability in accordance with paragraph 21.327 (4) (d) and subregulation 21.327 (5).

Source FARs section 21.331 modified.

21.333 Issue of export airworthiness approvals for Class III products

- (1) An applicant is entitled to an export airworthiness approval for a Class III product if the applicant shows, and CASA or an authorised person is satisfied, that the product:
- (a) conforms to the approved design data applicable to the Class I or Class II product of which it is a part; and
 - (b) is in a condition for safe operation; and
 - (c) meets any special requirements of the importing country.

Regulation 21.339

- (2) However, a product need not meet a requirement mentioned in subregulation (1) if it is acceptable to the importing country and the importing country indicates that acceptability in accordance with paragraph 21.327 (4) (d) and subregulation 21.327 (5).

Source FARs section 21.333 modified.

21.337 Performance of inspections and overhauls

Unless otherwise provided for in this Subpart, an export airworthiness approval for a Class I or Class II product is not valid unless the product is inspected by an approved maintenance organisation.

Source FARs section 21.337 modified.

21.339 Export airworthiness approval for aircraft

An applicant is entitled to an export certificate of airworthiness authorising the export of an aircraft to 2 or more foreign countries if:

- (a) the applicant gives CASA a statement to the effect that the aircraft is to be flown to each of these countries for the purpose of sale; and
- (b) a standard certificate of airworthiness or a special certificate of airworthiness is in force for the aircraft; and
- (c) the aircraft is inspected by CASA before leaving Australian territory and is found to comply with all the applicable requirements; and
- (d) a list of the foreign countries in which it is intended to conduct sales demonstrations, together with the expected dates and duration of such demonstration, is included in the application under regulation 21.327; and
- (e) for each country listed, the applicant:
 - (i) has met that country's special requirements, except those requiring documents, information, and materials to be furnished; and
 - (ii) has the documents, information, and materials necessary to meet the special requirements of that country; and

Regulation 21.500

- (f) all other requirements for the issue of an export certificate of airworthiness for a Class I product are met.

Source FARs section 21.33 modified.

**Subpart 21.N Approval of engines, propellers,
materials, parts and
appliances: imported**

21.500 Approval of imported aircraft engines and propellers

- (1) Each holder or licensee of an Australian type certificate for an aircraft engine or propeller manufactured in a recognised country, or in a foreign country with which Australia has an agreement for the acceptance of those products for export and import, must furnish with each such aircraft engine or propeller imported into Australian territory by the holder or licensee, a certificate of airworthiness for export issued by the country of manufacture certifying that the individual aircraft engine or propeller:
- (a) conforms to its type certificate; and
 - (b) is in a condition for safe operation; and
 - (c) has been subjected by the manufacturer to a final operational check.
- (2) If these regulations require an imported aircraft engine or propeller to be type certificated, it is taken to be type certificated under these regulations if:
- (a) the aircraft engine or propeller:
 - (i) is manufactured:
 - (A) in a recognised country; or
 - (B) under a manufacturing approval (however described) issued by a recognised country; or
 - (C) in a foreign country with which Australia has an agreement for the acceptance of the aircraft engine or propeller for export and import; or

Regulation 21.502

- (ii) forms part of a type design for which a type certificate or a type acceptance certificate is in force under these regulations, or a certificate of type approval is in force under CAR; and
 - (b) the aircraft engine or propeller conforms to a valid type certificate, is in a condition for safe operation and has been subjected to a final operational check by the manufacturer; and
 - (c) an airworthiness approval (however described), issued under the law of the foreign country, is in force certifying the matters mentioned in paragraphs (a) and (b).
- (3) CASA may inspect an aircraft engine or propeller to which this regulation applies to determine whether it complies with this regulation.

Source FARs section 21.500 modified.

21.500A Approval of other imported aircraft engines and propellers

- (1) A person may apply to CASA for approval of an imported aircraft engine, or propeller, that is not covered by regulation 21.500.
- (2) An applicant must, on request by CASA, give CASA any technical data relevant to the aircraft engine or propeller.
- (3) CASA must, following any necessary inspection, give the approval if CASA is satisfied that doing so would be unlikely to have an adverse effect on aviation safety.

21.502 Approval of imported materials, parts and appliances

- (1) If these regulations, or the Civil Aviation Orders, require an imported material, part or appliance to be approved, it is taken to be approved if:
 - (a) the material, part or appliance:
 - (i) is manufactured:
 - (A) in a recognised country; or
 - (B) under a manufacturing approval (however described) issued by a recognised country; or

Regulation 21.502A

- (C) in a foreign country with which Australia has an agreement for the acceptance of the material, part or appliance for export and import; or
 - (ii) forms part of a type design for which a type certificate or a type acceptance certificate is in force under these regulations, or a certificate of type approval is in force under CAR; and
 - (b) the material, part or appliance conforms to an aeronautical specification appropriate to the proposed use and is in a condition for safe operation; and
 - (c) an airworthiness approval (however described), issued under the law of the foreign country, is in force certifying the matters mentioned in paragraphs (a) and (b).
- (2) CASA may inspect any material part or appliance to determine whether it complies with this regulation.

Source FARs section 21.502 modified.

21.502A Approval of other imported materials, parts and appliances

- (1) A person may apply to CASA or an authorised person for approval of an imported material, part or appliance that is not covered by regulation 21.502.
- (2) An applicant must, on request by CASA or the authorised person, give to CASA or the authorised person any technical data relevant to the material, part or appliance.
- (3) CASA or the authorised person must, following any necessary inspection, give the approval if CASA or the authorised person is satisfied that doing so would be unlikely to have an adverse effect on aviation safety.

Subpart 21.O Australian Technical Standard Order Authorisations

21.601 Applicability

- (1) This Subpart prescribes:
 - (a) requirements for the issue of Australian Technical Standard Order (ATSO) authorisations; and
 - (b) rules governing the holders of ATSO authorisations; and
 - (c) requirements for the issue of a letter of ATSO design approval.
- (2) For the purpose of these regulations:
 - (a) an **ATSO** is a minimum performance standard issued by CASA for specified articles (for the purpose of this Subpart, **articles** means materials, parts, processes, or appliances) used on civil aircraft; and
 - (ab) a **TSO** is a Technical Standard Order issued by the FAA; and
 - (b) an **ATSO authorisation** is:
 - (i) a CASA design and production approval issued to the manufacturer of an article that has been found to meet a specific ATSO or TSO; or
 - (ii) a CASA production approval issued to the manufacturer of an article manufactured in accordance with an FAA letter of TSO design approval; and
 - (c) a **letter of ATSO design approval** is a CASA design approval for a foreign-manufactured article which has been found to meet a specific ATSO in accordance with the procedures of regulation 21.617; and
 - (ca) an **FAA letter of TSO design approval** is an FAA design approval for an article manufactured outside the United States that has been found to meet a specific TSO in accordance with the procedures of FARs section 21.617; and

Regulation 21.603

- (d) an article manufactured under an ATSO authorisation or an appliance manufactured under a letter of ATSO design approval described in regulation 21.617 is an approved article or appliance for the purpose of meeting the provisions of these regulations that require the article to be approved; and
 - (e) an **article manufacturer** is the person who controls the design and quality of the article produced (or to be produced, in the case of an application), including the parts of them and any processes or services related to them that are procured from an outside source.
- (4) Despite subregulation 21.605 (4), CASA is not required to issue an ATSO authorisation for an article if the manufacturing facilities for the article are located outside Australian territory, unless the location of the manufacturer's facilities places no undue burden on CASA in administering the applicable airworthiness requirements.

Source FARs section 21.601 modified.

21.603 ATSO marking and privileges

- (1) Except as provided in subregulation 21.617 (3), a person may identify an article with an ATSO marking only if:
- (a) the person holds an ATSO authorisation; and
 - (b) the article meets applicable ATSO or TSO performance standards.

Penalty: 50 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.

Note For **strict liability**, see section 6.1 of the *Criminal Code*.

Source FARs section 21.603 modified.

21.605 Application and issue

- (1) An article manufacturer may apply to CASA for an ATSO authorisation for the article.

Regulation 21.607

- (2) An application must be accompanied by the following documents:
 - (a) a statement of conformance certifying that the applicant has met the requirements of this Subpart and that the article concerned meets the applicable ATSO or TSO that is effective on the date of application for that article;
 - (b) one copy of the technical data required in the applicable ATSO or TSO;
 - (c) a description of the applicant's quality system in the detail specified in regulations 21.143 and 21.144. In complying with this regulation, the applicant may refer to current quality system data filed with CASA as part of a previous ATSO authorisation application.
- (3) When a series of minor changes in accordance with regulation 21.611 is anticipated, the applicant must set forth in the application the basic model number of the article and the part number of the components with open brackets after it to denote that suffix change letters or numbers (or combinations of them) will be added from time to time.
- (4) CASA must issue an ATSO authorisation (including all ATSO deviations approved under subregulation 21.609 (3)) if the applicant has, or will have, the ability to produce articles that comply with the ATSO or TSO, or the ATSO or TSO as varied.

Source FARs section 21.605 modified.

21.607 General rules governing holders of ATSO authorisations

- (1) An article manufacturer to whom an ATSO authorisation for the article has been issued must ensure that:
 - (a) the article is manufactured in accordance with this Part and the applicable ATSO or TSO (including any deviations approved under subregulation 21.609 (3)); and
 - (b) all tests and inspections required under these regulations, or the applicable ATSO or TSO, are conducted, and a quality system is established and maintained that is adequate to ensure that the article meets the requirements

Regulation 21.609

- of paragraph (a) and is in a condition for safe operation;
and
- (c) the article is permanently and legibly marked with the following information:
- (i) the name and address of the manufacturer;
 - (ii) the name, type, part number, or model designation of the article;
 - (iii) the serial number or the date of manufacture of the article or both;
 - (iv) unless subparagraph (v) applies, the applicable ATSO or TSO number with the prefix 'ATSO';
 - (v) if the article was manufactured in accordance with an FAA letter of TSO design approval, the applicable TSO number with the prefix 'TSO'.

Penalty: 50 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.

Note For **strict liability**, see section 6.1 of the *Criminal Code*.

Source FARs section 21.607 modified.

21.609 Approval for deviation

- (1) An article manufacturer who requests approval to deviate from any performance standard of an ATSO or TSO must show that the standards from which a deviation is requested are compensated for by factors or design features providing an equivalent level of safety.
- (2) The request for approval to deviate, together with all pertinent data, must be submitted to CASA. If the article is manufactured in another country, the request for approval to deviate, together with all pertinent data, must be submitted to CASA through the NAA of that country.
- (3) CASA may approve the deviation if the requirements of this regulation are met.

Source FARs section 21.609 modified.

21.611 Design changes

Minor changes by the manufacturer holding an ATSO authorisation

- (1) An article manufacturer manufacturing an article under an ATSO authorisation may make minor design changes (any change other than a major change) without further approval by CASA. In this case, the changed article keeps the original model number (part numbers may be used to identify minor changes).
- (2) The manufacturer must forward to CASA any revised data that are necessary for compliance with subregulation 21.605 (3).

Penalty: 25 penalty units.

- (2A) An offence against subregulation (2) is an offence of strict liability.

Note For **strict liability**, see section 6.1 of the *Criminal Code*.

Major changes by manufacturer holding an ATSO authorisation

- (3) Any design change by the manufacturer that is extensive enough to require a substantially complete investigation to determine compliance with an ATSO or TSO is a **major change**. Before making such a change, the manufacturer must assign a new type or model designation to the article and apply for an ATSO authorisation under regulation 21.605.

Changes by person other than manufacturer

- (4) No design change by any person (other than the article manufacturer who submitted the statement of conformance for the article) is eligible for approval under this Part unless the person seeking the approval is an article manufacturer and applies under subregulation 21.605 (1) for a separate ATSO authorisation. Persons other than an article manufacturer may obtain approval for design changes under regulation 35 of CAR.

Source FARs section 21.611 modified.

Regulation 21.613

21.613 Record keeping requirements

Keeping the records

- (1) An article manufacturer holding an ATSO authorisation must, for each article manufactured under that authorisation, keep the following records at its factory:
 - (a) a complete and current technical data file for each type or model article, including design drawings and specifications;
 - (b) complete and current inspection records showing that all inspections and tests required to ensure compliance with this part have been properly completed and documented.

Retention of records

- (2) The manufacturer must retain the records mentioned in paragraph (1) (a) until it no longer manufactures the article.

Penalty: 50 penalty units.

- (3) If the manufacturer stops manufacturing the article, the manufacturer must send copies of the records mentioned in paragraph (1) (a) to CASA within 30 days after ceasing that manufacture.

Penalty: 50 penalty units.

- (4) The manufacturer must retain the records mentioned in paragraph (1) (b) for at least 2 years.

Penalty: 50 penalty units.

- (5) An offence against subregulation (2), (3) or (4) is an offence of strict liability.

Note For **strict liability**, see section 6.1 of the *Criminal Code*.

Source FARs section 21.613 modified.

21.615 CASA inspection

- (1) Upon the request of CASA, an article manufacturer manufacturing an article under an ATSO authorisation must allow CASA to:
 - (a) inspect any article manufactured under that authorisation; and
 - (b) inspect the manufacturer's quality system; and
 - (c) witness any tests; and
 - (d) inspect the manufacturing facilities; and
 - (e) inspect the technical data files on that article.
- (2) If the manufacturer does not comply with a request under subregulation (1), the ATSO authorisation is suspended until the request is complied with.

Source FARs section 21.615 modified.

21.617 Issue of letters of ATSO design approval: import appliances

- (1) A letter of ATSO design approval may be issued for an appliance that is manufactured in a foreign country with which Australia has an agreement for the acceptance of these appliances for export and import and that is to be imported into Australian territory, if:
 - (a) the NAA of the country in which the appliance was manufactured certifies that the appliance has been examined, tested, and found to meet the applicable ATSO approved under an ATSO authorisation, or letter of ATSO design approval, under paragraph 21.305 (b) or the applicable performance standards of the country in which the appliance was manufactured and any other performance standards CASA prescribes to provide a level of safety equivalent to that provided by the ATSO approved under an ATSO authorisation, or letter of ATSO design approval, under paragraph 21.305 (b); and

Regulation 21.619

- (b) the article manufacturer has submitted to CASA one copy of the technical data required in the applicable performance standard through the NAA of the country in which the appliance was manufactured.
- (2) The letter of ATSO design approval will be issued by CASA and must list any deviation granted to the manufacturer under regulation 21.609.
- (3) After CASA has issued a letter of ATSO design approval and an airworthiness approval mentioned in paragraph 21.502 (1)(b) has been issued, the manufacturer is authorised to identify the appliance with the ATSO marking requirements described in paragraph 21.607 (c) and in the applicable ATSO. Each appliance must be accompanied by an airworthiness approval mentioned in paragraph 21.502 (1) (b).

Source FARs section 21.617 modified.

21.619 Non-compliance

CASA may suspend or cancel the ATSO authorisation or letter of ATSO design approval of any article manufacturer who identifies with an ATSO marking an article not meeting the performance standards of the applicable ATSO or TSO (including any deviations approved under subregulation 21.609 (3)).

Source FARs section 21.619 modified.

Note See also regulations 21.002C and 21.002E in relation to suspension and cancellation of ATSO authorisations or letters of ATSO design approval.

21.621 Transferability and duration

- (1) An ATSO authorisation or letter of ATSO design approval is not transferable and continues in force until surrendered or cancelled.
- (2) However, an ATSO authorisation or a letter of ATSO design approval is not in force during any period of suspension.

Source FARs section 21.621 modified.

Subpart 21.Q Identification of aircraft and aeronautical products

Division 21.Q.1 Preliminary

21.805 Applicability of this Subpart

This Subpart applies to an aircraft, aircraft engine, aircraft propeller, critical part or other aircraft part manufactured after this Subpart commences.

21.810 Meaning of *fireproof*

- (1) A reference in this Subpart to a fireproof manufacturer's data plate is a reference to a data plate that:
 - (a) is made of material that withstands the heat of a fire at least as well as a steel plate of the same size and thickness; and
 - (b) on which the details that it is required to bear are legibly marked by a fireproof method.
- (2) In this Subpart:
fireproof method of marking means marking by:
 - (a) etching, stamping or engraving; or
 - (b) another similar method of marking approved for a particular purpose.

Division 21.Q.2 Aircraft, aircraft engines and aircraft propellers

21.815 Applicability of this Division

This Division applies to an aircraft (or an aircraft engine or aircraft propeller) manufactured after this Subpart commences.

Regulation 21.820

21.820 Manufacturer's data plate must be attached to aircraft

- (1) This regulation sets out the requirements for attaching a manufacturer's data plate to an aircraft to which this Division applies.
- (2) The manufacturer of an aircraft to which this Division applies must attach to it, as set out in subregulations (3) and (4), a fireproof manufacturer's data plate bearing the following information:
 - (a) the name of the manufacturer;
 - (b) the identification number of the aircraft's type certificate (if any);
 - (c) the identification number of the production certificate (if any) under which the aircraft is manufactured;
 - (d) the aircraft's model designation;
 - (e) the aircraft's serial number.

Penalty: 20 penalty units.

- (2A) An offence against subregulation (2) is an offence of strict liability.

Note For **strict liability**, see section 6.1 of the *Criminal Code*.

- (3) The data plate must be attached in a way that ensures that it is not likely to be defaced or removed during normal service, nor lost or destroyed in an accident.
- (4) The data plate must be attached:
 - (a) to a manned free balloon — to the lower section of the balloon's envelope in a place where the operator can read it when the balloon is inflated; or
 - (b) to a glider — in a visible place inside the cockpit; or
 - (c) to any other aircraft — in a place where it is clearly legible:
 - (i) on the frame of the aircraft's rearmost entrance; or
 - (ii) near, but aft of, the aircraft's rearmost entrance; or

Regulation 21.830

- (iii) on the aircraft's fuselage near its tail.

Note For the definition of *aircraft* see subsection 3 (1) of the Act. For the definitions of *identification number*, *manned free balloon*, *production certificate* and *type certificate* see the Dictionary.

21.825 Manufacturer's data plate must be attached to basket of manned free balloon

- (1) This regulation sets out an additional requirement for attaching a manufacturer's data plate to the basket of a manned free balloon to which this Division applies.
- (2) This regulation applies to the holder of the type certificate or production certificate under which such a balloon is manufactured.
- (3) The holder of the type certificate must attach to the basket of the balloon, as set out in subregulation (4), a heat-resistant metal plate on which the following information is legibly marked by a fireproof method:
 - (a) the name of the manufacturer;
 - (d) the basket's part number;
 - (e) the basket's serial number.

Penalty: 20 penalty units.

- (3A) An offence against subregulation (3) is an offence of strict liability.

Note For *strict liability*, see section 6.1 of the *Criminal Code*.

- (4) The manufacturer's data plate must be attached to the basket in a way that ensures that the plate is not likely to be defaced or removed during normal service, nor to be lost or destroyed in an accident.

Note For the definitions of *manned free balloon*, *production certificate* and *type certificate* see the Dictionary.

21.830 Heater assembly of manned free balloon must carry identification mark

- (1) This regulation applies to a manned free balloon to which this Division applies that has a heater assembly.

Regulation 21.835

- (2) The holder of the type certificate or production certificate under which the balloon is manufactured must, as set out in subregulation (3), also mark on the heater assembly, by a fireproof method, the information mentioned in subregulation (4).

Penalty: 20 penalty units.

- (2A) An offence against subregulation (2) is an offence of strict liability.

Note For **strict liability**, see section 6.1 of the *Criminal Code*.

- (3) The information must be marked in a way that ensures that it is not likely to be defaced.
- (4) The information is:
- (a) the name of the heater's manufacturer; and
 - (b) its part number; and
 - (c) its serial number.

Note For the definitions of **manned free balloon**, **production certificate** and **type certificate** see the Dictionary.

21.835 Manufacturer's data plate must be attached to aircraft engine

- (1) This regulation sets out the requirements for attaching a manufacturer's data plate to an aircraft engine to which this Division applies.
- (2) This regulation applies to the holder of the type certificate or production certificate under which such an aircraft engine is manufactured.
- (3) The holder of the type certificate or production certificate must attach to the engine, as set out in subregulation (4), a fireproof manufacturer's data plate bearing the following information:
- (a) the manufacturer's name;
 - (b) the identification number of the engine's type certificate (if any);
 - (c) the identification number of the production certificate (if any) under which the engine is manufactured;

Regulation 21.840

- (d) the engine's model designation;
- (e) its serial number;
- (f) if its rating is stated in its type certificate, that rating.

Penalty: 20 penalty units.

- (3A) An offence against subregulation (3) is an offence of strict liability.

Note For **strict liability**, see section 6.1 of the *Criminal Code*.

- (4) The data plate must be attached to the engine:
- (a) in a place where somebody carrying out maintenance on the engine can read it; and
 - (b) in a way that ensures that the plate is not likely to be defaced or become detached from the engine during normal service, nor to be lost or destroyed in an accident.

Note For the definitions of **identification number**, **production certificate** and **type certificate** see the Dictionary.

21.840 Aircraft propellers, blades and hubs must carry identification marks

- (1) This regulation sets out the requirements to mark information on, or attach a manufacturer's data plate to, an aircraft propeller, propeller blade or propeller hub to which this Division applies.
- (2) The holder of the type certificate or production certificate under which such a propeller, blade or hub is manufactured must:
 - (a) legibly mark on it by a fireproof method, as set out in subregulation (3), the information mentioned in subregulation (5); or
 - (b) attach to it, as set out in subregulation (4), a manufacturer's data plate on which that information is legibly marked by a fireproof method.

Penalty: 20 penalty units.

Regulation 21.845

- (2A) An offence against subregulation (2) is an offence of strict liability.

Note For **strict liability**, see section 6.1 of the *Criminal Code*.

- (3) If information is marked on a propeller, blade or hub, it must be marked in a way that ensures that it is not likely to be defaced.
- (4) If a manufacturer's data plate is attached to a propeller, blade or hub, the plate must be attached to a non-critical surface in a way that ensures that the plate is not likely to be defaced or become detached during normal service, nor lost in an accident.
- (5) The information is:
- (a) the manufacturer's name; and
 - (b) the identification number of the type certificate (if any) of the propeller; and
 - (c) the identification number of the production certificate (if any) under which the propeller is manufactured; and
 - (d) the model designation of the propeller, blade or hub; and
 - (e) its serial number.

Note For the definitions of **identification number**, **production certificate** and **type certificate** see the Dictionary.

Division 21.Q.3 Critical parts

21.845 Applicability of this Division

This Division applies to a critical part manufactured on or after 1 October 2000.

21.850 Identification of critical parts

- (1) This regulation applies to a person who manufactures, in Australia, a critical part to which this Division applies.
- (2) The person must legibly and permanently mark on the part, as set out in subregulation (3), the following information:
- (a) the part's part number;

Regulation 21.860

- (b) its serial number.

Penalty: 20 penalty units.

- (2A) An offence against subregulation (2) is an offence of strict liability.

Note For **strict liability**, see section 6.1 of the *Criminal Code*.

- (3) The information must be marked in a way that ensures that it is not likely to be defaced.

21.855 Removal or alteration of identification on critical parts

- (1) Except with CASA's written approval, a person must not engage in conduct that results in the removal or alteration of any of the information marked, in accordance with this Division, on a critical part to which this Division applies.

Penalty: 20 penalty units.

- (1A) An offence against subregulation (1) is an offence of strict liability.

Note For **strict liability**, see section 6.1 of the *Criminal Code*.

- (2) CASA must not grant an approval under subregulation (1) if the granting of the approval would adversely affect the safety of air navigation.

Division 21.Q.4 Aircraft parts

21.860 Applicability of this Division

This Division applies to:

- (a) an aircraft part produced under an APMA, on or after 1 October 2000; and
- (b) a modification or replacement part referred to in paragraph 21.303 (2) (a) or (c) and produced after 30 November 2003; and

Regulation 21.865

- (c) a Class II or Class III product produced under a production certificate that is referred to in regulation 21.133 (2A) or (2B).

Note For the definition of **APMA** see the Dictionary.

21.865 Identification of parts produced under an APMA

- (1) Subregulation (2) applies to the holder of the APMA under which a part to which this Division applies is manufactured.
- (2) Subject to regulation 21.870, the holder of the APMA must legibly and permanently mark on the part, as set out in subregulation (3), the information required by subregulation (4).

Penalty: 20 penalty units.

- (2A) An offence against subregulation (2) is an offence of strict liability.

Note For **strict liability**, see section 6.1 of the *Criminal Code*.

- (3) The information must be marked in a way that ensures that it is not likely to be defaced.
- (4) The information is:
 - (a) the capital letters **APMA**; and
 - (b) the trade mark, name or symbol of the holder; and
 - (c) the part's part number; and
 - (d) the part's serial number (if any); and
 - (e) the name and model designation of each type certificated product to which the part may be fitted.

21.870 Identification of parts produced under an APMA if marking is impracticable

- (1) Subregulation (2) applies to a part to which this Division applies if CASA and the holder of the APMA under which the part is manufactured agree that it is impracticable to mark on it the information required by subregulation 21.865 (4).
- (2) If this subregulation applies to a part, the holder of the APMA need not comply with regulation 21.865.

Regulation 21.875

- (3) The holder of the APMA must include the information in the authorised release certificate supplied with the part or with each container of the parts.

Penalty: 20 penalty units.

- (3A) An offence against subregulation (3) is an offence of strict liability.

Note For **strict liability**, see section 6.1 of the *Criminal Code*.

- (4) If CASA and the holder agree that it is impracticable to provide the information mentioned in paragraph 21.865 (4) (e) in the authorised release certificate that is supplied with the part, or with each container of the parts, the holder is not guilty of an offence under subregulation (3) if:

- (a) the information is included in a document that is published by the holder and available to any person who fits the part to an aircraft; and
- (b) the authorised release certificate identifies the document.

Note For the definition of **authorised release certificate**, see the Dictionary.

21.875 Identification of other aircraft parts

- (1) Subject to regulation 21.880, the manufacturer of a part or product mentioned in paragraphs 21.860 (b) or (c) must legibly and permanently mark on each of those parts or products produced, as set out in subregulation (3), the following information:

- (a) the trade mark of or name of the manufacturer;
- (b) the part number of the part or product.

Penalty: 20 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.
- (3) The information must be marked in a way that ensures that it is not likely to be defaced.

Regulation 21.880

21.880 Identification of other aircraft parts — other than by marking

- (1) Subregulation (2) applies to a part or product to which regulation 21.875 applies if, because of the shape, size or nature of the part or product, it is impracticable to mark on the part or product the information required by regulation 21.875.
- (2) If this subregulation applies to a part or product, the manufacturer of the part or product need not comply with regulation 21.875.
- (3) The manufacturer of a Class II or Class III product referred to in paragraph 21.860 (c) must include the information required by paragraphs 21.875 (1) (a) and (b) in the authorised release certificate supplied with the product or the container of the product.

Part 22 Airworthiness standards for sailplanes and powered sailplanes

Note *This Part is made up as follows:*

22.001	Airworthiness standards
22.002	Incidental provisions
22.003	Changes to EASA CS-22
22.004	Approvals under EASA CS-22

22.001 Airworthiness standards

For these Regulations, the airworthiness standards for a sailplane or powered sailplane are the airworthiness standards set out in EASA CS-22, as in force from time to time, with the changes provided under this Part.

22.002 Incidental provisions

For these Regulations, the incidental provisions of EASA CS-22, as in force from time to time, apply to the operation of the airworthiness standards in that instrument, with the changes provided under this Part.

22.003 Changes to EASA CS-22

For this Part, a reference in EASA CS-22 to the Agency is taken to be a reference to CASA.

22.004 Approvals under EASA CS-22

For the application of EASA CS-22 under this Part:

- (a) an approval (however described) mentioned in EASA CS-22 may be given by CASA; and
- (b) CASA may suspend or cancel an approval given under paragraph (a) if it is necessary in the interests of aviation safety; and

Regulation 22.004

- (c) an approval (however described) given by or for EASA under EASA CS-22 is taken to have been given by CASA under these Regulations; and
- (d) for these Regulations, CASA may suspend or cancel an approval given by or for EASA under EASA CS-22, as if it had been given by CASA, if it is necessary in the interests of aviation safety.

Note Regulation 202.060 sets out transitional arrangements in relation to approvals given under this Part as in force before 1 July 2009.

Part 23 Airworthiness standards for aeroplanes in the normal, utility, acrobatic or commuter category

Note *This Part is made up as follows:*

23.001	Airworthiness standards
23.002	Incidental provisions
23.003	Changes to Part 23 of the FARs
23.004	Changes to JAR-VLA
23.005	Changes to JAR-23
23.006	Approvals under Part 23 of the FARs
23.007	Approvals under JAR-VLA
23.008	Approvals under JAR-23

23.001 Airworthiness standards

- (1) For these Regulations, subject to subregulation (2), the airworthiness standards for an aeroplane in the normal category, utility category, acrobatic category or commuter category are as follows:
 - (a) the airworthiness standards set out in Part 23 of the FARs, as in force from time to time, with the changes provided under this Part;
 - (b) the airworthiness standards set out in EASA CS-VLA, as in force from time to time, with the changes provided under this Part;
 - (c) the airworthiness standards set out in EASA CS-23, as in force from time to time, with the changes provided under this Part.
- (2) An aeroplane in the normal category, utility category, acrobatic category or commuter category meets the airworthiness standards for these Regulations if the aeroplane meets:
 - (a) the standards mentioned in paragraph (1) (a); or
 - (b) the standards mentioned in paragraph (1) (b); or

Regulation 23.002

- (c) the standards mentioned in paragraph (1) (c).

23.002 Incidental provisions

For these Regulations:

- (a) the incidental provisions of Part 23 of the FARs, as in force from time to time, apply to the operation of the airworthiness standards in that Part, with the changes provided under this Part; and
- (b) the incidental provisions of EASA CS-VLA, as in force from time to time, apply to the operation of the airworthiness standards in that instrument, with the changes provided under this Part; and
- (c) the incidental provisions of EASA CS-23, as in force from time to time, apply to the operation of the airworthiness standards in that instrument, with the changes provided under this Part.

23.003 Changes to Part 23 of the FARs

- (1) For this Part, a reference in Part 23 of the FARs to the United States is a reference to Australia or, when used in a geographical sense, to Australian territory.
- (2) For this Part, a reference in Part 23 of the FARs to the FAA or to the Administrator is a reference to CASA.

23.004 Changes to EASA CS-VLA

For this Part, a reference in EASA CS-VLA to the Agency is taken to be a reference to CASA.

23.005 Changes to EASA CS-23

For this Part, a reference in EASA CS-23 to the Agency is taken to be a reference to CASA.

Regulation 23.008

23.006 Approvals under Part 23 of the FARs

For the application of Part 23 of the FARs under this Part:

- (a) an approval (however described) mentioned in Part 23 of the FARs may be given by CASA; and
- (b) CASA may suspend or cancel an approval under paragraph (a), if it is necessary in the interests of aviation safety; and
- (c) an approval (however described) given by or for the FAA or the Administrator under that Part is taken to have been given by CASA under these regulations; and
- (d) for these regulations, CASA may suspend or cancel an approval given by or for the FAA or the Administrator under that Part as if it had been given by CASA, if it is necessary in the interests of aviation safety.

23.007 Approvals under EASA CS-VLA

For the application of EASA CS-VLA under this Part:

- (a) an approval (however described) mentioned in EASA CS-VLA may be given by CASA; and
- (b) CASA may suspend or cancel an approval given under paragraph (a) if it is necessary in the interests of aviation safety; and
- (c) an approval (however described) given by or for EASA under EASA CS-VLA is taken to have been given by CASA under these Regulations; and
- (d) for these Regulations, CASA may suspend or cancel an approval given by or for EASA under EASA CS-VLA, as if it had been given by CASA, if it is necessary in the interests of aviation safety.

23.008 Approvals under EASA CS-23

For the application of EASA CS-23 under this Part:

- (a) an approval (however described) mentioned in EASA CS-23 may be given by CASA; and
- (b) CASA may suspend or cancel an approval given under paragraph (a) if it is necessary in the interests of aviation safety; and

Regulation 23.008

- (c) an approval (however described) given by or for EASA under EASA CS-23 is taken to have been given by CASA under these Regulations; and
- (d) for these Regulations, CASA may suspend or cancel an approval given by or for EASA under EASA CS-23, as if it had been given by CASA, if it is necessary in the interests of aviation safety.

Note Regulation 202.070 sets out transitional arrangements in relation to approvals given under this Part as in force before 1 July 2009.

Part 25 Airworthiness standards for aeroplanes in the transport category

Note *This Part is made up as follows:*

Subpart 25.A	General
25.001	Airworthiness standards
25.002	Incidental provisions
Subpart 25.B	Changes to FARs and JAR-25
25.003	Changes to Part 25 of the FARs
25.004	Changes to JAR-25
25.005	Approvals under Part 25 of the FARs
25.006	Approvals under JAR-25
Subpart 25.C	Airworthiness standards directed by ICAO
25.011	What this Subpart does
25.013	Least-risk bomb location

Subpart 25.A General

25.001 Airworthiness standards

- (1) For these Regulations, subject to subregulation (2), the airworthiness standards for an aeroplane in the transport category are as follows:
 - (a) the airworthiness standards set out in Part 25 of the FARs, as in force from time to time, with the changes provided under Subpart 25.B, together with the standards set out in Subpart 25.C;
 - (b) the airworthiness standards set out in EASA CS-25, as in force from time to time, with the changes provided under Subpart 25.B, together with the standards set out in Subpart 25.C.
- (2) An aeroplane in the transport category meets the airworthiness standards for these Regulations if the aeroplane meets:
 - (a) the standards mentioned in paragraph (1) (a); or
 - (b) the standards mentioned in paragraph (1) (b).

Regulation 25.002

25.002 Incidental provisions

For these Regulations:

- (a) the incidental provisions of Part 25 of the FARs, as in force from time to time, apply to the operation of the airworthiness standards in that Part, with the changes provided under this Part; and
- (b) the incidental provisions of EASA CS-25, as in force from time to time, apply to the operation of the airworthiness standards in that instrument, with the changes provided under this Part.

Subpart 25.B Changes to FARs and EASA CS-25

25.003 Changes to Part 25 of the FARs

- (1) For this Part, a reference in Part 25 of the FARs to the United States is a reference to Australia or, when used in a geographical sense, to Australian territory.
- (2) For this Part, a reference in Part 25 of the FARs to the FAA or to the Administrator is a reference to CASA.

25.004 Changes to EASA CS-25

For this Part, a reference in EASA CS-25 to the Agency is taken to be a reference to CASA.

25.005 Approvals under Part 25 of the FARs

For the application of Part 25 of the FARs under this Part:

- (a) an approval (however described) mentioned in Part 25 of the FARs may be given by CASA; and
- (b) CASA may suspend or cancel an approval under paragraph (a), if it is necessary in the interests of aviation safety; and
- (c) for these regulations, an approval (however described) given by or for the FAA or the Administrator under that Part is taken to have been given by CASA; and

Regulation 25.013

- (d) for these regulations, CASA may suspend or cancel an approval given by or for the FAA or the Administrator under that Part as if it had been given by CASA, if it is necessary in the interests of aviation safety.

25.006 Approvals under EASA CS-25

For the application of EASA CS-25 under this Part:

- (a) an approval (however described) mentioned in EASA CS-25 may be given by CASA; and
- (b) CASA may suspend or cancel an approval given under paragraph (a) if it is necessary in the interests of aviation safety; and
- (c) an approval (however described) given by or for EASA under EASA CS-25 is taken to have been given by CASA under these Regulations; and
- (d) for these Regulations, CASA may suspend or cancel an approval given by or for EASA under EASA CS-25, as if it had been given by CASA, if it is necessary in the interests of aviation safety.

Note Regulation 202.090 sets out transitional arrangements in relation to approvals given under this Part as in force before 1 July 2009.

**Subpart 25.C Airworthiness standards directed
by ICAO**

25.011 What this Subpart does

This Subpart sets out airworthiness standards giving effect to the International Civil Aviation Organization's policy of protection of an aeroplane and its occupants.

25.013 Least-risk bomb location

- (1) For this regulation, a ***least-risk bomb location*** is a location on an aeroplane where an explosive device can be placed to minimise the effects on the aeroplane if the device detonates.
- (2) A least-risk bomb location on an aeroplane must be specified in the flight manual.

Regulation 26.001

Part 26 Airworthiness standards for aircraft in the primary category or intermediate category

Note *This Part is made up as follows:*

26.001	Airworthiness standards
26.002	Incidental provisions

26.001 Airworthiness standards

The airworthiness standards for an aircraft in the primary category or intermediate category are so much of the airworthiness standards set out in Parts 22, 23, 27, 32, 33 and 35 as apply to an aircraft of that type.

26.002 Incidental provisions

For these regulations, the incidental provisions of an instrument mentioned in Part 22, 23, 27, 32, 33 or 35 apply to the operation of the airworthiness standards in that instrument.

Part 27 Airworthiness standards for rotorcraft in the normal category

Note *This Part is made up as follows:*

27.001	Airworthiness standards
27.002	Incidental provisions
27.003	Changes to Part 27 of the FARs
27.004	Approvals under Part 27 of the FARs

27.001 Airworthiness standards

- (1) For these Regulations, subject to subregulation (2), the airworthiness standards for a rotorcraft in the normal category are as follows:
 - (a) the airworthiness standards set out in Part 27 of the FARs, as in force from time to time, with the changes provided under this Part;
 - (b) the airworthiness standards set out in EASA CS-27, as in force from time to time, with the changes provided under this Part.
- (2) A rotorcraft in the normal category meets the airworthiness standards for these Regulations if the aircraft meets:
 - (a) the standards mentioned in paragraph (1) (a); or
 - (b) the standards mentioned in paragraph (1) (b).

27.002 Incidental provisions

For these Regulations:

- (a) the incidental provisions of Part 27 of the FARs, as in force from time to time, apply to the operation of the airworthiness standards in that Part, with the changes provided under this Part; and
- (b) the incidental provisions of EASA CS-27, as in force from time to time, apply to the operation of the airworthiness

Regulation 27.003

standards in that instrument, with the changes provided under this Part.

27.003 Changes to Part 27 of the FARs

- (1) For this Part, a reference in Part 27 of the FARs to the United States is a reference to Australia or, when used in a geographical sense, to Australian territory.
- (2) For this Part, a reference in Part 27 of the FARs to the FAA or to the Administrator is a reference to CASA.

27.003A Changes to EASA CS-27

For this Part, a reference in EASA CS-27 to the Agency is taken to be a reference to CASA.

27.004 Approvals under Part 27 of the FARs

For the application of Part 27 of the FARs under this Part:

- (a) an approval (however described) mentioned in Part 27 of the FARs may be given by CASA; and
- (b) CASA may suspend or cancel an approval under paragraph (a), if it is necessary in the interests of aviation safety; and
- (c) for these regulations, an approval (however described) given by or for the FAA or the Administrator under that Part is taken to have been given by CASA; and
- (d) for these regulations, CASA may suspend or cancel an approval given by or for the FAA or the Administrator under that Part as if it had been given by CASA, if it is necessary in the interests of aviation safety.

27.005 Approvals under EASA CS-27

For the application of EASA CS-27 under this Part:

- (a) an approval (however described) mentioned in EASA CS-27 may be given by CASA; and
- (b) CASA may suspend or cancel an approval given under paragraph (a) if it is necessary in the interests of aviation safety; and

Regulation 27.005

- (c) an approval (however described) given by or for EASA under EASA CS-27 is taken to have been given by CASA under these Regulations; and
- (d) for these Regulations, CASA may suspend or cancel an approval given by or for EASA under EASA CS-27, as if it had been given by CASA, if it is necessary in the interests of aviation safety.

Regulation 29.001

Part 29 Airworthiness standards for rotorcraft in the transport category

Note *This Part is made up as follows:*

29.001	Airworthiness standards
29.002	Incidental provisions
29.003	Changes to Part 29 of the FARs
29.004	Approvals under Part 29 of the FARs

29.001 Airworthiness standards

- (1) For these Regulations, subject to subregulation (2), the airworthiness standards for a rotorcraft in the transport category are as follows:
 - (a) the airworthiness standards set out in Part 29 of the FARs, as in force from time to time, with the changes provided under this Part;
 - (b) the airworthiness standards set out in EASA CS-29, as in force from time to time, with the changes provided under this Part.
- (2) A rotorcraft in the transport category meets the airworthiness standards for these Regulations if the aircraft meets:
 - (a) the standards mentioned in paragraph (1) (a); or
 - (b) the standards mentioned in paragraph (1) (b).

29.002 Incidental provisions

For these Regulations:

- (a) the incidental provisions of Part 29 of the FARs, as in force from time to time, apply to the operation of the airworthiness standards in that Part, with the changes provided under this Part; and

Regulation 29.005

- (b) the incidental provisions of EASA CS-29, as in force from time to time, apply to the operation of the airworthiness standards in that instrument, with the changes provided under this Part.

29.003 Changes to Part 29 of the FARs

- (1) For this Part, a reference in Part 29 of the FARs to the United States is a reference to Australia or, when used in a geographical sense, to Australian territory.
- (2) For this Part, a reference in Part 29 of the FARs to the FAA or to the Administrator is a reference to CASA.

29.003A Changes to EASA CS-29

For this Part, a reference in EASA CS-29 to the Agency is taken to be a reference to CASA.

29.004 Approvals under Part 29 of the FARs

For the application of Part 29 of the FARs under this Part:

- (a) an approval (however described) mentioned in Part 29 of the FARs may be given by CASA; and
- (b) CASA may suspend or cancel an approval under paragraph (a), if it is necessary in the interests of aviation safety; and
- (c) for these regulations, an approval (however described) given by or for the FAA or the Administrator under that Part is taken to have been given by CASA; and
- (d) for these regulations, CASA may suspend or cancel an approval given by or for the FAA or the Administrator under that Part as if it had been given by CASA, if it is necessary in the interests of aviation safety.

29.005 Approvals under EASA CS-29

For the application of EASA CS-29 under this Part:

- (a) an approval (however described) mentioned in EASA CS-29 may be given by CASA; and

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- (b) CASA may suspend or cancel an approval given under paragraph (a) if it is necessary in the interests of aviation safety; and
- (c) an approval (however described) given by or for EASA under EASA CS-29 is taken to have been given by CASA under these Regulations; and
- (d) for these Regulations, CASA may suspend or cancel an approval given by or for EASA under EASA CS-29, as if it had been given by CASA, if it is necessary in the interests of aviation safety.

Regulation 31.002

Part 31 Airworthiness standards for manned free balloons

Note *This Part is made up as follows:*

31.001	Airworthiness standards
31.002	Incidental provisions

31.001 Airworthiness standards

The airworthiness standards for manned free balloons are the airworthiness certification requirements in section 101.54 of the Civil Aviation Orders, as in force from time to time.

31.002 Incidental provisions

For these regulations, the incidental provisions of section 101.54 of the Civil Aviation Orders, as in force from time to time, apply to the operation of the airworthiness certification requirements in that section.

Regulation 32.001

Part 32 Airworthiness standards for engines for very light aeroplanes

Note *This Part is made up as follows:*

32.001	Airworthiness standards
32.002	Incidental provisions
32.003	Changes to Subpart H of JAR-22
32.004	Approvals under Subpart H of JAR-22

32.001 Airworthiness standards

For these Regulations, the airworthiness standards for an aircraft engine for use in a very light aeroplane are the airworthiness standards set out in EASA CS-22, as in force from time to time, with the changes provided under this Part.

32.002 Incidental provisions

For these regulations, the incidental provisions of EASA CS-22, as in force from time to time, apply to the operation of the airworthiness standards in that Subpart, with the changes provided under this Part.

32.003 Changes to EASA CS-22

For this Part, a reference in EASA CS-22 to the Agency is taken to be a reference to CASA.

32.004 Approvals under EASA CS-22

For the application of EASA CS-22 under this Part:

- (a) an approval (however described) mentioned in EASA CS-22 may be given by CASA; and
- (b) CASA may suspend or cancel an approval given under paragraph (a) if it is necessary in the interests of aviation safety; and

Regulation 32.004

- (c) an approval (however described) given by or for EASA under EASA CS-22 is taken to have been given by CASA under these Regulations; and
- (d) for these Regulations, CASA may suspend or cancel an approval given by or for EASA under EASA CS-22, as if it had been given by CASA, if it is necessary in the interests of aviation safety.

Note Regulation 202.140 sets out transitional arrangements in relation to approvals given under this Part as in force before 1 July 2009.

Regulation 33.001

Part 33 Airworthiness standards for aircraft engines

Note *This Part is made up as follows:*

33.001	Airworthiness standards
33.002	Incidental provisions
33.003	Changes to Part 33 of the FARs
33.004	Approvals under Part 33 of the FARs

33.001 Airworthiness standards

- (1) For these Regulations, subject to subregulation (2), the airworthiness standards for an aircraft engine, other than an aircraft engine for use in a very light aeroplane, are as follows:
 - (a) the airworthiness standards set out in Part 33 of the FARs, as in force from time to time, with the changes provided under this Part;
 - (b) the airworthiness standards set out in EASA CS-E, as in force from time to time, with the changes provided under this Part.
- (2) An aircraft engine, other than an aircraft engine for use in a very light aeroplane, meets the airworthiness standards for these Regulations if the engine meets:
 - (a) the standards mentioned in paragraph (1) (a); or
 - (b) the standards mentioned in paragraph (1) (b).

33.002 Incidental provisions

For these Regulations:

- (a) the incidental provisions of Part 33 of the FARs, as in force from time to time, apply to the operation of the airworthiness standards in that Part, with the changes provided under this Part; and
- (b) the incidental provisions of EASA CS-E, as in force from time to time, apply to the operation of the airworthiness

Regulation 33.005

standards in that instrument, with the changes provided under this Part.

33.003 Changes to Part 33 of the FARs

- (1) For this Part, a reference in Part 33 of the FARs to the United States is a reference to Australia or, when used in a geographical sense, to Australian territory.
- (2) For this Part, a reference in Part 33 of the FARs to the FAA or to the Administrator is a reference to CASA.

33.003A Changes to EASA CS-E

For this Part, a reference in EASA CS-E to the Agency is taken to be a reference to CASA.

33.004 Approvals under Part 33 of the FARs

For the application of Part 33 of the FARs under this Part:

- (a) an approval (however described) mentioned in Part 33 of the FARs may be given by CASA; and
- (b) CASA may suspend or cancel an approval under paragraph (a), if it is necessary in the interests of aviation safety; and
- (c) for these regulations, an approval (however described) given by or for the FAA or the Administrator under that Part is taken to have been given by CASA; and
- (d) for these regulations, CASA may suspend or cancel an approval given by or for the FAA or the Administrator under that Part as if it had been given by CASA, if it is necessary in the interests of aviation safety.

33.005 Approvals under EASA CS-E

For the application of EASA CS-E under this Part:

- (a) an approval (however described) mentioned in EASA CS-E may be given by CASA; and
- (b) CASA may suspend or cancel an approval given under paragraph (a) if it is necessary in the interests of aviation safety; and

Regulation 33.005

- (c) an approval (however described) given by or for EASA under EASA CS-E is taken to have been given by CASA under these Regulations; and
- (d) for these Regulations, CASA may suspend or cancel an approval given by or for EASA under EASA CS-E, as if it had been given by CASA, if it is necessary in the interests of aviation safety.

Part 35 Airworthiness standards for aircraft propellers

Note *This Part is made up as follows:*

35.001	Airworthiness standards
35.002	Incidental provisions
35.003	Changes to Part 35 of the FARs
35.004	Approvals under Part 35 of the FARs

35.001 Airworthiness standards

- (1) For these Regulations, subject to subregulation (2), the airworthiness standards for an aircraft propeller are as follows:
 - (a) the airworthiness standards set out in Part 35 of the FARs, as in force from time to time, with the changes provided under this Part;
 - (b) the airworthiness standards set out in EASA CS-P, as in force from time to time, with the changes provided under this Part.
- (2) An aircraft propeller meets the airworthiness standards for these Regulations if it meets:
 - (a) the standards mentioned in paragraph (1) (a); or
 - (b) the standards mentioned in paragraph (1) (b).

35.002 Incidental provisions

For these Regulations:

- (a) the incidental provisions of Part 35 of the FARs, as in force from time to time, apply to the operation of the airworthiness standards in that Part, with the changes provided under this Part; and
- (b) the incidental provisions of EASA CS-P, as in force from time to time, apply to the operation of the airworthiness standards in that instrument, with the changes provided under this Part.

Regulation 35.003

35.003 Changes to Part 35 of the FARs

- (1) For this Part, a reference in Part 35 of the FARs to the United States is a reference to Australia or, when used in a geographical sense, to Australian territory.
- (2) For this Part, a reference in Part 35 of the FARs to the FAA or to the Administrator is a reference to CASA.

35.003A Changes to EASA CS-P

For this Part, a reference in EASA CS-P to the Agency is taken to be a reference to CASA.

35.004 Approvals under Part 35 of the FARs

For the application of Part 35 of the FARs under this Part:

- (a) an approval (however described) mentioned in Part 35 of the FARs may be given by CASA; and
- (b) CASA may suspend or cancel an approval under paragraph (a), if it is necessary in the interests of aviation safety; and
- (c) for these regulations, an approval (however described) given by or for the FAA or the Administrator under that Part is taken to have been given by CASA; and
- (d) for these regulations, CASA may suspend or cancel an approval given by or for the FAA or the Administrator under that Part as if it had been given by CASA, if it is necessary in the interests of aviation safety.

35.005 Approvals under EASA CS-P

For the application of EASA CS-P under this Part:

- (a) an approval (however described) mentioned in EASA CS-P may be given by CASA; and
- (b) CASA may suspend or cancel an approval given under paragraph (a) if it is necessary in the interests of aviation safety; and
- (c) an approval (however described) given by or for EASA under EASA CS-P is taken to have been given by CASA under these Regulations; and

Regulation 35.005

- (d) for these Regulations, CASA may suspend or cancel an approval given by or for EASA under EASA CS-P, as if it had been given by CASA, if it is necessary in the interests of aviation safety.

Regulation 39.001

Part 39 Airworthiness directives

Note *This Part is made up as follows:*

39.001	CASA may issue airworthiness directives
39.002	Aircraft etc covered by AD
39.003	Australian aircraft covered by AD etc not to be operated
39.004	Aircraft etc excluded from operation of AD on adoption of alternative method for correcting unsafe condition
39.005	Aircraft etc excluded from operation of AD because unsafe condition has ceased to exist
39.006	Request for review of operation of AD
39.007	Action to be taken by CASA on receiving request under regulation 39.006

39.001 CASA may issue airworthiness directives

- (1) CASA may issue an airworthiness directive for a kind of aircraft, or a kind of aeronautical product, if:
 - (a) an unsafe condition exists in an aircraft or aeronautical product of that kind; and
 - (b) the condition exists, or is likely to exist, or could develop, in other aircraft or aeronautical products of that kind.
- (2) The airworthiness directive must:
 - (a) be in writing; and
 - (b) state the kind of aircraft or aeronautical product to which it relates; and
 - (c) require that the action set out in the instrument (being action that relates to aircraft or aeronautical products of the kind stated and is, in the opinion of CASA, necessary to correct the unsafe condition) be taken at the time, or in the circumstances, mentioned in the instrument.
- (3) Subject to subregulation (4), the airworthiness directive may require a person to comply with either or both of the following:
 - (a) a directive (a *foreign directive*) mentioned in the airworthiness directive that:
 - (i) is issued by the NAA of a foreign country; and

Regulation 39.003

- (ii) is of the same nature as an airworthiness directive;
- (b) an instruction, direction or requirement that:
 - (i) is issued by the manufacturer of aircraft or aeronautical products of the kind to which the airworthiness directive relates; and
 - (ii) is mentioned in the airworthiness directive.
- (4) The airworthiness directive may require a person to comply with a foreign directive, or an instruction, direction or requirement mentioned in paragraph (3) (b), as in force or existing either at a particular time or from time to time.
- (5) An airworthiness directive issued under subregulation (1) is a legislative instrument for the purposes of the *Legislative Instruments Act 2003*.

Note For **aeronautical product** see the Dictionary.

39.002 Aircraft etc covered by AD

If an AD has been issued for a kind of aircraft or a kind of aeronautical product, then, except for aircraft or aeronautical products excluded from the operation of the AD under regulation 39.004 or 39.005, all aircraft or aeronautical products of that kind are covered by the AD until:

- (a) the AD is revoked; or
- (b) all the requirements of the AD have been complied with.

Note For **AD** and **aeronautical product** see the Dictionary.

39.003 Australian aircraft covered by AD etc not to be operated

- (1) A person must not operate an Australian aircraft that is covered by an AD (other than an aircraft to which subregulation (4) applies), or that is fitted with an aeronautical product covered by an AD (other than an aircraft to which subregulation (5) applies):
 - (a) in breach of any requirement of the AD that affects the operating limitations of the aircraft; or

Regulation 39.003

- (b) while any other requirement of the AD has not been complied with.

Penalty: 50 penalty units.

Note For **Australian aircraft** see subsection 3 (1) of the Act; for **AD** and **aeronautical product** see the Dictionary.

- (2) The registered operator of an Australian aircraft that is covered by an AD (other than an aircraft to which subregulation (4) applies), or that is fitted with an aeronautical product covered by an AD (other than an aircraft to which subregulation (5) applies), must not permit a person to operate the aircraft:
 - (a) in breach of any requirement of the AD that affects the operating limitations of the aircraft; or
 - (b) while any other requirement of the AD has not been complied with.

Penalty: 50 penalty units.

Note For **Australian aircraft** see subsection 3 (1) of the Act; for **AD** and **aeronautical product** see the Dictionary.

- (3) An offence against subregulation (1) is an offence of strict liability.
- (4) This subregulation applies to an aircraft covered by an AD if:
 - (a) the AD does not contain a statement to the effect that a special flight permit must not be issued for an aircraft covered by the AD; and
 - (b) the aircraft is authorised to operate under a special flight permit that is in force.
- (5) This subregulation applies to an aircraft that is fitted with an aeronautical product covered by an AD if:
 - (a) the AD does not contain a statement to the effect that a special flight permit must not be issued for an aircraft fitted with an aeronautical product covered by the AD; and
 - (b) the aircraft is authorised to operate under a special flight permit that is in force.

Regulation 39.005

39.004 Aircraft etc excluded from operation of AD on adoption of alternative method for correcting unsafe condition

- (1) CASA may, on the written request of a person (the *applicant*), by instrument in writing, exclude from the operation of an AD an aircraft or aeronautical product that, apart from this regulation, would be covered by the AD, on condition that the applicant takes the action set out in the instrument, at the time, or in the circumstances, mentioned in the instrument.
- (2) In making its decision, CASA must:
 - (a) take into account any reasons given by the applicant in the applicant's application for the exclusion of the aircraft or aeronautical product from the operation of the AD; and
 - (b) regard the preservation of a level of aviation safety that is at least acceptable as paramount.
- (3) If CASA issues the instrument, the aircraft or aeronautical product is excluded from the operation of the AD unless the applicant fails to comply with the condition set out in the instrument.

Note For *AD* and *aeronautical product* see the Dictionary.

39.005 Aircraft etc excluded from operation of AD because unsafe condition has ceased to exist

- (1) A person may ask CASA in writing to exclude from the operation of an AD an aircraft or aeronautical product that, apart from this regulation, would be covered by the AD, on the ground that the unsafe condition that the AD seeks to correct does not exist, and cannot develop, in the aircraft or aeronautical product because of:
 - (a) a modification of, or repairs to, the aircraft or aeronautical product that were approved under regulation 35 of CAR; or
 - (b) a modification of the aircraft or aeronautical product that was carried out in accordance with a supplemental type certificate applicable to the aircraft or aeronautical product.

Regulation 39.006

- (2) If CASA is satisfied that the unsafe condition does not exist, and cannot develop, in the aircraft or aeronautical product:
- (a) CASA must, by instrument in writing, exclude the aircraft or aeronautical product from the operation of the AD; and
 - (b) the instrument has effect accordingly.

Note For **AD**, **aeronautical product** and **supplemental type certificate** see the Dictionary.

39.006 Request for review of operation of AD

A person may ask CASA in writing to review the operation of an AD on the ground that all aircraft or aeronautical products covered by the AD, or all aircraft or aeronautical products of a kind mentioned in the request (being aircraft or aeronautical products covered by the AD), need no longer be covered by the AD because:

- (a) the instructions issued by the manufacturer or manufacturers of those aircraft or aeronautical products for the carrying out of maintenance on those aircraft or aeronautical products have been amended; and
- (b) if maintenance is carried out on those aircraft or aeronautical products in accordance with those instructions as amended, the unsafe condition that the AD seeks to correct will no longer exist, or is not likely to exist, or cannot develop, in those aircraft or aeronautical products.

Note For **AD** and **aeronautical product** see the Dictionary.

39.007 Action to be taken by CASA on receiving request under regulation 39.006

- (1) Within 28 days after receiving a request from a person (the **applicant**) under regulation 39.006, CASA must give to the applicant a notice setting out:
- (a) the steps that CASA proposes to take to investigate whether the ground on which the request is made can be substantiated; and
 - (b) an estimate of the time likely to be taken by the investigation.

Regulation 39.007

- (2) In carrying out the investigation, CASA must consider:
 - (a) all information provided by the applicant (whether on his or her own initiative or at the request of CASA); and
 - (b) any other information that CASA reasonably considers to be relevant to the investigation.
- (3) If, after carrying out the investigation, CASA is satisfied that the ground for making the request has been substantiated, CASA must revoke or amend the AD (as the case requires) so that those aircraft or aeronautical products to which the request relates are not covered by the AD.
- (4) This regulation does not affect the power that, apart from this regulation, CASA has to revoke or amend an AD.

Note For **AD** and **aeronautical product** see the Dictionary.

Part 43 Maintainers' responsibilities

Note This Part heading is reserved for future use.



Civil Aviation Safety Regulations 1998

Statutory Rules 1998 No. 237 as amended

made under the

Civil Aviation Act 1988

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The text of any of those amendments not in force
on that date is appended in the Notes section

This document has been split into three volumes
Volume 1 contains Parts 1 to 43
Volume 2 contains Parts 45 to 138
Volume 3 contains Parts 139 to 202, the Dictionary and the Notes
Each volume has its own Table of Contents

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Part 45 Display of nationality and registration marks and aircraft registration identification plates

Note *This Part is made up as follows:*

Subpart 45.A General

45.005 Applicability of this Part

Subpart 45.B Australian nationality and registration markings

Division 45.B.1 General rules

45.010 Applicability of this Subpart
45.015 Australian nationality mark
45.020 Registration mark
45.025 Meaning of *markings* and *set of markings*
45.030 Meaning of *character*
45.035 Requirement for aircraft to bear its markings
45.040 Markings not to be obscured
45.045 Number and location of sets of markings — fixed-wing
 aircraft
45.050 Number and location of sets of markings — rotorcraft
45.055 Number and location of sets of markings — airships
45.060 Number and location of sets of markings — manned free
 balloons
45.065 Minimum height of characters
45.070 Minimum width of characters
45.075 Size of hyphens
45.080 Minimum spacing of characters
45.085 How markings to be marked on aircraft
45.090 No confusing markings to be on aircraft

Division 45.B.2 Exemptions from general rules

45.095 Exhibition aircraft
45.100 Antique, experimental and ex-military aircraft
45.105 Aircraft with special configuration
45.110 Australian aircraft used by Defence Force

Regulation 45.005

Division 45.B.3 Removal of markings

45.115 Removal of markings from sold aircraft

Subpart 45.C Certain aircraft to bear words

45.120 Applicability of this Subpart

45.125 Requirement to bear certain words

45.130 Exemption for exhibition aircraft

Subpart 45.D Aircraft registration identification plates

45.135 Applicability of this Subpart

45.140 What an aircraft registration identification plate is

45.145 Aircraft must carry aircraft registration identification plate

45.150 How and where aircraft registration identification plate is to be attached to aircraft

45.155 Removal or alteration of aircraft registration identification plates

45.160 Attachment of aircraft registration identification plate from another aircraft

Subpart 45.E Marks on foreign registered aircraft operating in Australian territory

45.165 Applicability of this Subpart

45.170 Marks to be on foreign registered aircraft in Australian territory

Subpart 45.A General

45.005 Applicability of this Part

- (1) This Part deals mainly with:
 - (a) the nationality and registration marks of Australian aircraft; and
 - (b) the display of those, and other, marks on Australian aircraft; and
 - (c) the display of aircraft registration identification plates on Australian aircraft.
- (2) This Part also makes provision about the display of nationality and registration marks on foreign registered aircraft.

Note For the definitions of *Australian aircraft* and *foreign registered aircraft* see subsection 3 (1) of the Act.

Subpart 45.B Australian nationality and registration markings

Division 45.B.1 General rules

45.010 Applicability of this Subpart

This Subpart applies to all Australian aircraft.

Note For the definition of *Australian aircraft* see subsection 3 (1) of the Act.

45.015 Australian nationality mark

The *Australian nationality mark* is the capital letters *VH*.

45.020 Registration mark

The *registration mark* of an Australian aircraft is the group of characters that is assigned to the aircraft under Part 47.

45.025 Meaning of *markings* and *set of markings*

- (1) An Australian aircraft's *markings* are the letters *VH* (the Australian nationality mark) and the aircraft's registration mark, in that order, connected by a hyphen.
- (2) A *set of markings* for an Australian aircraft is an instance of the aircraft's markings.

45.030 Meaning of *character*

In this Subpart:

character includes a letter and a digit, but does not include a hyphen.

45.035 Requirement for aircraft to bear its markings

- (1) Except as Division 45.B.2 allows otherwise, an Australian aircraft, whenever it is operated, must bear as many sets of its markings as is required by whichever is applicable of regulations 45.045, 45.050, 45.055 and 45.060.

Regulation 45.040

- (2) Except as Division 45.B.2 allows otherwise, the sets must be on the outside of the aircraft in the places required by the applicable regulation.
- (3) Except as Division 45.B.2 allows otherwise, the characters, and any hyphens, in each set must comply with regulations 45.065, 45.070 and 45.075.
- (4) If an aircraft does not bear its markings as required by subregulations (1), (2) and (3), the aircraft's registration holder is guilty of an offence.

Penalty: 50 penalty units.

- (5) An offence against subregulation (4) is an offence of strict liability.

Note for subregulation (5) For **strict liability**, see section 6.1 of the *Criminal Code*.

Note For the definition of **Australian aircraft** see subsection 3 (1) of the Act. For the definitions of **registration holder** and **registration mark** see the Dictionary.

45.040 Markings not to be obscured

A set of markings must be in a position where it is not obscured at any time by a moveable surface of the aircraft.

45.045 Number and location of sets of markings — fixed-wing aircraft

- (1) On a fixed-wing aircraft, 3 sets of the aircraft's markings must be displayed, as follows:
 - (a) 1 set either on the under surface of the port wing or across the under surface of both wings, in each case as set out in subregulation (2);
 - (b) the 2 other sets on:
 - (i) the fuselage, as set out in subregulation (3); or
 - (ii) engine nacelles or similar fixed obstructions on the fuselage, as set out in subregulation (5); or
 - (iii) the vertical tail, as set out in subregulation (6).

Regulation 45.055

- (2) A marking on the wing of an aircraft:
 - (a) must have its top towards the leading edge of the wing; and
 - (b) must be as nearly as possible parallel to the leading edge, and half-way between the leading and the trailing edge, of the wing.
- (3) If the markings are on the aircraft's fuselage, there must be 1 set on each side of the fuselage:
 - (a) between the trailing edge of the wing and the leading edge of the tailplane; or
 - (b) if the aircraft is of canard configuration and has no tailplane — between the trailing edge of the foreplane and the leading edge of the wing.
- (4) In subregulation (3):
tailplane includes the tail surfaces of an aeroplane that has a vee-tail.
- (5) If there is an engine nacelle or similar fixed obstruction on the part of the fuselage mentioned in paragraph (3) (a) or (b), there may be a set of markings on each nacelle or obstruction.
- (6) If the markings are on the aircraft's vertical tail, there must be:
 - (a) if the aircraft has a single vertical tail — 1 set on each side of the tail; or
 - (b) if the aircraft has a multi-vertical tail — 1 set on the outer side of each of its outermost surfaces.

45.050 Number and location of sets of markings — rotorcraft

On a rotorcraft, there must be 1 set of its markings on each side of its cabin, fuselage, boom or tail.

45.055 Number and location of sets of markings — airships

- (1) An airship's markings must be on either its hull or its stabilisers.
- (2) If its markings are on its hull, there must be:
 - (a) 1 set on the line of symmetry of its upper surface; and

Regulation 45.060

- (b) 1 set on each side of its hull.
- (3) If its markings are on its stabilisers:
 - (a) there must be 1 set on each of:
 - (i) the upper surface of the right horizontal stabiliser; and
 - (ii) the lower surface of the left horizontal stabiliser; and
 - (b) each of those sets must be as nearly as possible half-way between the leading and the trailing edge of the stabiliser; and
 - (c) the tops of the letters in each of those sets must be towards the leading edge of the stabiliser; and
 - (d) there must be 1 set on each side of the lower vertical stabiliser.

45.060 Number and location of sets of markings — manned free balloons

- (1) A manned free balloon must bear 2 sets of its markings.
- (2) On a spherical balloon, the 2 sets must be in diametrically opposite places near the maximum horizontal circumference of its envelope.
- (3) On a non-spherical balloon, the 2 sets must be on opposite sides of its envelope as near as possible to its maximum cross-section, but no lower than the higher of:
 - (a) the rigging band; or
 - (b) the points of attachment of the basket or the basket suspension cables.

45.065 Minimum height of characters

- (1) This regulation sets out the minimum height of the characters in a set of markings.
- (2) All the characters in a set of markings must be of the same height.
- (3) Subject to subregulation (5), the minimum height of the characters in a set of markings is:

Regulation 45.065

- (a) in the case of markings on an aircraft (other than a glider) for which there is in force an experimental certificate issued for the purpose referred to in paragraph 21.191 (d) or (g), and whose maximum cruising speed is not greater than 180 knots CAS — 75 millimetres (for all markings); or
- (b) in the case of markings on any other fixed-wing aircraft (except a glider):
 - (i) for markings on the aircraft's wings — 500 millimetres; and
 - (ii) for markings on other parts of the aircraft — 300 millimetres; or
- (c) in any other case — as given in the following table.

Minimum heights of characters in markings on certain kinds of aircraft

Column 1	Column 2	Column 3
Item	Kind of aircraft	Minimum height (mm)
1	Rotorcraft	300
2	Glider	75
3	Airship	500
4	Manned free balloon	500

- (4) If a surface of the aircraft on which there must be a set of the aircraft's markings is not large enough to allow the characters to be as high as required by subregulation (3), then:
 - (a) that subregulation is to be disregarded; and
 - (b) the characters must be as high as possible while keeping their proportions the same.
- (5) If a set of markings is required to be on each of 2 symmetrical parts of the aircraft (for example, on each side of the fuselage or tail), the height of the characters in both sets must be the same.

Regulation 45.070

45.070 Minimum width of characters

- (1) The width of a character must be equal to $\frac{2}{3}$ of its height, with the following exceptions:
 - (a) the letter 'I' and the digit '1', whose width must be equal to $\frac{1}{6}$ -th of their height;
 - (b) the letters 'M' and 'W', whose width may be equal to their height.
- (2) A character must be made up of solid lines that are $\frac{1}{6}$ -th as thick as the character is high.

45.075 Size of hyphens

- (1) A hyphen in a set of markings must be $\frac{1}{6}$ -th of the height of the characters in the set.
- (2) The width of a hyphen must be equal to 4 times its height.

45.080 Minimum spacing of characters

- (1) The space between any 2 adjacent characters must be at least $\frac{1}{6}$ -th of their height.
- (2) The space between a hyphen and a character must be at least $\frac{1}{6}$ -th of the height of the character.

45.085 How markings to be marked on aircraft

- (1) An Australian aircraft's markings must be painted on it, or fixed to it in some other way that is at least as permanent as painting.
- (2) The markings:
 - (a) must be legible; and
 - (b) must have no ornamentation; and
 - (c) must be of a colour that clearly contrasts with their background.
- (3) Subregulation (2) does not prohibit the use of slanted characters if:
 - (a) the characters remain legible; and

(b) the slant is no more than 35° from the perpendicular.

(4) The characters in a set of markings may be arranged one above the other only if the set is on:

(a) the centre-line of the upper surface of an airship; or

(b) a balloon.

(5) If the markings on an aircraft do not comply with subregulation (1), (2) or (4), the aircraft's registration holder is guilty of an offence.

Penalty: 20 penalty units.

(6) An offence against subregulation (5) is an offence of strict liability.

Note For **strict liability**, see section 6.1 of the *Criminal Code*.

45.090 No confusing markings to be on aircraft

(1) Subject to subregulation (3), a person must not, without the written approval of CASA, place on an Australian aircraft a design, mark or symbol that modifies, or creates confusion about, the marks displayed on the aircraft as its markings.

Penalty: 20 penalty units.

(1A) An offence against subregulation (1) is an offence of strict liability.

Note For **strict liability**, see section 6.1 of the *Criminal Code*.

(2) CASA must not grant an approval under subregulation (1) if granting the approval would adversely affect the safety of air navigation.

Note For the definition of **Australian aircraft** see subsection 3 (1) of the Act.

(3) However, subregulation (1) does not apply in relation to the application of Defence Force symbols or call-signs to an Australian aircraft that is being operated by the Defence Force.

Regulation 45.095

Division 45.B.2 Exemptions from general rules

45.095 Exhibition aircraft

- (1) In this regulation:
exhibition includes an airshow and a film or television production.
- (2) This regulation applies to an Australian aircraft if:
 - (a) the aircraft is to be operated for an exhibition; and
 - (b) the display of the aircraft's markings on the aircraft would be inconsistent with its use for that purpose.
- (3) Subject to subregulations (4) and (5), the aircraft need not bear its markings while it is operated:
 - (a) for any practice or test flight necessary for the exhibition; or
 - (b) at an exhibition location; or
 - (c) between exhibition locations; or
 - (d) between an exhibition location and the aircraft's base of operations.
- (4) Subregulation (3) applies only if:
 - (a) the aircraft's registration holder has:
 - (i) told CASA in writing that the aircraft will be operated for the exhibition; and
 - (ii) given CASA a photograph or drawing of the aircraft, showing the colour of the aircraft, and any marks it will bear, while it is operated as mentioned in paragraph (3) (a), (b), (c) or (d); and
 - (b) the aircraft's registration mark is clearly displayed in the aircraft's cabin or cockpit.
- (5) If the exhibition is taking place in a foreign country, subregulation (3) does not apply if the aircraft's failure to bear its markings would contravene a law of that country.

45.100 Antique, experimental and ex-military aircraft

- (1) This regulation applies to:
- (a) an Australian aircraft in the normal category, utility category, acrobatic category or commuter category:
 - (i) of which the prototype was built 45 years or longer ago; and
 - (ii) that is employed in private operations; and
 - (b) an Australian aircraft:
 - (i) for which there is in force an experimental certificate issued for the purpose mentioned in paragraph 21.191 (d) or (g); and
 - (ii) that has the same external configuration as an aircraft built 45 years or longer ago; and
 - (c) an Australian aircraft of a type mentioned in subparagraph 21.189 (1) (a) (ii) for which there is in force:
 - (i) a special certificate of airworthiness of the kind mentioned in regulation 21.189; or
 - (ii) an experimental certificate issued for the purposes mentioned in paragraph 21.191 (b), (c), (d) or (e).

Note An aircraft in any of the categories mentioned in paragraph (1) (a) is an aircraft whose type design is certificated as meeting airworthiness standards equivalent to those set out in Part 23.

- (2) The registration holder of an aircraft to which this regulation applies need not comply with any of regulations 45.045, 45.050, 45.055 and 45.060 that would otherwise apply in relation to the aircraft, nor with regulations 45.065, 45.070, 45.075, 45.080 and 45.085, if:
- (a) the aircraft's markings are either on each side of the fuselage, or as follows:
 - (i) if the aircraft has a single vertical tail — on each of the surfaces of the vertical tail; or
 - (ii) if the aircraft has a multi-vertical tail — on each of its outer surfaces; and
 - (b) those markings are at least 50 millimetres high; and
 - (c) there are no other marks beginning with **VH** anywhere on the aircraft; and

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- (d) if the aircraft is being operated in a foreign country, failure to comply with those regulations would not contravene a law of that country.

Note For the definition of *private operations* see subregulation 2 (7) of CAR. For the definitions of *experimental certificate* and *registration holder* see the Dictionary.

45.105 Aircraft with special configuration

- (1) This regulation applies to an Australian aircraft if, because of the aircraft's configuration, it is not possible for it to bear its markings in accordance with whichever is applicable of regulations 45.045, 45.050, 45.055 and 45.060.
- (2) On application by the aircraft's registration holder, CASA must give the registration holder a written direction about where the aircraft must bear its markings.
- (3) Despite regulations 45.065, 45.070, 45.075, 45.080 and 45.085, the direction may specify the size and spacing of the characters and any hyphens in the sets.
- (4) The registration holder must comply with the direction.
- Penalty: 50 penalty units.
- (4A) An offence against subregulation (4) is an offence of strict liability.
- Note* For *strict liability*, see section 6.1 of the *Criminal Code*.
- (5) If CASA gives a direction in respect of an aircraft under subregulation (2), the aircraft's registration holder need not comply with whichever of regulations 45.045, 45.050, 45.055 or 45.060 would otherwise apply, nor with regulations 45.065, 45.070, 45.075, 45.080 and 45.085, to the extent that the direction requires otherwise.

45.110 Australian aircraft used by Defence Force

In spite of regulations 45.040, 45.045, 45.050, 45.055, 45.060, 45.065, 45.070, 45.075, 45.080 and 45.085, if an Australian aircraft is being used by the Defence Force its markings may be removed or covered.

Division 45.B.3 Removal of markings

45.115 Removal of markings from sold aircraft

- (1) This regulation applies if an Australian aircraft is sold to a person other than:
 - (a) an Australian citizen; or
 - (b) an individual who is not an Australian citizen, but holds a permanent visa (within the meaning of the *Migration Act 1958*); or
 - (c) a corporation incorporated under the Corporations Law of a State or Territory; or
 - (d) a body incorporated under a law (other than the Corporations Law of a State or Territory) in force in Australia; or
 - (e) the Commonwealth, a State or a Territory, or an agency of the Commonwealth, a State or a Territory; or
 - (f) a foreign corporation that:
 - (i) is lawfully carrying on business in Australia; and
 - (ii) intends to base, and primarily use, the aircraft in Australia.
- (2) The person who was the aircraft's registration holder immediately before the sale is guilty of an offence if the aircraft's markings are not removed from it before it is delivered to the purchaser.

Penalty: 20 penalty units.
- (3) An offence against subregulation (2) is an offence of strict liability.

Note For **strict liability**, see section 6.1 of the *Criminal Code*.

Subpart 45.C Certain aircraft to bear words

45.120 Applicability of this Subpart

This Subpart applies to an Australian aircraft:

- (a) that is:

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- (i) a limited category aircraft (that is, an aircraft for which a special airworthiness certificate of the kind mentioned in regulation 21.189 is in force); or
 - (ii) a restricted category aircraft (that is, an aircraft for which a type certificate of the kind referred to in regulation 21.025 has been issued and is in force, or an aircraft of the same design as such an aircraft); or
- (b) for which a provisional certificate of airworthiness or an experimental certificate of airworthiness is in force.

45.125 Requirement to bear certain words

- (1) Whenever an aircraft to which this Subpart applies is operated, its registration holder must ensure that the aircraft bears the word required by subregulation (2), written in capital letters not less than 50, but not more than 150, millimetres high:
 - (a) on the outside of the aircraft near each entrance to the cabin or cockpit; or
 - (b) in the case of an aircraft that is entered by opening the canopy — on the outside of each side of the aircraft, immediately below the cockpit coaming; or
 - (c) in the case of an aircraft for which an experimental certificate of airworthiness is in force — inside the cockpit, in a position where it will alert the pilot and passenger to the fact that the aircraft meets no approved airworthiness standard.

Penalty: 50 penalty units.

- (1A) An offence against subregulation (1) is an offence of strict liability.

Note For **strict liability**, see section 6.1 of the *Criminal Code*.

- (2) The word is:
 - (a) for a limited category aircraft — ‘LIMITED’; and
 - (b) for a restricted category aircraft — ‘RESTRICTED’; and
 - (c) for an aircraft for which a provisional certificate of airworthiness is in force — ‘PROVISIONAL’; and
 - (d) for an aircraft for which an experimental certificate of airworthiness is in force — ‘EXPERIMENTAL’.

45.130 Exemption for exhibition aircraft

- (1) In this regulation:
exhibition includes an airshow and a film or television production.
- (2) This regulation applies to an Australian aircraft to which this Subpart applies if:
 - (a) the aircraft is to be operated for an exhibition; and
 - (b) it would be inconsistent with the use of the aircraft for that purpose for the aircraft to bear a word required by subregulation 45.120 (1).

Note Subregulation 45.120 (1) requires the word 'LIMITED', 'RESTRICTED', 'PROVISIONAL' or 'EXPERIMENTAL' to be displayed on certain aircraft.
- (3) Subject to subregulations (4) and (5), the aircraft need not bear that word while it is operated:
 - (a) for any practice or test flight necessary for the exhibition; or
 - (b) at an exhibition location; or
 - (c) between exhibition locations; or
 - (d) between an exhibition location and the aircraft's base of operations.
- (4) Subregulation (3) applies only if:
 - (a) the aircraft's registration holder has:
 - (i) told CASA in writing that the aircraft will be operated for the exhibition; and
 - (ii) given CASA a photograph or drawing of the aircraft, showing the colour of the aircraft, and the markings the aircraft will bear, while it is operated as mentioned in paragraph (3) (a), (b), (c) or (d); and
 - (b) the aircraft's registration mark is clearly displayed in the aircraft's cabin or cockpit.
- (5) If the exhibition is taking place in a foreign country, subregulation (3) does not apply if the aircraft's failure to bear the word would contravene a law of that country.

Subpart 45.D Aircraft registration identification plates

Note This Subpart gives effect for Australia to section 8 of Annex 7 to the Chicago Convention.

45.135 Applicability of this Subpart

This Subpart applies to all Australian aircraft.

45.140 What an aircraft registration identification plate is

- (1) An *aircraft registration identification plate* is a plate, made of fireproof material, on which is marked (by etching, stamping, engraving, or another approved method) the letters **VH** (the Australian nationality mark) followed by a hyphen and the aircraft's registration mark.
- (2) For subregulation (1), the material of which a plate is made is fireproof if the plate withstands the heat of a fire at least as well as a steel plate of the same size and thickness.

45.145 Aircraft must carry aircraft registration identification plate

- (1) A person may operate an Australian aircraft only if an aircraft registration identification plate is attached to the aircraft in accordance with regulation 45.150.

Penalty: 50 penalty units.

- (2) The registered owner of an Australian aircraft may permit a person to operate that aircraft only if an aircraft registration identification plate is attached to the aircraft in accordance with regulation 45.150.

Penalty: 50 penalty units.

- (3) An offence against subregulation (1) is an offence of strict liability.

Note For *strict liability*, see section 6.1 of the *Criminal Code*.

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- (4) Strict liability applies to the physical element in subregulation (2) that the aircraft registration identification plate is attached to the aircraft in accordance with regulation 45.150.

Note For *strict liability*, see section 6.1 of the *Criminal Code*.

45.150 How and where aircraft registration identification plate is to be attached to aircraft

- (1) An aircraft's registration identification plate must be attached to it in a way that ensures that the plate is not likely to be defaced or to become detached from the aircraft.
- (2) The plate must be attached:
- (a) in the case of a manned free balloon — to the skirt of the balloon's envelope, in a place where it is clearly visible before the balloon is inflated; or
 - (b) if CASA gives a direction under subregulation (3) — as set out in the direction; or
 - (c) in any other case — in a place (either inside or outside the aircraft's hull or fuselage):
 - (i) near the aircraft's entrance or main entrance; and
 - (ii) where it is clearly visible.
- (3) CASA may, in writing, direct where the plate is to be attached to an aircraft (other than a balloon) if:
- (a) the aircraft's registration holder applies in writing to CASA for a direction under this subregulation; and
 - (b) the configuration of the aircraft does not allow its aircraft registration identification plate to be attached in accordance with paragraph (2) (c).

45.155 Removal or alteration of aircraft registration identification plates

- (1) A person must not engage in conduct that results in the removal of the aircraft registration identification plate of an aircraft from where it is attached to the aircraft if CASA has not given written approval to do so.

Penalty: 20 penalty units.

Regulation 45.160

Note The removal of an aircraft registration identification plate is permitted during maintenance, subject to conditions — see regulation 61 of CAR.

- (2) A person must not engage in conduct that results in the removal or alteration of any of an aircraft's markings marked on the registration identification plate of the aircraft if CASA has not given written approval to do so.

Penalty: 20 penalty units.

- (2A) An offence against subregulation (1) or (2) is an offence of strict liability.

Note For **strict liability**, see section 6.1 of the *Criminal Code*.

- (3) CASA must not grant an approval under subregulation (1) or (2) if the granting of the approval will adversely affect the safety of air navigation.

45.160 Attachment of aircraft registration identification plate from another aircraft

- (1) A person must not attach to an aircraft an aircraft registration identification plate that displays the markings of another aircraft, or fictitious markings.

Penalty: 50 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.

Note For **strict liability**, see section 6.1 of the *Criminal Code*.

Subpart 45.E Marks on foreign registered aircraft operating in Australian territory

45.165 Applicability of this Subpart

This Subpart applies to foreign registered aircraft operated in Australia.

**45.170 Marks to be on foreign registered aircraft in
Australian territory**

- (1) A person may operate a foreign registered aircraft in Australian territory only if the aircraft bears its nationality and registration marks in accordance with the law of the country in which it is registered.

Penalty: 50 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.

Note for subregulation (2) For **strict liability**, see section 6.1 of the *Criminal Code*.

Note For the definition of **foreign registered aircraft** see subsection 3 (1) of the Act.

Part 47 Registration of aircraft and related matters

Note This Part is made up as follows:

Subpart 47.A	General
47.005	Applicability of Part 47
47.010	Definitions for Part 47
47.015	Requirement for aircraft to be registered
47.020	Appointment of person to act on behalf of owners
Subpart 47.B	The Australian Civil Aircraft Register
47.025	Australian Civil Aircraft Register
47.030	Register to be accessible to public
47.035	Alteration or correction of Register
47.040	Seeking information about Register
47.045	Communicating with CASA
47.050	Accuracy of information in Register
47.055	Entries in Register etc not conclusive evidence of title to aircraft
Subpart 47.C	Registration of aircraft
47.060	Applying for registration of unregistered aircraft
47.065	Information required for registration — general
47.070	Confirmation of oral application
47.075	CASA may ask for further information
47.080	Registration of aircraft
47.085	Interim certificate of registration
47.090	Issue of certificate of registration
47.095	Period of registration
Subpart 47.D	Registered operator
47.100	Identity of registered operator of aircraft
Subpart 47.E	Transfer of ownership of aircraft
47.105	Meaning of <i>former owner</i> and <i>new owner</i>
47.110	Transfer of ownership
Subpart 47.F	Administration of Australian Civil Aircraft Register
47.115	Notice of error in information in Register
47.120	Replacement certificate of registration

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47.125	Loss etc of certificate of registration
47.130	Lapsing or cancellation of registration
47.135	Return of certificate of registration
Subpart 47.G	Reservation, assignment and change of registration marks
47.140	Meaning of <i>aircraft</i> for Subpart 47.G
47.145	Reservation of registration mark
47.150	Assignment of registration mark
47.155	Marks that must not be reserved or assigned
47.160	Assigning reserved registration mark to unregistered aircraft
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Subpart 47.H	Dealer's marks
47.170	Definitions for Subpart 47.H
47.175	Assignment of dealer's marks
47.180	What marks may be assigned to dealers
47.185	Record of dealer's marks
47.190	How long assignment to dealer remains in effect
47.195	Certificate of assignment of dealer's mark
47.200	Loss of certificate of assignment of dealer's mark
47.205	Dealer's plate
47.210	Use of dealer's marks
47.215	Aircraft taken to be registered
47.220	Annual report to CASA on aircraft using dealer's marks
47.225	Revocation of assignment of dealer's mark etc

Subpart 47.A General

47.005 Applicability of Part 47

- (1) This Part sets out:
 - (a) how aircraft are registered; and
 - (b) how registration marks are assigned to aircraft.
- (2) It also sets out how dealer's marks are assigned to manufacturers, distributors and dealers of aircraft, and regulates their use.

Regulation 47.010

47.010 Definitions for Part 47

In this Part:

eligible person means one of the following:

- (a) a resident of Australia who is:
 - (i) 18 years of age or older; and
 - (ii) an Australian citizen or the holder of a permanent visa (within the meaning of the *Migration Act 1958*);
- (b) a corporation incorporated under the *Corporations Act 2001*;
- (c) a body incorporated under a law (other than the *Corporations Act 2001*) in force in Australia;
- (d) the Commonwealth, a State or a Territory;
- (e) an agency of the Commonwealth, a State or a Territory;
- (f) a foreign corporation that is lawfully carrying on business in Australia.

owner, of an aircraft, includes a part-owner of the aircraft who is appointed under regulation 47.020.

Note The owner of an aircraft who becomes its registration holder must, if he or she is not eligible to be its registered operator, appoint an eligible person as the registered operator: see regulation 47.100.

registered operator has the meaning given by regulation 47.100.

47.015 Requirement for aircraft to be registered

- (1) For paragraph 20AA (1) (b) of the Act, an aircraft is required to be registered unless it is one of the following:
 - (a) an aircraft that is not intended to be used as an aircraft;
 - (b) an aircraft that, under Subpart 200.B, is exempt from these Regulations;
 - (c) an unmanned free balloon;
 - (d) a permanently tethered balloon;
 - (e) a kite;
 - (f) a model aircraft;
 - (g) a parachute;
 - (h) a rocket;

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- (i) a UAV other than a large UAV;
 - (j) an aircraft that is registered under the law of a foreign country referred to in subregulation (2);
 - (k) an aircraft that satisfies all the following conditions:
 - (i) it has been manufactured in Australia for delivery outside Australia to a foreign operator;
 - (ii) it is registered under the law of a foreign country referred to in subregulation (2);
 - (iii) it displays nationality and registration marks in accordance with the law of that country;
 - (iv) it has no certificate of airworthiness issued, or rendered valid, under the law of that country;
 - (v) it is flown within Australia only for a purpose mentioned in paragraph 21.197 (1) (b) or (c).
- (2) For paragraph (1) (j) and subparagraph (1) (k) (ii), the foreign countries are:
- (a) the Contracting States; and
 - (b) any other foreign country with which Australia has an agreement that allows an aircraft registered under the law of that country to be operated in Australia.

Note For the definition of *Contracting State* see subsection 3 (1) of the Act.

47.020 Appointment of person to act on behalf of owners

If an aircraft is owned by more than 1 person, the owners must, to register the aircraft, appoint one of them to act on their behalf.

Subpart 47.B The Australian Civil Aircraft Register

47.025 Australian Civil Aircraft Register

CASA must keep a register called the Australian Civil Aircraft Register, or ensure that it is kept, in accordance with this Subpart.

Regulation 47.030

Note The Australian Civil Aircraft Register is the successor to the Aircraft Register mentioned in regulation 8 of CAR: see regulation 202.221.

47.030 Register to be accessible to public

- (1) CASA must make the Australian Civil Aircraft Register available for inspection by members of the public at reasonable times and places, and subject to reasonable conditions.
- (2) CASA may comply with subregulation (1) by making the information in the Register accessible on the Internet or by another suitable electronic means.

47.035 Correction of Register

CASA must correct the information recorded in an entry in the Australian Civil Aircraft Register as soon as practicable after becoming aware that the entry is out of date or otherwise incorrect.

Note An aircraft registration holder who finds out that anything in the Australian Civil Aircraft Register in relation to the aircraft is not correct must tell CASA about the change that should be made to the Register: see regulation 47.115.

47.040 Seeking information about Register

- (1) If CASA thinks that there may be an error in the Australian Civil Aircraft Register in relation to an aircraft, CASA may ask the aircraft registration holder, in writing, to give CASA information that may show the accuracy of the entry.

Note Information that must be given to CASA under subregulation (1) may include a copy of a relevant document.

- (2) A request under subregulation (1) must:
 - (a) describe the information; and
 - (b) specify a period of at least 28 days, starting when the request is given to the registration holder, during which the registration holder must give CASA the information.

Note CASA may cancel the registration of an aircraft if the registration holder fails to comply with a request for information made under subregulation (1): see subregulation 47.130 (3).

Regulation 47.050

- (3) A registration holder must comply with a request made under subregulation (2).

Penalty: 10 penalty units.

- (4) An offence under subregulation (3) is an offence of strict liability.

47.045 Communicating with CASA

- (1) A notice that, under this Part, must be given to CASA may be delivered, posted, sent by fax or sent by e-mail.

Note The address, fax number and e-mail address for notices can be found in the advisory circular for this Part or on CASA's website: www.casa.gov.au.

- (2) CASA may refuse to accept a notice that is not legible.

47.050 Accuracy of information in Register

- (1) CASA must give, to an aircraft registration holder, a copy of the information in the Australian Civil Aircraft Register that relates to the holder and the aircraft.
- (2) CASA must give the copy of the information within 28 days after:
- (a) the end of 3 years after the day on which:
 - (i) an aircraft is registered; or
 - (ii) if the aircraft's certificate of registration is transferred — the certificate is transferred; and
 - (b) the end of each period of 3 years after that day.
- (3) Within 28 days after the day when the registration holder is given the copy of the information, the holder must:
- (a) if necessary, correct the information on the copy about the aircraft and the holder; and
 - (b) return the copy to CASA.

Maximum penalty: 10 penalty units.

- (4) An offence against subregulation (3) is an offence of strict liability.

Regulation 47.055

- (5) Information given to CASA for subregulation (3) must not be used as evidence of an offence against regulation 47.115.
- (6) This regulation is not intended to limit the operation of regulations 47.035 and 47.040.

47.055 Entries in Register etc not conclusive evidence of title to aircraft

- (1) An entry in the Australian Civil Aircraft Register in relation to an aircraft is not conclusive evidence of the existence of a legal or beneficial property interest in the aircraft.
- (2) A certificate of registration for an aircraft is not conclusive evidence of the existence of a legal or beneficial property interest in the aircraft.

Subpart 47.C Registration of aircraft

47.060 Applying for registration of unregistered aircraft

- (1) An application to register an unregistered aircraft may be made by the owner or a person who is acting on behalf of, and at the direction or request of, the owner.
- (2) The application must be made:
 - (a) in writing; or
 - (b) orally (by telephone or in person).

Note An oral application must be confirmed in writing in accordance with regulation 47.070. If an oral application is not confirmed in writing in accordance with that regulation, the registration lapses: see subregulation 47.130 (4).

- (3) An application for registration made in writing must:
 - (a) be made in an approved form; and
 - (b) include the information set out in regulation 47.065; and
 - (c) be signed by the person making the application.
- (4) An application for registration made in writing must also include a declaration, signed by the person making the application:

Regulation 47.065

- (a) that the aircraft will be used as an aircraft; and
- (b) if the aircraft has not been registered before — that the aircraft has never been registered; and
- (c) if the aircraft has been registered before (whether in Australia or not) — that the aircraft is not, at the time of the application, registered on a foreign civil aircraft register.

47.065 Information required for registration — general

For paragraph 47.060 (3) (b), and subject to regulation 47.075, the following information must be included in an application for registration of an aircraft:

- (a) the owner's name and address;
- (aa) if the aircraft is owned by more than 1 person — the name and signature of the owner who is appointed to act on behalf of the owners; and
- (b) if the application is made by a person on behalf of the owner — the name and address of the person making the application;
- (c) if the owner proposes to appoint another person as the registered operator of the aircraft — the registered operator's name and postal address, and:
 - (i) if the registered operator is an individual — his or her home address; or
 - (ii) if the registered operator is a corporation — the corporation's registered address;
- (d) for an aircraft that has a type certificate, type acceptance certificate or provisional type certificate:
 - (i) the number of the certificate (if applicable); and
 - (ii) the production certificate number (if applicable); and
 - (iii) the manufacturer, and the country and year of manufacture, of the aircraft; and
 - (iv) the aircraft model; and
 - (v) the aircraft serial number;

Note For paragraph (d), the aircraft's manufacturer, model and serial number are those set out on the aircraft's data plate.

Regulation 47.065

- (e) for an aircraft to which paragraph (d) does not apply — the following:
 - (i) the aircraft manufacturer (if applicable);
 - (ii) the aircraft builder (if applicable);
 - (iii) whether the aircraft is a manned free balloon, an airship, a glider, a power-driven aeroplane, a rotorcraft or an ornithopter;
 - (iv) the country and year of manufacture of the aircraft;
 - (v) the aircraft model;
 - (vi) the aircraft serial number;
 - (vii) if the aircraft is power-driven — the number of engines and whether they are piston, turbopropeller or jet turbine engines;
 - (viii) the number of seats including seats for the crew;
 - (ix) whether the aircraft is able to be used on land, on water, or on both;
- (f) if a registration mark has been reserved for the aircraft, and the reservation has not lapsed — the registration mark;
- (g) if the aircraft has been imported:
 - (i) the name of the country from which the aircraft was imported; and
 - (ii) the aircraft's registration mark, if any, in that country; and
 - (iii) evidence, provided by the NAA of that country, that the aircraft is not on the aircraft register of that country;
- (h) if the registration is required for a specific period — the period.

Note 1 If the application for registration is an oral application, CASA will ask for the information mentioned in this regulation during the oral application.

Note 2 If an aircraft is registered for a specific period, the registration lapses at the end of that period: see subregulation 47.130 (1). (However the period may be extended under subregulation 47.095 (4).)

47.070 Confirmation of oral application

- (1) A person who has applied orally for the registration of an aircraft must give to CASA a written confirmation of the application.
- (2) The confirmation:
 - (a) must be in an approved form; and
 - (b) must include the information required by regulation 47.065; and
 - (c) must be received by CASA within 14 days after the day on which the oral application was made.

47.075 CASA may ask for further information

- (1) If CASA reasonably requires further information to enable it to consider an application for the registration of an aircraft, CASA may ask the applicant, in writing, to give CASA the information.
- (2) CASA must describe the information in the request.
- (3) CASA may refuse to consider, or cease considering, the application until the applicant complies with the request.

47.080 Registration of aircraft

- (1) CASA must register an aircraft if the application for the registration of the aircraft is made in accordance with regulation 47.060.
- (2) CASA must enter the following information about the aircraft in the Australian Civil Aircraft Register:
 - (a) the registration mark assigned to the aircraft;
 - (b) whether the aircraft is a manned free balloon, an airship, a glider, a power-driven aeroplane, a rotorcraft or an ornithopter;
 - (c) its manufacturer, model and serial number;
 - (d) its country and year of manufacture;
 - (e) the name and address of the owner;
 - (f) the name and address of the registered operator;

Regulation 47.085

- (g) the day on which it was registered;
- (h) if the registration is for a particular period — the day on which the registration ends.

47.085 Interim certificate of registration

- (1) If CASA registers an aircraft on the basis of an oral application, CASA must:
 - (a) issue an interim certificate of registration for the aircraft; and
 - (b) tell the applicant:
 - (i) the time and date from which the interim registration is in force; and
 - (ii) a unique number that identifies the registration.

Note 1 An interim certificate includes the information set out in paragraph 47.080 (2) (a) and the applicable provisions in paragraphs 47.080 (2) (c) to (g).

Note 2 If the oral application is not confirmed in accordance with regulation 47.070, the registration of the aircraft lapses: see subregulation 47.130 (4).

- (2) If CASA registers an aircraft on the basis of an oral application, the aircraft registration holder must not allow the aircraft to be taken outside Australia before CASA issues the certificate of registration for the aircraft.

Maximum penalty: 50 penalty units.

Note An interim certificate of registration is not covered by the provisions of Annex 7 to the Chicago Convention, so is only valid for flights within Australia.

- (3) An offence against subregulation (2) is an offence of strict liability.
- (4) An interim certificate of registration for an aircraft ceases to be in force on the earlier of the following:
 - (a) the day that CASA gives the certificate of registration to the aircraft's registration holder;
 - (b) 14 days after the day on which CASA registered the aircraft on the basis of an oral application.

47.090 Issue of certificate of registration

If CASA:

- (a) registers an aircraft because it has received a written application; or
- (b) receives confirmation of an oral application for the registration of an aircraft;

CASA must give a certificate of registration for the aircraft to the aircraft's owner (the **registration holder**).

Note The certificate of registration replaces any interim certificate of registration issued under regulation 47.085.

47.095 Period of registration

- (1) Subject to this regulation, the registration of an aircraft has effect unless it lapses or is cancelled.
- (2) If an applicant applies for registration of an aircraft for a particular period, CASA must register the aircraft for that period.
- (3) If CASA registers an aircraft for a particular period, the registration holder may apply for an extension of that period.
- (4) If CASA approves an application made under subregulation (3):
 - (a) CASA must extend the period of registration of the aircraft in accordance with the application; and
 - (b) the registration of the aircraft has effect until the end of that period.

Subpart 47.D Registered operator

47.100 Identity of registered operator of aircraft

- (1) If the registration holder of an aircraft is an eligible person, the holder is the aircraft's **registered operator**.
- (2) However, the registration holder may appoint another eligible person as the registered operator.

Regulation 47.100

- (3) If the registration holder is not an eligible person, the registration holder must appoint an eligible person to be the registered operator.

Note If the registration holder of an aircraft is not an eligible person and no eligible person is appointed as the registered operator, CASA must cancel the registration: see paragraph 47.130 (2) (c).

- (4) The appointment of a registered operator has effect unless the appointment is cancelled or otherwise ceases to have effect.

Note Regulation 202.222 provides that a reference in CAR to the holder of a certificate of registration of an aircraft is taken to be a reference to the registered operator of the aircraft. Under CAR, the holder of the certificate of registration is responsible for the maintenance and continuing airworthiness of the aircraft.

- (5) If the registration holder of an aircraft:

- (a) appoints a person as the aircraft's registered operator; or
- (b) cancels the appointment of a person as the aircraft's registered operator;

the registration holder must, within 14 days of the appointment or cancellation, give CASA a notice in an approved form, including the aircraft's registration mark, manufacturer, model and serial number.

Penalty: 10 penalty units.

- (5A) An offence under subregulation (5) is an offence of strict liability.

- (5B) If CASA finds out, other than by a notice given by the registration holder, that the appointment of the registered operator of an aircraft has ceased to have effect, CASA must, within 7 days, inform the aircraft's registration holder in writing.

- (6) A notice of the appointment of a registered operator must also include:

- (a) the registered operator's name and postal address, and:
 - (i) if the registered operator is an individual — his or her home address; or
 - (ii) if the registered operator is a corporation — the address of the corporation's registered office; and

Regulation 47.110

- (b) the date of the appointment of the registered operator; and
- (c) evidence that the registered operator accepts the appointment.

- (7) A notice of the cancellation of the appointment of a registered operator must include the date of the cancellation.

Note If a registration holder of an aircraft cancels the appointment of the registered operator and does not appoint another registered operator, the registration holder becomes the aircraft's registered operator. However, if the registration holder is not an eligible person, CASA must cancel the aircraft's registration: see paragraph 47.130 (2) (c).

- (7A) CASA must not accept a notice under subregulation (6) or (7) that does not include the required information.
- (8) If CASA receives a notice that complies with this regulation, CASA must:
 - (a) amend the Australian Civil Aircraft Register to show the name and address of the new registered operator; and
 - (b) in writing, notify the registration holder and the new registered operator about the amendment of the Register.

Subpart 47.E Transfer of ownership of aircraft

47.105 Meaning of *former owner* and *new owner*

For this Subpart, if the ownership of an aircraft is transferred, the transferor is the *former owner* and the transferee is the *new owner*.

47.110 Transfer of ownership

- (1) In this regulation, *transfer notice* means a notice in an approved form that relates to the transfer of ownership of an aircraft and:
 - (a) shows:
 - (i) the aircraft's registration mark, manufacturer, model and serial number; and
 - (ii) the date of the transfer; and

Regulation 47.110

- (iii) the former owner's name and address; and
 - (iv) the new owner's name and address; and
 - (b) either:
 - (i) is signed by the former owner; or
 - (ii) is signed by a person acting on behalf of, and at the direction or request of, the former owner.
- (2) If a transfer notice is signed by a person acting on behalf of the former owner, it must include evidence of the person's authority to do so.
- (3) This regulation sets out how, if the ownership of an aircraft is transferred, the new owner becomes the aircraft's registration holder.
- (4) As soon as practicable after the transfer, the former owner, or a person acting on behalf of the former owner, must:
 - (a) give CASA a transfer notice; and
 - (b) give the new owner:
 - (i) a transfer notice; and
 - (ii) the aircraft's certificate of registration.
- (5) Within 14 days after the transfer, the new owner must apply to become the registration holder.

Note If the aircraft's new owner does not apply to be the new registration holder within 14 days after the transfer, CASA must cancel the aircraft's registration: see subregulation 47.130 (5).
- (6) An application must:
 - (a) be in an approved form; and
 - (b) include the transfer notice given by the former owner; and
 - (c) either:
 - (i) be signed by the new owner; or
 - (ii) if the application is made by a person on behalf of the new owner — include the name, address and signature of the person making the application.
- (7) CASA must, if it receives a transfer notice and an application that complies with subregulation (6):

Regulation 47.120

- (a) amend the Australian Civil Aircraft Register to show the new owner as the registration holder; and
- (b) give a certificate of registration to the new owner.

Note 1 The new owner must return the old certificate of registration to CASA: see regulation 47.135.

Note 2 The new owner, as the registration holder, is also the registered operator of the aircraft unless the new owner appoints another person as the registered operator: see regulation 47.100.

Note 3 If the new owner is not an eligible person, the new owner must appoint an eligible person as the registered operator: see subregulation 47.100 (3).

Subpart 47.F Administration of Australian Civil Aircraft Register

47.115 Notice of error in information in Register

If an aircraft registration holder finds out that anything in the Australian Civil Aircraft Register in relation to the aircraft is no longer correct, the holder must tell CASA in writing, within 14 days after finding out, about the change that should be made.

Maximum penalty: 10 penalty units.

47.120 Replacement certificate of registration

- (1) Subregulation (2) applies if:
 - (a) CASA has changed an entry in the Australian Civil Aircraft Register about an aircraft; and
 - (b) the certificate of registration for the aircraft does not show the correct information.
- (2) CASA must give the aircraft registration holder a replacement certificate of registration for the aircraft that:
 - (a) shows the correct information; and
 - (b) states that it is a replacement certificate of registration.

Regulation 47.125

- (3) If CASA gives the aircraft registration holder a replacement certificate, the holder must return the old certificate to CASA within 14 days after the holder receives the replacement certificate.

Maximum penalty: 1 penalty unit.

- (4) An offence against subregulation (3) is an offence of strict liability.

47.125 Loss etc of certificate of registration

- (1) CASA must, on written application by an aircraft registration holder, give the holder a copy of the aircraft's certificate of registration if the certificate, or a copy of it previously given by CASA:
- (a) has been lost, stolen or destroyed; or
 - (b) is so damaged that information on it is no longer clearly legible.
- (2) If the application is made because a certificate or copy has been damaged, the aircraft registration holder must return the damaged certificate or copy to CASA within 14 days after the holder receives the new copy.
- (3) The copy given under subregulation (1) must state that it is a true copy of the original certificate.

47.130 Lapsing or cancellation of registration

- (1) If the registration of an aircraft was only for a particular period, the registration lapses at the end of that period.
- (2) CASA must cancel the registration of an aircraft if:
- (a) the registration holder applies in writing for the registration to be cancelled; or
 - (b) CASA finds out that the aircraft:
 - (i) is registered under the law of another country; or
 - (ii) is no longer to be used as an aircraft; or
 - (iii) has been stolen or destroyed; or

Regulation 47.135

- (c) the registration holder of the aircraft is not an eligible person and the aircraft does not have a registered operator.
- (3) CASA may cancel the registration of an aircraft if the registration holder does not comply with a request made under subregulation 47.040 (1).
- (4) If the aircraft was registered following an oral application, the registration lapses if:
 - (a) CASA does not receive a written confirmation of the application in accordance with regulation 47.070; or
 - (b) within 14 days after the day on which the oral application was made, CASA has not received a written confirmation that includes all the information mentioned in regulation 47.065; or
 - (c) CASA receives a document purporting to be a written confirmation that includes information that differs in a significant way from the corresponding information given orally to CASA.
- (5) If:
 - (a) the ownership of an aircraft is transferred; and
 - (b) the new owner does not make an application that complies with subregulation 47.110 (6) to be the new registration holder within 14 days after the transfer;CASA must cancel the aircraft's registration at the end of that period.

47.135 Return of certificate of registration

- (1) This regulation applies to:
 - (a) a person who ceases to be the registration holder of an aircraft because the registration of the aircraft has lapsed or has been cancelled; and
 - (b) a person who:
 - (i) under subregulation 47.110 (7), has received a new certificate of registration of an aircraft; or
 - (ii) under regulation 47.165, has received a certificate of registration showing a new registration mark for an aircraft.

Regulation 47.140

- (2) Within 14 days after the day on which the registration lapsed or was cancelled, the person received a certificate of registration mentioned in paragraph (1) (b), the person must:
 - (a) return the old certificate of registration for the aircraft to CASA; or
 - (b) if the old certificate of registration has been destroyed or lost — give CASA a statutory declaration to that effect.

Maximum penalty: 1 penalty unit.

- (3) An offence against subregulation (2) is an offence of strict liability.

**Subpart 47.G Reservation, assignment and
change of registration marks**

47.140 Meaning of *aircraft* for Subpart 47.G

In this Subpart:

aircraft includes an aircraft that:

- (a) has not yet been built; or
- (b) is being built.

47.145 Reservation of registration mark

- (1) The owner of an aircraft may ask CASA, in writing, to reserve a particular registration mark for the aircraft, whether or not the aircraft is registered.
- (2) The request must be in an approved form and identify the aircraft.
- (3) On receiving a request, CASA must reserve the registration mark for the aircraft unless, under regulation 47.155, the mark must not be reserved for an aircraft.

Note About registration marks generally: see Part 45.

- (4) The reservation lapses if, 12 months after the day on which the registration mark was reserved, the aircraft is not registered and using the reserved mark.

- (5) In subregulation (1), *owner* includes a person acting on behalf of, and at the direction or request of, the owner.

47.150 Assignment of registration mark

If a person applies for the registration of an aircraft, and:

- (a) CASA has not reserved a registration mark for the aircraft under regulation 47.145; or
- (b) the reservation of a registration mark for the aircraft has lapsed;

CASA must assign a registration mark to the aircraft before registering the aircraft.

47.155 Marks that must not be reserved or assigned

The following registration marks must not be reserved for, or assigned to, an aircraft:

- (a) the registration mark of an Australian aircraft;
- (b) a registration mark that has been reserved for an aircraft under regulation 47.145;
- (c) a mark that has been assigned to a dealer;
- (d) a mark that might be confused with any 5-letter combination used in Part II of the International Code of Signals;
- (e) a mark that might be confused with any 3-letter combination beginning with Q used in the Q Code;
- (f) a mark that might be confused with the distress signal SOS;
- (g) a mark that might be confused with an urgency or safety signal.

Examples of urgency or safety signals

XXX, PAN and TTT.

47.160 Assigning reserved registration mark to unregistered aircraft

If the owner of an unregistered aircraft:

- (a) reserves a registration mark for the aircraft; and

Regulation 47.165

- (b) makes an application that complies with regulation 47.060 for registration of the aircraft;

CASA must, when it registers the aircraft, give the applicant a certificate of registration showing the reserved mark.

47.165 Change of registration mark

- (1) If the registration holder of a registered aircraft has reserved a registration mark (the *reserved mark*) for the aircraft:
 - (a) the holder; or
 - (b) if the registered operator has the written consent of the registration holder — the registered operator;may apply to CASA to change the aircraft's existing mark to the reserved mark.
- (2) The application must:
 - (a) be received by CASA at least 14 days before the day on which the existing mark is proposed to be changed; and
 - (b) be in an approved form and include the following:
 - (i) the aircraft's existing mark;
 - (ii) the aircraft's manufacturer, model and serial number;
 - (iii) the reserved mark;
 - (iv) the date on which the existing mark is proposed to be changed;
 - (v) if the application is made by a person on behalf of the registration holder or registered operator — the name and address of the person making the application.
- (3) When CASA approves the application, CASA must give the applicant a certificate of registration showing the new mark.

Subpart 47.H Dealer's marks

47.170 Definitions for Subpart 47.H

In this Subpart:

aircraft dealer includes a manufacturer or distributor of aircraft.

dealer's plate means a plate made by an aircraft dealer under regulation 47.205.

47.175 Assignment of dealer's marks

- (1) This regulation sets out the way in which an aircraft dealer may be assigned 1 or more marks for use on aircraft manufactured, or being distributed or dealt with, by the dealer.
- (2) An aircraft dealer may apply to be assigned a mark only if the dealer is an eligible person.
- (3) The application must be made in an approved form and must include:
 - (a) the dealer's name and address; and
 - (b) a declaration that the dealer is an eligible person; and
 - (c) evidence that the dealer is engaged in the manufacture, sales or distribution of aircraft in Australia; and
 - (d) a request for a particular number of marks and a statement explaining why the dealer needs that number of marks; and
 - (e) if the application is made by a person on behalf of the dealer — the name and address of the person making the application.
- (4) If the application complies with subregulation (3), CASA must assign to the dealer:
 - (a) the number of marks requested by the dealer; or
 - (b) if CASA thinks that the dealer has applied for more marks than is reasonably required to undertake the dealer's business — a lesser number of marks.

Regulation 47.180

47.180 What marks may be assigned to dealers

A mark that is assigned to an aircraft dealer must be a mark that could be assigned to an aircraft as a registration mark.

47.185 Record of dealer's marks

- (1) CASA must keep a record of dealer's marks that have been assigned to aircraft dealers.
- (2) The information in the record must include:
 - (a) the mark; and
 - (b) the aircraft dealer's name and address.

47.190 How long assignment to dealer remains in effect

The assignment of a dealer's mark to an aircraft dealer has effect unless CASA revokes the assignment.

Note For revocation of the assignment of a dealer's mark: see regulation 47.225.

47.195 Certificate of assignment of dealer's mark

- (1) If CASA assigns a dealer's mark to an aircraft dealer, CASA must give to the dealer a certificate stating that the mark is assigned to the dealer.
- (2) Each such certificate must be for 1 dealer's mark only.

47.200 Loss of certificate of assignment of dealer's mark

- (1) If a certificate of assignment of a dealer's mark, or a replacement certificate of assignment already given under this subregulation, has been lost or destroyed, or is so damaged that information on it is no longer clearly legible, CASA must give to the aircraft dealer to whom the mark was assigned a replacement certificate if the dealer applies in writing.
- (2) If an application is made because a certificate or copy has been damaged, the dealer must return the damaged certificate or copy to CASA within 14 days after the dealer receives the replacement certificate.

Regulation 47.210

- (3) A replacement certificate must state that it is a true copy of the original certificate.

47.205 Dealer's plate

- (1) If CASA assigns a dealer's mark to an aircraft dealer, the dealer may make 1 dealer's plate bearing that mark.
- (2) The plate must:
- (a) be a piece of stainless steel (or similar fireproof material) at least 100 mm by 160 mm and at least 1 mm thick; and
 - (b) be engraved with the following in sans serif capital letters:
 - (i) 'VH-' and the mark in letters at least 25 mm high;
 - (ii) 'CIVIL AVIATION SAFETY AUTHORITY' and 'DEALER'S PLATE CASR 1998' in letters at least 8 mm high;
- set out as shown in the following diagram, in which the letters 'ABC' represent the mark:



47.210 Use of dealer's marks

- (1) An aircraft dealer to whom a dealer's mark is assigned must use the mark only on an aircraft that:
- (a) is not currently registered in any country; and
 - (b) was manufactured, or is being distributed or dealt with, by the dealer.

Maximum penalty: 10 penalty units.

Regulation 47.215

- (2) If title to, or possession of, an unregistered aircraft on which a dealer's mark is being used passes to another person, the dealer must ensure that the plate is removed from the aircraft before the other person operates the aircraft.

Maximum penalty: 30 penalty units.

- (3) The aircraft dealer must keep records showing:
- (a) the manufacturer, model and serial number of each aircraft on which the mark was used; and
 - (b) the periods during which it was used on that aircraft.

Maximum penalty: 10 penalty units.

- (4) The aircraft dealer must keep the records for 12 months after the end of the period during which the mark was used on an aircraft.

Maximum penalty: 10 penalty units.

- (5) An offence against subregulation (1), (2), (3) or (4) is an offence of strict liability.

47.215 Aircraft taken to be registered

An unregistered aircraft on which a dealer's mark is being used is taken to be registered during any period in which it is being operated in Australia if:

- (a) the aircraft carries the corresponding dealer's plate; and
- (b) the possession of the aircraft remains with the dealer.

Note Flying an unregistered aircraft may be an offence: see subsection 20AA (1) of the Act.

47.220 Annual report to CASA on aircraft using dealer's marks

- (1) An aircraft dealer to whom a dealer's mark has been assigned must, within 1 month after the end of each reporting period, give CASA a report showing the manufacturer, model and serial number of each aircraft on which the mark was used during that period.

Maximum penalty: 30 penalty units.

Regulation 47.225

- (2) An offence against subregulation (1) is an offence of strict liability.
- (3) In subregulation (1):
reporting period means:
 - (a) the period of 12 months beginning on the day on which the mark was assigned to the dealer; or
 - (b) each consecutive period of 12 months at the end of which the mark is still assigned to the dealer; or
 - (c) a period of less than 12 months beginning on the day on which the mark was assigned to the dealer, or an anniversary of that day, and ending on the day on which the assignment of the mark is revoked or otherwise ceases.

47.225 Revocation of assignment of dealer's mark etc

- (1) CASA must revoke the assignment of a dealer's mark to a person if the person:
 - (a) asks it in writing to do so; or
 - (b) ceases to be an aircraft dealer, or an eligible person; or
 - (c) fails to comply with this Subpart.
- (2) If CASA revokes such an assignment, it must tell the person in writing that it has done so.
- (3) The person must return the certificate of assignment of the mark to CASA within 14 days after receiving the notice of the revocation.

Maximum penalty: 10 penalty units.

- (4) An offence against subregulation (3) is an offence of strict liability.

Regulation 47.225

Part 60 Synthetic training devices

Note *This Part is made up as follows:*

Subpart 60.A	Preliminary
60.005	Applicability
60.010	Definitions for Part 60
Subpart 60.B	Flight simulators and flight training devices
60.015	Definitions for Subpart 60.B
60.020	Qualification levels
60.025	Application for flight simulator qualification or flight training device qualification
60.030	Initial evaluation and qualification
60.035	Issue of flight simulator qualification certificate or flight training device qualification certificate
60.040	Period of validity of flight simulator qualification or flight training device qualification
60.045	Recurrent evaluation of qualified flight simulator or qualified flight training device
60.050	Variation, cancellation or suspension of flight simulator qualification or flight training device qualification
60.055	Flight simulator or flight training device approvals
60.060	Quality system
60.065	Ongoing fidelity requirements
60.070	Modification of qualified flight simulator or qualified flight training devices
60.075	Change in qualification level of qualified flight simulator or qualified flight training device
60.080	Deactivation, relocation or reactivation of qualified flight simulator or qualified flight training device
60.085	Change of operator of qualified flight simulator or qualified flight training device
60.090	Evaluation teams
60.095	Records
Subpart 60.C	Basic instrument flight trainers

Subpart 60.A Preliminary

60.005 Applicability

This Part applies to synthetic training devices that may be used by a person to gain aeronautical experience.

60.010 Definitions for Part 60

In this Part:

Manual of Standards means the document called ‘Manual of Standards (MOS) – Part 60’ published by CASA, as in force from time to time.

master QTG, for a synthetic training device, means the QTG approved for the device under this Part.

QTG (or ***qualification test guide***), for a synthetic training device, means a document that:

- (a) shows that:
 - (i) the performance and handling qualities of the synthetic training device agree, within the limits set out in the Manual of Standards, with those of the aircraft to which it relates; and
 - (ii) all applicable requirements in these Regulations have been met; and
- (b) includes the following information that relates to the matters mentioned in paragraph (a):
 - (i) data relating to the performance and handling qualities of the aircraft and synthetic training device;
 - (ii) the validation tests, and all functions and subjective tests for the device.

user, of a flight simulator or flight training device, means the person who uses the simulator or device in a training, testing or checking program.

Regulation 60.015

Subpart 60.B Flight simulators and flight training devices

60.015 Definitions for Subpart 60.B

In this Subpart:

flight simulator qualification, for a flight simulator, means a qualification of the flight simulator under regulation 60.030.

flight simulator qualification certificate, means a certificate issued under regulation 60.035 for a qualified flight simulator.

flight training device qualification, for a flight training device, means a qualification of the flight training device under regulation 60.030.

flight training device qualification certificate, means a certificate issued under regulation 60.035 for a qualified flight training device.

operator, of a flight simulator or flight training device, means the person who is responsible for the maintenance and operation of the simulator or device.

qualification level, for a flight simulator or flight training device, has the meaning given by regulation 60.020.

60.020 Qualification levels

- (1) The qualification level of a flight simulator is the level mentioned in column 2 of an item in table 60.020-1 met by the simulator, determined in accordance with the standards in the Manual of Standards.

Table 60.020-1 Flight simulator qualification levels

Item	Levels
1	Level A
2	Level B
3	Level C
4	Level D

Regulation 60.030

- (2) The qualification level of a flight training device is the level mentioned in column 2 of an item in table 60.020-2 met by the device, determined in accordance with the standards in the Manual of Standards.

Table 60.020-2 Flight training device qualification levels

Item	Levels
1	FAA Level 4
2	FAA Level 5
3	FAA Level 6
4	FAA Level 7
5	JAA Level 1
6	JAA Level 2

60.025 Application for flight simulator qualification or flight training device qualification

- (1) The operator of a flight simulator or flight training device may apply to CASA, in writing, for qualification of the simulator or device.
- (2) An application must include:
- (a) a QTG for the simulator or device; and
 - (b) a document describing the quality system that the operator proposes to use to satisfy regulation 60.060.

Note For further guidance see Advisory Circulars 60-1, 60-3 and 60-4.

60.030 Initial evaluation and qualification

- (1) If CASA receives an application for the qualification of a flight simulator or flight training device, CASA must conduct an evaluation (an *initial evaluation*) of the simulator or device, including consideration of:
- (a) any inspection or trial of the simulator or device; and
 - (b) the data provided in the QTG; and

Regulation 60.035

- (c) information available from any test conducted during the initial evaluation.

Note CASA may arrange for an evaluation to be conducted by an evaluation team: see regulation 60.090.

- (2) If, after the initial evaluation, CASA is satisfied that:
 - (a) the operator's quality system will be suitable for the simulator or device; and
 - (b) the simulator or device meets a qualification level;
CASA must qualify the simulator or device at the qualification level.
- (3) CASA may qualify a simulator or device that will simulate a new type of aircraft for which fully validated aircraft data is not available at an interim qualification level that is based on partially validated aircraft data.
- (4) An interim qualification level applies for the period agreed between CASA and the operator of the simulator or device.
- (5) If CASA qualifies a simulator or device, it must at the same time approve the QTG for the simulator or device.

60.035 Issue of flight simulator qualification certificate or flight training device qualification certificate

- (1) CASA must issue a flight simulator qualification certificate to the operator of a flight simulator, or a flight training device qualification certificate to the operator of a flight training device, if CASA qualifies the simulator or device.
- (2) The certificate must include the name of the operator and:
 - (a) include information identifying the simulator or device; and
 - (b) specify the aircraft that is simulated by the simulator or device; and
 - (c) specify the qualification level for the simulator or device.

60.040 Period of validity of flight simulator qualification or flight training device qualification

- (1) A flight simulator qualification or flight training device qualification is in force for:
 - (a) 12 months from the date of issue of the flight simulator qualification certificate or flight training device qualification certificate; or
 - (b) if a shorter period is specified in the certificate — that period.
- (2) However, a qualification ceases to be in force if:
 - (a) it is cancelled by CASA under regulation 60.050; or
 - (b) there is a change of operator of the simulator or device; or
 - (c) the simulator or device is deactivated or relocated.
- (3) A qualification is not in force for the period of any suspension imposed by CASA under regulation 60.050.

60.045 Recurrent evaluation of qualified flight simulator or qualified flight training device

- (1) The operator of a qualified flight simulator or qualified flight training device may, within 60 days before the expiry of the flight simulator qualification or flight training device qualification, ask CASA, in writing, to conduct an evaluation (a *recurrent evaluation*) of the simulator or device.

Note CASA may arrange for an evaluation to be conducted by an evaluation team: see regulation 60.090.

- (2) Subject to subregulation (3), regulations 60.030 and 60.035 apply in respect of a recurrent evaluation in the same way as they apply to the initial evaluation.
- (3) During a recurrent evaluation, a qualified flight simulator or qualified flight training device must be assessed against:
 - (a) the qualification level at which the simulator or device was qualified at the initial qualification or accreditation of the simulator or device in Australia; or
 - (b) if CASA has changed the qualification level since the initial evaluation — the qualification level as changed.

Regulation 60.050

60.050 Variation, cancellation or suspension of flight simulator qualification or flight training device qualification

- (1) CASA may, by notice in writing to the operator of a qualified flight simulator or qualified flight training device, vary, cancel or suspend the qualification of the simulator or device if:
 - (a) the simulator or device no longer meets the qualification level specified in its qualification certificate; or
 - (b) the operator has failed to comply with a requirement of this Part in relation to the simulator or device.
- (2) If an operator receives a notice of variation or cancellation under subregulation (1), the operator must return the qualification certificate to CASA within 14 days after receiving the notice.
- (3) If CASA varies a qualification, CASA must reissue the qualification certificate specifying the qualification as varied.

60.055 Flight simulator or flight training device approvals

- (1) A person who proposes to be the user of a qualified flight simulator or qualified flight training device must apply to CASA, in writing, for approval to do so.

Note See Advisory Circulars 60-2 and 60-4.
- (2) In considering whether to grant an approval, CASA must take into account:
 - (a) the differences between the characteristics of the flight simulator or flight training device and the characteristics of a specific type (or a specific make, model and series) of aircraft, whether or not the user operates such an aircraft; and
 - (b) the proposed user's operating and training competencies.
- (3) CASA may also take into account any other matter that affects the way the simulator or device operates or may be used.
- (4) An approval:
 - (a) must be in writing; and

- (b) may be issued subject to conditions that are set out in the approval.
- (5) An approval takes effect on the date of issue and continues in force unless the applicable flight simulator qualification or flight training device qualification ceases to be in force.
- (6) However, if CASA is satisfied that any matter that was taken into account under subregulation (2) or (3) has changed, CASA may, by notice in writing to the user, vary, suspend or cancel the approval.

60.060 Quality system

- (1) The operator of a qualified flight simulator or qualified flight training device must establish and maintain a quality system that ensures the correct operation and maintenance of the simulator or device.
- (2) The quality system must cover at least the following matters:
 - (a) quality policy;
 - (b) management responsibility;
 - (c) document control;
 - (d) resource allocation;
 - (e) quality procedures;
 - (f) internal audit.

Note The quality system may be structured according to the size and complexity of the operator's organisation, in accordance with the requirements set out in the following documents:

- (a) AS/NZS ISO 9001:2000 Quality Management System Requirements;
- (b) SQAP:2000 Simulator Quality Assurance Program Standard published by the FAA.

60.065 Ongoing fidelity requirements

- (1) The operator of a qualified flight simulator or qualified flight training device must, progressively during the 12 months after the issue of the applicable flight simulator qualification certificate or flight training device qualification certificate, perform:

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- (a) all validation tests mentioned in the master QTG for the simulator or device; and
 - (b) all functions and subjective tests within the current (and any planned) training program (or an equivalent sample approved by CASA).
- (2) The operator must establish a configuration management system to ensure the continued integrity of the equipment and software of the simulator or device.
- (3) The operator must maintain an on-going modification program to ensure that the equipment, software and performance of the simulator or device accurately simulates the aircraft specified in the certificate.
- (4) The operator must notify each user of the simulator or device, before its use, if the simulator or device is unsuitable for any training, testing or checking sequence specified in the certificate.

60.070 Modification of qualified flight simulator or qualified flight training devices

- (1) The operator of a qualified flight simulator or qualified flight training device must notify CASA, in writing, if it proposes to modify the equipment or software of the simulator or device in a way that will change the characteristics of the simulator or device.
- (2) If CASA receives a notice under subregulation (1), CASA may conduct an evaluation (a *special evaluation*) of the simulator or device as it is proposed to be modified.
- (3) Subject to subregulations (4) and (5), regulations 60.030 and 60.035 apply in respect of a special evaluation in the same way as they apply to the initial evaluation.
- (4) If CASA decides not to conduct a special evaluation:
 - (a) the operator may make the proposed modification of the simulator or device; and
 - (b) the flight simulator or flight training device qualification continues to be in force.

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- (5) During a special evaluation, a simulator or device must be assessed against:
- (a) the qualification level at which the simulator or device was qualified at the initial qualification or accreditation of the simulator or device in Australia; or
 - (b) if CASA has changed the qualification level since the initial evaluation — the qualification level as changed.

Note CASA may arrange for an evaluation to be conducted by an evaluation team: see regulation 60.090.

- (6) This regulation does not apply to the modification of a device for the purpose of a change in the qualification level of the simulator or device.

60.075 Change in qualification level of qualified flight simulator or qualified flight training device

- (1) The operator of a qualified flight simulator or qualified flight training device may ask CASA, in writing, to change the qualification level of the simulator or device.

Note For further guidance about qualification levels see the Manual of Standards.

- (2) If CASA receives a request under subregulation (1), it must conduct a special evaluation of the simulator or device, applying the standards in the Manual of Standards.

Note CASA may arrange for an evaluation to be conducted by an evaluation team: see regulation 60.090.

- (3) If CASA changes the qualification level, it must:
- (a) approve any resulting amendments to the master QTG of the simulator or device; and
 - (b) issue a revised flight simulator qualification certificate or flight training device qualification certificate.

60.080 Deactivation, relocation or reactivation of qualified flight simulator or qualified flight training device

- (1) The operator of a qualified flight simulator or qualified flight training device must notify CASA, in writing, if the simulator or device is deactivated.

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- (2) An operator must notify CASA, in writing, before the operator reactivates or relocates a simulator or device, and CASA may then conduct a special evaluation of the simulator or device.

Note 1 A flight simulator qualification or flight training device qualification ceases to be in force if the simulator or device is deactivated or relocated: see paragraph 60.040 (2) (c).

Note 2 CASA may arrange for an evaluation to be conducted by an evaluation team: see regulation 60.090.

- (3) During a special evaluation, a flight simulator or flight training device must be assessed against:
- (a) the qualification level at which the simulator or device was qualified at the initial qualification or accreditation of the simulator or device in Australia; or
 - (b) if CASA has changed the qualification level since the initial evaluation — the qualification level as changed.

60.085 Change of operator of qualified flight simulator or qualified flight training device

- (1) The operator of a qualified flight simulator or qualified flight training device must notify CASA, in writing, of any proposed change of operator of the simulator or device.
- (2) If there is a change of operator of a simulator or device:
- (a) the former operator must give to the new operator the records mentioned in regulation 60.095 that apply to the simulator or device; and
 - (b) the new operator may apply to CASA, in writing, for qualification of the simulator or device.
- (3) An application under paragraph (2) (b) must be accompanied by a plan of transfer setting out in detail how the new operator will comply with the requirements of this Subpart.
- (4) If CASA is satisfied that the new operator is able to comply with the requirements of this Subpart, CASA must:
- (a) approve the plan; and

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- (b) issue a new flight simulator qualification certificate or flight training device qualification certificate.

Note A flight simulator qualification or flight training device qualification ceases to be in force if there is a change of operator: see paragraph 60.040 (2) (b).

60.090 Evaluation teams

CASA may:

- (a) arrange for an evaluation mentioned in this Subpart to be conducted by an evaluation team; and
- (b) appoint a person to be an evaluation team leader, having regard to the skills, qualifications and experience necessary to undertake the evaluation.

Note See Advisory Circulars 60-1 and 60-4.

60.095 Records

- (1) The operator of a qualified flight simulator or qualified flight training device must keep the following records relating to the simulator or device for at least 3 years after the simulator or device is decommissioned:
 - (a) the master QTG;
 - (b) modification records;
 - (c) quality system records.
- (2) The operator must also keep the results of each test carried out under subregulation 60.065 (1) for the simulator or device for at least 3 years after the test.
- (3) If there is a change of operator of a simulator or device, the new operator must keep the records and test results relating to the simulator or device that were kept by the former operator.

Subpart 60.C Basic instrument flight trainers

Note This Subpart heading is reserved for future use.

Part 61 Pilot licensing

Note This Part heading is reserved for future use.

Part 63 Flightcrew licensing other than pilots

Note This Part heading is reserved for future use.

Part 64 Ground operations personnel licensing

Note This Part heading is reserved for future use.

Part 65 Air traffic services licensing

Note *This Part is made up as follows:*

Subpart 65.A General

- 65.005 Applicability of this Part
- 65.010 Definitions for this Part
- 65.015 Meaning of *successful completion of training*
- 65.020 Effect of ATS provider's failure to comply with this Part
- 65.025 How to satisfy recency requirement
- 65.030 How to satisfy currency requirement
- 65.033 Issue of Manual of Standards

Subpart 65.B Authority to act in air traffic control and flight service

- 65.035 Authority to carry out air traffic control function
- 65.040 Rules applicable when a person performs ATC function under supervision
- 65.045 Offences — carrying out ATC function without authority
- 65.050 Authority to carry out flight service function
- 65.055 Rules applicable when a person performs flight service function under supervision
- 65.060 Offences — carrying out flight service function without authority
- 65.065 Authority to use ground-based radio equipment

Subpart 65.C Licensing

Division 65.C.1 Air traffic controller licensing

- 65.070 Eligibility for grant of ATC licence
- 65.075 Air traffic controller ratings
- 65.080 Grant of rating on ATC licence
- 65.085 Grant of endorsement on ATC licences
- 65.090 ATS provider's obligation to provide currency and recency training and assessment
- 65.095 Ancillary qualifications
- 65.100 Conduct of practical training
- 65.105 Conduct of examinations
- 65.110 Duration of ATC licence
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Division 65.C.2 Flight service officer licensing

- 65.125 Eligibility for grant of flight service licence

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65.180	How to apply
65.185	Who to apply to
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65.200	Other things CASA can ask applicant to do — provide more information
65.205	Statutory declarations to verify applications
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65.220	Statutory declarations to verify statements in submissions
65.225	When CASA must grant a licence
65.230	When decision must be made
65.235	Notice of decision
65.240	When licence comes into effect
65.245	Licence document
Division 65.E.2	Ongoing proficiency and medical testing
65.250	Re-examination or re-assessment of licence or qualification holder
Division 65.E.3	Suspension and cancellation of licences
65.255	Provisional suspension of licence pending examination or assessment
65.260	Provisional suspension of licence etc during investigation
65.265	Show cause procedure
65.270	CASA's powers in respect of licence etc
65.275	Choice between cancellation and suspension
65.280	Procedure for decision

Subpart 65.A General

65.005 Applicability of this Part

- (1) This Part applies to the performance of functions in connection with providing air traffic services (within the meaning of Annex 11 to the Chicago Convention) in Australian territory.
- (2) However, this Part does not apply to a person who is providing an air traffic service in the course of his or her duties for the Defence Force.

65.010 Definitions for this Part

In this Part:

currency requirement means the requirement referred to in regulation 65.030.

Manual of Standards means the document called ‘Manual of Standards (MOS) – Part 65’ issued by CASA under regulation 65.033, as in force from time to time.

recency requirement means the requirement referred to in regulation 65.025.

Note ***Air traffic control function*** means a function described in a paragraph of subregulation 65.075 (2); ***flight service function*** means the function described in subregulation 65.130 (2) — see the Dictionary.

65.015 Meaning of *successful completion of training*

For this Part, a person has successfully completed training for a licence, rating, endorsement or qualification only if:

- (a) he or she has passed (to the standard required by the Manual of Standards) any examination required by that Manual; and
- (b) he or she has successfully completed (to the standard required by that Manual) any practical performance assessment so required.

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65.020 Effect of ATS provider's failure to comply with this Part

A failure by an ATS provider to comply with a requirement of or under this Part is not an offence but may be taken into account in deciding whether or not the provider's certificate should be suspended or revoked.

65.025 How to satisfy recency requirement

- (1) The holder of an ATC licence or a flight service licence satisfies the *recency requirement* in relation to an endorsement at a particular time if he or she has performed the duties required by the relevant function at the aerodrome or in relation to the airspace to which the endorsement relates, for at least 5 hours within the previous 21 days.
- (2) If an ATS provider specifies in its operations manual that 2 or more endorsements are of like type for this regulation, a licence holder who performed the duties of any of those endorsements for a total of at least 5 hours within the previous 21 days also satisfies the recency requirement.
- (3) A licence holder who does not satisfy the recency requirement at a particular time in relation to an endorsement is taken to satisfy that requirement at a later time after:
 - (a) he or she:
 - (i) has carried out the relevant function at that aerodrome, or in relation to that airspace, under supervision for at least 1 normal working day for each month that has passed since he or she last performed the function at that aerodrome or in relation to that airspace; or
 - (ii) has undergone any retraining required by the relevant ATS provider's operations manual; and
 - (b) he or she has been assessed by the ATS provider as competent in performing the function at that aerodrome or in relation to that airspace.

65.030 How to satisfy currency requirement

- (1) The holder of an ATC licence or a flight service licence satisfies the ***currency requirement*** in relation to an endorsement at a particular time if:
 - (a) within the previous 12 months, he or she has passed, to the standard required by the Manual of Standards, an examination in the subject-matter specific to the endorsement; and
 - (b) within the previous 6 months, his or her performance of the relevant function at the aerodrome, or in relation to the airspace, to which the endorsement relates, has been assessed as satisfactory.
- (2) The holder of an ATC licence or a flight service licence satisfies the ***currency requirement*** in relation to a rating at a particular time if, within the previous 12 months, he or she has passed, to the standard required by the Manual of Standards, an examination in the subject-matter specific to the rating.
- (3) The examination and assessment must be carried out in accordance with any relevant requirements and standards in the Manual of Standards.

65.033 Issue of Manual of Standards

- (1) CASA may issue a Manual of Standards for this Part that provides for the following matters:
 - (a) the form and classification of a licence, rating, endorsement or qualification that is granted for this Part (an ***ATS authorisation***);
 - (b) the requirements for, and standards to be met by, an applicant for, and the holder of, an ATS authorisation;
 - (c) the requirements and standards for training, tests and examinations for ATS authorisations;
 - (d) the duration of an ATS authorisation and the procedure for the renewal of an ATS authorisation;
 - (e) any matter required or permitted by the regulations to be provided for by the Manual of Standards;

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- (f) any matter necessary or convenient to be provided for the effective operation of this Part.

Note A Manual of Standards is a legislative instrument — see subsections 98 (5A) and (5B) of the Act and subparagraph 6 (d) (i) of the *Legislative Instruments Act 2003*. It must be registered in accordance with the latter Act and must be tabled in both Houses of the Parliament within 6 sitting days after its making.

- (2) CASA must give a copy of a notice about a Manual of Standards for this Part (being a notice referred to in subregulation 11.275 (3) or regulation 11.280) to each ATS provider.

Note Subpart 11.J (including regulations 11.275 and 11.280) sets out procedures for the issue, amendment and revocation of a MOS.

Subpart 65.B Authority to act in air traffic control and flight service

65.035 Authority to carry out air traffic control function

- (1) A person may carry out an air traffic control function in Australian territory if, at the time the person carries out the function:
- (a) he or she holds an ATC licence with a rating for the function and an endorsement for the place where, or the airspace in relation to which, he or she carries it out; and
 - (b) the licence, rating and endorsement are in force; and
 - (c) he or she:
 - (i) satisfies the recency and currency requirements in relation to the endorsement; and
 - (ii) satisfies the currency requirement in relation to the rating.
- (2) A person to whom subregulation (3) applies may carry out an air traffic control function in Australian territory under the supervision of a person who meets the requirements of subregulation (1).
- (3) This subregulation applies to each of the following persons:
- (a) a person who CASA has authorised in writing to carry out the relevant function;

- (b) a person who:
 - (i) holds an ATC licence with a rating for the function and an endorsement for the place where, or the airspace in relation to which, he or she carries it out; but
 - (ii) at the relevant time, in relation to the rating or endorsement, does not satisfy the recency or currency requirement;
- (c) a person who:
 - (i) holds an ATC licence; and
 - (ii) carries out the function in the course of training for a rating or endorsement (whether or not the person holds a rating or endorsement at the time);
- (d) a person (other than a person who held an ATC licence that has been cancelled) who:
 - (i) has completed an approved course of training in the theory of air traffic control; and
 - (ii) carries out the function in the course of undergoing practical training for an ATC licence.

65.040 Rules applicable when a person performs ATC function under supervision

- (1) If a person to whom subregulation 65.035 (3) applies (the *trainee*) is carrying out an air traffic control function under the supervision of a person who meets the requirements of subregulation 65.035 (1) (the *supervisor*), this regulation applies.
- (2) The trainee must comply with the supervisor's directions.
Penalty: 25 penalty units.
- (3) Any failure by the supervisor to supervise the trainee adequately is not an offence, but may be taken into account in considering whether the supervisor's ATC licence should be suspended or cancelled.

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65.045 Offences — carrying out ATC function without authority

- (1) A person who is not authorised to do so by subregulation 65.035 (1) or (2) must not carry out an air traffic control function in Australian territory.

Penalty: 25 penalty units.

- (2) A person to whom subregulation 65.035 (3) applies must not carry out an air traffic control function in Australian territory if the person is not acting under the supervision of a person who meets the requirements of subregulation 65.035 (1).

Penalty: 25 penalty units.

- (3) Strict liability applies to the following physical elements:
- (a) in subregulation (1) — that the person is not authorised by subregulation 65.035 (1) or (2);
 - (b) in subregulation (2) — that the person under whose supervision the air traffic control function is carried out is a person who meets the requirements of subregulation 65.035 (1).

Note For **strict liability**, see section 6.1 of the *Criminal Code*.

- (4) It is a defence to a charge of contravening subregulation (1) or (2) that the relevant action was, in the circumstances, reasonable in the interests of the safety of air navigation.

Note A defendant bears an evidential burden in relation to the matter mentioned in subregulation (4).

65.050 Authority to carry out flight service function

- (1) A person may carry out a flight service function in Australian territory if, at the time he or she carries out the function:
- (a) he or she holds a flight service licence with a rating for the function and an endorsement for the place where, or the airspace in relation to which, he or she carries it out; and
 - (b) the licence, rating and endorsement are in force; and
 - (c) he or she:
 - (i) satisfies the recency and currency requirements in relation to the endorsement; and

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- (ii) satisfies the currency requirement in relation to the rating.
- (2) A person to whom subregulation (3) applies may carry out a flight service function in Australian territory under the supervision of a person who meets the requirements of subregulation (1).
- (3) This subregulation applies to each of the following persons:
 - (a) a person who CASA has authorised in writing to carry out the function;
 - (b) a person who:
 - (i) holds a flight service licence with a rating for the function and an endorsement for the place where, or the airspace in relation to which, he or she carries it out; but
 - (ii) at the relevant time, in relation to the rating or endorsement, does not satisfy the recency or currency requirement;
 - (c) a person who:
 - (i) holds a flight service licence; and
 - (ii) carries out the function in the course of training for a rating or endorsement (whether or not the person holds a rating or endorsement at the time);
 - (d) a person (other than a person who held a flight service licence that has been cancelled) who:
 - (i) has completed an approved course of training in the theory of flight service; and
 - (ii) carries out the function in the course of undergoing practical training for a flight service licence.

65.055 Rules applicable when a person performs flight service function under supervision

- (1) If a person to whom subregulation 65.050 (3) applies (the *trainee*) is carrying out a flight service function under the supervision of a person who meets the requirements of subregulation 65.050 (1) (the *supervisor*), this regulation applies.

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- (2) The trainee must comply with the supervisor's directions.

Penalty: 25 penalty units.

- (3) Any failure by the supervisor to supervise the trainee adequately is not an offence, but may be taken into account in considering whether the supervisor's flight service licence should be suspended or cancelled.

65.060 Offences — carrying out flight service function without authority

- (1) A person who is not authorised to do so by subregulation 65.050 (1) or (2) must not carry out a flight service function in Australian territory.

Penalty: 25 penalty units.

- (2) A person to whom subregulation 65.050 (3) applies must not carry out a flight service function in Australian territory if the person is not acting under the supervision of a person who meets the requirements of subregulation 65.050 (1).

Penalty: 25 penalty units.

- (3) Strict liability applies to the following physical elements:

- (a) in subregulation (1) — that the person is not authorised by subregulation 65.050 (1) or (2);
- (b) in subregulation (2) — that the person under whose supervision the flight service function is carried out is a person who meets the requirements of subregulation 65.050 (1).

Note For **strict liability**, see section 6.1 of the *Criminal Code*.

65.065 Authority to use ground-based radio equipment

- (1) Despite subregulations 83 (2) and (3) of CAR, a person to whom subregulation (2) applies may operate, for the purpose of performing an air traffic control function or a flight service function, a radiocommunication system used for the purpose of ensuring the safety of air navigation but not installed in or carried on an aircraft.

- (2) This subregulation applies to the following:
 - (a) a person who may, under regulation 65.035, carry out an air traffic control function or, under regulation 65.050, carry out a flight service function in Australian territory;
 - (b) a person who is engaged by an ATS provider (whether or not as an employee), and who is acting in the course of his or her duties.
- (3) For paragraph (2) (b), **ATS provider** means an ATS provider, within the meaning given by regulation 172.015, that is approved to provide a flight information service.

Subpart 65.C Licensing

Division 65.C.1 Air traffic controller licensing

65.070 Eligibility for grant of ATC licence

- (1) A person is eligible to be granted an ATC licence if he or she:
 - (a) has turned 18; and
 - (b) holds a Class 3 medical certificate; and
 - (c) has successfully completed the training (including any examination or assessment) specified in the Manual of Standards for the licence, a rating and an endorsement; and
 - (e) speaks English clearly, and understands spoken English, to a standard that allows clear spoken two-way communication in the course of performing an air traffic control function.
- (3) A statement by an ATS provider, given in accordance with procedures set out in its operations manual, that a person meets the requirements in paragraph (1) (e) is, in the absence of contrary evidence, sufficient evidence of that fact.

65.075 Air traffic controller ratings

- (1) The air traffic controller ratings for Australia are the following:
 - (a) aerodrome control rating;

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- (b) approach control rating;
- (c) approach radar control rating;
- (d) area control rating;
- (e) area radar control rating.

Note The air traffic controller ratings are specified in section 4.4 of Annex 1, *Personnel Licensing*, to the Chicago Convention. Not all the ratings specified there are in use in Australia.

- (2) The function of an ATC licence holder who holds a particular rating is as follows:
 - (a) if the rating is an *aerodrome control rating* — to provide, or supervise the provision of, aerodrome control service (including traffic information, flight information and alerting services) for the aerodrome for which the licence holder holds an endorsement;
 - (b) if the rating is an *approach control rating* — to provide, or supervise the provision of, approach control service (including traffic information, flight information and alerting services) for the airspace for which the licence holder holds an endorsement;
 - (c) if the rating is an *approach radar control rating* — to provide, or supervise the provision of, approach control service (including traffic information, flight information and alerting services) with the use of radar or another surveillance system for the airspace for which the licence holder holds an endorsement;
 - (d) if the rating is an *area control rating* — to provide, or supervise the provision of, area control service (including traffic information, flight information and alerting services) for the airspace for which the licence holder holds an endorsement;
 - (e) if the rating is an *area radar control rating* — to provide, or supervise the provision of, area control service (including traffic information, flight information and alerting services) with the use of radar or another surveillance system for the airspace for which the licence holder holds an endorsement.

65.080 Grant of rating on ATC licence

- (1) CASA may grant a rating to a person who:
 - (a) is eligible to be granted an ATC licence; and
 - (b) successfully completes the training required by the Manual of Standards for the grant of the rating.
- (2) An ATS provider must set up and maintain a program to ensure that its employees who hold ATC licences maintain ratings appropriate to their duties.
- (3) That program must be in accordance with any standards and requirements set out in the Manual of Standards.
- (4) The provider must include details of the program, including necessary training and tests of competency, in its operations manual.

65.085 Grant of endorsement on ATC licences

- (1) An endorsement certifies that an ATC licence holder is competent to perform a particular air traffic control function at a particular aerodrome, or in relation to particular airspace.
- (2) CASA may grant an endorsement to a person who:
 - (a) is eligible to be granted an ATC licence with a rating; and
 - (b) successfully completes the training required by the Manual of Standards for the grant of the endorsement.
- (3) An ATS provider must set up and maintain a program to ensure that its employees who hold ATC licences maintain endorsements appropriate to their duties.
- (4) That program must be in accordance with any standards and requirements set out in the Manual of Standards.
- (5) The provider must include details of the program, including necessary training and tests of competency, in its operations manual.

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65.090 ATS provider's obligation to provide currency and recency training and assessment

- (1) An ATS provider must set up and maintain, in accordance with the Manual of Standards, programs for:
 - (a) continuing assessment of its employees' competency for the purposes of ensuring that they continue to satisfy the currency requirements in relation to ratings and endorsements; and
 - (b) familiarisation, retraining and assessment of any of its employees who at any time do not satisfy the currency or recency requirement in relation to an endorsement.
- (2) The provider must include details of the program, including necessary training and tests of competency, in its operations manual.

65.095 Ancillary qualifications

- (1) An ATC qualification certifies that the holder is competent to perform a particular ancillary function.
- (2) The functions include the following:
 - (a) classroom instructor;
 - (b) on-the-job instructor;
 - (c) workplace assessor.
- (3) Within the limits set out in the Manual of Standards, an ATS provider may define, for the provider's organisation, the responsibilities of the holder of an ATC qualification mentioned in paragraph (2) (a), (b) or (c).
- (4) Subregulation (3) does not prevent an ATS provider defining an ancillary function for use within its own organisation.
- (5) An ATS provider must set up and maintain a program to grant ATC qualifications to, and administer ATC qualifications held by, its employees.
- (6) The provider must include details of the program, including necessary training and tests of competency, in its operations manual.

- (7) The program must be in accordance with the standards and requirements set out in the Manual of Standards.

65.100 Conduct of practical training

An ATS provider must ensure that practical training carried out by it, or on its behalf, for the award of an ATC licence, rating, endorsement or ATC qualification, is carried out in accordance with:

- (a) the standards and requirements set out in the Manual of Standards; and
- (b) the provider's operations manual.

65.105 Conduct of examinations

An ATS provider must ensure that an examination or assessment carried out by it, or on its behalf, for the award of an ATC licence, rating, endorsement or ATC qualification, is carried out in accordance with:

- (a) the standards and requirements set out in the Manual of Standards; and
- (b) the provider's operations manual.

65.110 Duration of ATC licence

- (1) An ATC licence is in force until it is cancelled.
- (2) However, an ATC licence is not in force:
 - (a) during any period of suspension; or
 - (b) during any period during which its holder does not also hold a Class 3 medical certificate.

Note Suspension of a licence also suspends each rating or endorsement on it — see subregulation 65.115 (4). However, suspension of a licence, rating or endorsement does not automatically suspend an ATC qualification held by the same person — see subregulation 65.120 (3).

65.115 Periods of validity of ratings and endorsements

- (1) Unless sooner cancelled, a rating on an ATC licence is valid for 12 months or until the licence is cancelled.

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- (2) Unless sooner cancelled, an endorsement on an ATC licence remains valid:
 - (a) for the period (no longer than 6 months) specified for an endorsement in the operations manual of the ATS provider that granted it; or
 - (b) if the licence is cancelled before that time — until the licence is cancelled; or
 - (c) if the rating with which the endorsement is connected is cancelled before that time — until the rating is cancelled; or
 - (d) until the licence holder ceases to be employed by that ATS provider.
- (3) For paragraph (2) (c), an endorsement is connected with a rating if the endorsement authorises the performance, at a particular aerodrome or in relation to particular airspace, of the function of a holder of the rating.

Note For the function of the holder of each kind of rating, see subregulation 65.075 (2).
- (4) A rating or endorsement is not in force:
 - (a) during any period of suspension; or
 - (b) during any period of suspension of the relevant licence.

65.120 Periods of validity of ATC qualifications

- (1) Unless sooner cancelled, an ATC qualification remains valid:
 - (a) for the period specified by the ATS provider or ATS training provider that granted it; or
 - (b) if any ATC licence, rating or endorsement on which it is dependent, is cancelled before that time — until the licence, rating or endorsement is cancelled; or
 - (c) until the holder ceases to be employed by that ATS provider or ATS training provider.
- (2) For paragraph (1) (b), an ATC qualification is dependent on a particular licence, rating or endorsement if the ATS provider or ATS training provider that grants the qualification so specifies.

- (3) A qualification is not in force during any period of suspension, but is not taken to be suspended by the suspension of any licence, rating or endorsement held by the holder of the qualification.

Division 65.C.2 Flight service officer licensing

65.125 Eligibility for grant of flight service licence

- (1) A person is eligible to be granted a flight service licence with a traffic information service rating if he or she:
- (a) has turned 18; and
 - (b) holds a Class 3 medical certificate; and
 - (c) has successfully completed the training (including any examination or assessment) specified in the Manual of Standards for the licence, the rating and an endorsement; and
 - (e) speaks English clearly, and understands spoken English, to a standard that allows clear spoken two-way communication in the course of performing a flight service function.
- (3) A statement by an ATS provider, given in accordance with procedures set out in its operations manual, that a person meets the requirements in paragraph (1) (e) is, in the absence of contrary evidence, sufficient evidence of that fact.

65.130 Flight service ratings

- (1) CASA may grant a traffic information service rating to a person who:
- (a) is eligible to be granted a flight service licence with a traffic information service rating; and
 - (b) successfully completes the training required by the Manual of Standards for the grant of the rating.

Note The traffic information service rating is the only flight service rating for Australia.

Regulation 65.135

- (2) The function of a flight service licence holder holding a traffic information service rating is to provide, or supervise the provision of, a traffic and flight information and alerting service for the flight information area for which the licence is endorsed.

65.135 Maintenance of ratings on flight service licence

- (1) An ATS provider must set up and maintain a program to ensure that its employees who hold flight service licences hold traffic information service ratings.
- (2) The provider must include details of that program, including necessary training and tests of competency, in its operations manual.
- (3) That program must be in accordance with the standards and requirements set out in the Manual of Standards.

65.140 Endorsements on flight service licences

- (1A) CASA may grant an endorsement to a person who:
 - (a) is eligible to be granted a flight service licence with a traffic information service rating; and
 - (b) successfully completes the training required by the Manual of Standards for the grant of the endorsement.
- (1) An endorsement on a flight service licence certifies that the licence holder is competent to perform a flight service function in relation to an aerodrome or particular airspace.
- (2) An ATS provider must set up and maintain a program to grant and administer endorsements on flight service licences held by its employees.
- (3) The provider must include details of the program, including necessary training and tests of competency, in its operations manual.
- (4) The program must be in accordance with the standards and requirements set out in the Manual of Standards.

Regulation 65.150

65.145 Ancillary qualifications

- (1) A flight service qualification certifies that the holder is competent to perform a particular ancillary function.
- (2) The functions are the following:
 - (a) classroom instructor;
 - (b) on-the-job instructor;
 - (c) workplace assessor.
- (3) Within the limits set by the Manual of Standards, an ATS provider may define, for the provider's organisation, the responsibilities of the holder of a flight service qualification mentioned in paragraph (2) (a), (b) or (c).
- (4) Subregulation (1) does not prevent an ATS provider defining an ancillary function for use within its own organisation.
- (5) An ATS provider must set up and maintain a program to grant flight service qualifications to, and administer flight service qualifications held by, its employees.
- (6) The provider must include details of the program, including necessary training and tests of competency, in its operations manual.
- (7) The program must be in accordance with the standards and requirements set out in the Manual of Standards.

65.150 Conduct of training

An ATS provider must ensure that training carried out by it, or on its behalf, for the award of a flight service licence, rating, endorsement or flight service qualification, is carried out in accordance with:

- (a) the standards and requirements set out in the Manual of Standards; and
- (b) the provider's operations manual.

Regulation 65.155

65.155 Conduct of examinations

An ATS provider must ensure that an examination carried out by it, or on its behalf, for the award of a flight service licence, rating, endorsement or flight service qualification, is carried out in accordance with:

- (a) the standards and requirements set out in the Manual of Standards; and
- (b) the provider's operations manual.

65.160 Duration of flight service licence

- (1) A flight service licence is in force until it is cancelled.
- (2) However, a flight service licence is not in force:
 - (a) during any period of suspension; or
 - (b) during any period during which its holder does not also hold a Class 3 medical certificate.

Note Suspension of a licence also suspends each rating or endorsement on it — see subregulation 65.165 (3). However, suspension of a licence, rating or endorsement does not automatically suspend an ATC qualification held by the same person — see subregulation 65.170 (3).

65.165 Periods of validity of rating and endorsement

- (1) Unless sooner cancelled, a rating on a flight service licence is valid for 12 months or until the licence is cancelled or ceases to be valid.
- (2) Unless sooner cancelled, an endorsement on a flight service licence remains valid:
 - (a) for the period (no longer than 6 months) specified for an endorsement in the operations manual of the ATS provider that granted it; or
 - (b) if the licence is cancelled before that time — until the licence is cancelled; or
 - (c) until the licence holder ceases to be employed by that ATS provider.

Regulation 65.175

- (3) A rating or endorsement is not in force:
 - (a) during any period of suspension; or
 - (b) during any period of suspension of the relevant licence.

65.170 Period of validity of flight service qualification

- (1) Unless sooner cancelled, a flight service qualification remains valid:
 - (a) for the period specified by the ATS provider or ATS training provider that granted it; or
 - (b) if a flight service licence, rating or endorsement on which it is dependent is cancelled before that time — until the licence, rating or endorsement is cancelled; or
 - (c) until the holder ceases to be employed by that ATS provider or ATS training provider.
- (2) For paragraph (1) (b), a flight service qualification is dependent on a flight service licence, rating or endorsement if the ATS provider or ATS training provider that granted the qualification so specifies.
- (3) A qualification is not in force during any period of suspension, but is not taken to be suspended by the suspension of any licence, rating or endorsement held by the holder of the qualification.

Subpart 65.E Administrative functions

Division 65.E.1 Grant of licences

65.175 Definitions for this Subpart

In this Subpart:

licence means an ATC licence or a flight service officer licence.

qualification means an ATC qualification or a flight service qualification.

Regulation 65.180

65.180 How to apply

- (1) A person must apply for the grant of a licence in the way set out in this regulation.
- (2) The application must be in writing.
- (3) The application must give details of the applicant's training, qualifications and experience, so far as relevant.
- (4) The application must be accompanied by:
 - (a) a copy of any document that shows that the applicant has completed that training, holds that qualification or has that experience; and
 - (b) evidence that the applicant holds a Class 3 medical certificate; and
 - (c) evidence of the kind mentioned in subregulation 65.070 (3) or 65.125 (3), as the case requires.

65.185 Who to apply to

The application must be made to CASA.

65.190 Application for licence cancelled previously

If a person who applies for a licence has previously held a licence, and the previously held licence was cancelled for a reason mentioned in paragraph 65.265 (1) (a), (b) or (c), the person must include with the application any available evidence tending to show that the person could now properly exercise the powers or carry out the functions that would be conferred by the licence applied for.

65.195 Other things CASA can ask individual applicant to do — test or interview

- (1) CASA may ask an applicant, in writing, to:
 - (a) undertake a test or tests of competence; or
 - (b) come to a specified CASA office at a specified reasonable time to be interviewed.

Regulation 65.215

- (2) If CASA asks an applicant to undertake a test, or come for interview, under subregulation (1), CASA need not begin to consider, or may stop considering, the application until the applicant undertakes the tests or participates in the interview.

65.200 Other things CASA can ask applicant to do — provide more information

- (1) If CASA reasonably needs more information or another document to allow it to consider an application, CASA may ask the applicant in writing to give it information, or a copy of a document, specified in the request.
- (2) In particular, CASA may ask an applicant to provide a written statement by any ATS provider that has employed the applicant as to the applicant's service history.
- (3) If CASA asks for more information, or a copy of a document, under subregulation (1) or (2), CASA need not begin to consider, or may stop considering, the application until the applicant gives it the information or copy.

65.205 Statutory declarations to verify applications

- (1) CASA may ask an applicant, in writing, to verify, by statutory declaration, any statement in an application.
- (2) If CASA asks an applicant to verify a statement under subregulation (1), CASA need not begin to consider, or may stop considering, the application until the applicant gives it the statutory declaration.

65.215 Matters that CASA may or must take into account

- (1) In making a decision on an application, CASA may take into account:
 - (a) anything in the application or in any other document submitted by the applicant; and
 - (b) anything in its records about the applicant; and
 - (c) the contents of any statutory declaration made by the applicant under regulation 65.205.

Regulation 65.220

- (2) However, before taking into account anything in its records about an applicant, CASA must:
 - (a) tell the applicant in writing that it intends to do so, and the substance of what CASA intends to take into account; and
 - (b) invite the applicant in writing to make a written submission about the matter within a specified reasonable time.
- (3) If the applicant makes a written submission within the specified time, CASA must take the submission into account.
- (4) When deciding whether to grant a new licence to an applicant who previously held a licence that was cancelled, CASA must take into account:
 - (a) the fact of the cancellation; and
 - (b) the reasons for the cancellation; and
 - (c) any evidence of the kind mentioned in regulation 65.190 that the person submits.

65.220 Statutory declarations to verify statements in submissions

- (1) CASA may ask an applicant to verify any statement in a submission under subregulation 65.215 (3) by statutory declaration.
- (2) CASA must, in making a decision on the application concerned, take such a submission into account.
- (3) If CASA asks an applicant to verify a statement under subregulation (1), CASA need not begin to consider, or may stop considering, the application until the applicant gives it the statutory declaration.

65.225 When CASA must grant a licence

- (1) Subject to paragraph 30A (4) (b) of the Act, if a person has applied for the grant of a licence in accordance with this Subpart, CASA must grant the licence if:
 - (a) the person is eligible for the grant of the licence; and

Regulation 65.230

- (b) all other requirements for the grant of the licence by or under these Regulations by or in relation to the person are satisfied; and
 - (c) no other provision of these Regulations forbids CASA to grant the licence, or makes the person ineligible for the grant of the licence; and
 - (d) granting the licence would not be likely to have an adverse effect on the safety of air navigation.
- (2) In subregulation (1), a reference to satisfying the requirements for the grant of a licence includes:
- (a) having any qualifications required by or under these Regulations for the grant of the licence; and
 - (b) having any experience required by or under these Regulations for that grant; and
 - (c) having successfully completed any training required by or under these Regulations for that grant; and
 - (d) having attained the standard of medical fitness standard required for that grant, and having been granted an appropriate medical certificate.
- (3) CASA may grant the licence subject to:
- (a) any conditions specified in these Regulations as applicable to a licence; and
 - (b) any other condition necessary in the interests of the safety of air navigation.

65.230 When decision must be made

- (1) If CASA does not make a decision about an application within 21 days after receiving it, CASA is taken to have refused the application.
- (2) However, if CASA makes a request under regulation 65.195 or 65.200, the time between when CASA makes the request, and when the applicant undertakes the test, or comes in for interview, or gives CASA the information or copy requested, does not count towards the 21 days.

Regulation 65.235

- (3) Also, if CASA asks an applicant to make a statutory declaration under regulation 65.205 or 65.220, the time between when CASA asks the applicant to do so and when the applicant gives CASA the statutory declaration does not count towards the 21 days.
- (4) Also, if CASA invites an applicant to comment under subregulation 65.215 (2), the time between when CASA gives the invitation and when the applicant comments does not count towards the 21 days.

65.235 Notice of decision

After making a decision on an application for a licence, CASA must tell the applicant in writing, as soon as practicable:

- (a) the decision; and
- (b) if the decision was to refuse the application, or to grant the licence subject to a condition not sought by the applicant, the reasons for the decision.

65.240 When licence comes into effect

A licence comes into effect:

- (a) on a day stated in the notice under regulation 65.235; or
- (b) if no day is so stated, on the date of the notice.

65.245 Licence document

- (1) CASA must issue to a licence holder a licence document that complies with Chapter 5 of Annex 1 to the Chicago Convention.
- (2) CASA may issue a replacement document if anything set out on such a document is no longer correct.
- (3) If CASA issues a document to a licence holder and the licence is cancelled, the person who held the licence must return the relevant licence document to CASA immediately.

Penalty: 1 penalty unit.

Note A person is not guilty of an offence of failing to do something that he or she is not capable of doing: see section 4.2 of the *Criminal Code*.

Regulation 65.250

- (4) An offence against subregulation (3) is an offence of strict liability.

Note For **strict liability**, see section 6.1 of the *Criminal Code*.

- (5) It is a defence to a charge of contravening subregulation (3) that the defendant returned the licence document to CASA as soon as practicable.

Note A defendant bears an evidential burden in relation to the matter mentioned in subregulation (5).

Division 65.E.2 Ongoing proficiency and medical testing

65.250 Re-examination or re-assessment of licence or qualification holder

- (1) If:
- (a) there is evidence that the holder of a licence or a qualification is not adequately performing his or her duties (whether because of lack of proficiency, injury, illness or for any other reason); and
 - (b) it is necessary, in the interests of the safety of air navigation, to require the holder to demonstrate his or her proficiency or fitness to perform those duties;
- CASA may, at a reasonable time and on reasonable notice, direct the holder to undertake:
- (c) an appropriate examination or performance assessment; or
 - (d) a medical assessment by a designated aviation medical examiner.
- (2) In paragraph (1) (d):
- medical** includes psychological and psychiatric.

Regulation 65.255

Division 65.E.3 Suspension and cancellation of licences

65.255 Provisional suspension of licence pending examination or assessment

- (1) If under regulation 65.250 CASA directs the holder of a licence or qualification to undergo an examination, performance assessment or medical assessment, CASA may provisionally suspend the licence or a rating or endorsement on it, or the qualification, by notice in writing to the holder.
- (2) The provisional suspension has effect from the time the notice is served on the holder.
- (3) As soon as practicable after the examination or assessment, CASA must either:
 - (a) give the holder a notice under regulation 65.265 to show cause why the licence, rating, endorsement or qualification should not be cancelled or further suspended; or
 - (b) revoke the provisional suspension and tell the holder in writing that it has done so.
- (4) CASA may revoke the provisional suspension at any time by notice in writing.
- (5) If CASA gives the holder a show cause notice, the provisional suspension remains in effect (unless sooner revoked) until CASA decides, or is taken to have decided, whether or not to cancel the licence, rating, endorsement or qualification, or to further suspend it.
- (6) However, if the holder does not comply with the direction within the time allowed by the notice to do so (or any extension of that time allowed by CASA), the licence, rating, endorsement or qualification remains suspended until the holder does so.

65.260 Provisional suspension of licence etc during investigation

- (1) If there is evidence that the holder of a licence:

Regulation 65.265

- (a) may have contravened a provision of the Act or these Regulations; or
- (b) may not meet a requirement of, or under, these Regulations in relation to getting or keeping the licence, rating, endorsement or qualification; or
- (c) may have failed in his or her duty in a way that might adversely affect the safe navigation or operation of an aircraft;

CASA may provisionally suspend the holder's licence, or a rating, endorsement or qualification, by notice in writing to the holder.

- (2) CASA may revoke the provisional suspension at any time by notice in writing.
- (3) The provisional suspension has effect from the time notice under subregulation (1) is served on the holder, and remains in effect (unless sooner revoked) until:
 - (a) if CASA gives to the holder a show cause notice — CASA decides, or is taken to have decided, whether or not to cancel the licence, rating, endorsement or qualification, or to further suspend it; or
 - (b) the end of 7 days after the time the notice under subregulation (1) is served on the holder.

65.265 Show cause procedure

- (1) If there is evidence that the holder of a licence:
 - (a) may have contravened a provision of the Act or these Regulations; or
 - (b) may not meet a requirement of, or under, these Regulations in relation to getting or keeping the licence, rating, endorsement or qualification; or
 - (c) may have failed in his or her duty in a way that might adversely affect the safe navigation or operation of an aircraft;

CASA may give to the holder a notice in accordance with this regulation (a ***show cause notice***).

Regulation 65.270

- (2) Also, CASA may give to the holder of a licence a show cause notice if:
 - (a) under regulation 65.250, CASA has directed the holder to undertake an examination or a performance assessment or medical assessment; and
 - (b) the holder has not done so within the time allowed by the direction (or any extension of that time allowed by CASA).
- (3) The notice must be in writing.
- (4) The notice must set out the facts and circumstances that appear to justify cancellation or suspension of the licence, rating, endorsement or qualification.
- (5) The notice must invite the holder to show cause in writing, within a reasonable period stated in the notice, why the licence, rating, endorsement or qualification should not be cancelled or further suspended.

65.270 CASA's powers in respect of licence etc

CASA may cancel or suspend a licence, rating, endorsement or qualification if the holder:

- (a) has contravened a provision of the Act or these Regulations; or
- (b) does not meet a requirement of, or under, these Regulations in relation to getting or keeping the licence, rating, endorsement or qualification; or
- (c) has failed in his or her duty in a way that adversely affects the safe navigation or operation of an aircraft.

65.275 Choice between cancellation and suspension

- (1) This regulation sets out how CASA decides whether to cancel a person's licence, rating, endorsement or qualification, or suspend it.
- (2) If the person has contravened a provision of the Act or these Regulations, or has failed in his or her duty in a way that adversely affects the safe navigation or operation of an aircraft:

Regulation 65.280

- (a) where CASA is satisfied that the contravention or failure is not likely to recur, CASA may do either or both of the following:
 - (i) suspend the person's licence, rating, endorsement or qualification for an appropriate period;
 - (ii) direct the person to receive appropriate counselling or training; and
- (b) where CASA is not satisfied as mentioned in paragraph (a), CASA may:
 - (i) if the contravention or failure is sufficiently serious, or has occurred before — cancel the licence, rating, endorsement or qualification; or
 - (ii) take either or both of the courses mentioned in paragraph (a).
- (3) If the person does not meet a requirement of, or under, these Regulations in relation to getting or keeping the licence, rating, endorsement or qualification, but there is a reasonable prospect that he or she will be able to do so within a reasonable time, CASA may suspend the licence, rating, endorsement or qualification:
 - (a) until the happening of a specified event; or
 - (b) until the holder successfully completes specified training; or
 - (c) for a specified period within which the holder is likely to become able to meet the requirement.
- (4) If the person does not meet a requirement of, or under, these Regulations in relation to getting or keeping the licence, rating, endorsement or qualification and there is no reasonable prospect that he or she will be able to do so within a reasonable time, CASA must cancel the licence, rating, endorsement or qualification.

65.280 Procedure for decision

- (1) When considering whether to cancel or suspend a licence, rating, endorsement or qualification, CASA must take into account any submission that the holder makes within the time allowed by the relevant show cause notice.

Regulation 65.280

- (2) CASA must tell the holder in writing of its decision.
- (3) If CASA has not decided whether or not to cancel or further suspend the licence, rating, endorsement or qualification within 30 days after the end of the period allowed for submissions by the show cause notice, CASA is taken to have decided, at the end of that 30-day period, neither to cancel nor further suspend the licence, rating, endorsement or qualification.
- (4) If the licence, rating, endorsement or qualification is provisionally suspended, and CASA decides, or is taken under subregulation (3) to have decided, neither to cancel nor further suspend it, the provisional suspension ceases to have effect when CASA makes, or is taken to have made, that decision.

Part 66 Maintenance personnel licensing

Note This Part heading is reserved for future use.

Part 67 Medical

Note *This Part is made up as follows:*

Subpart 67.A	General
67.005	Applicability
67.010	Definitions for this Part
67.015	Meaning of <i>safety-relevant</i>
67.020	Extended meaning of <i>convicted of an offence</i>
Subpart 67.B	Designated aviation medical examiners and designated aviation ophthalmologists
67.025	Application for appointment as DAME or DAO
67.030	More information for application
67.035	Continuation of appointment until application decided
67.040	When decision must be made
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67.070	DAOs — duration of appointment
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67.080	DAOs — conditions
67.085	Certificate of appointment
67.090	Release of information about performance of DAMEs or DAOs
67.095	DAMEs and DAOs — cancellation or surrender of appointment
67.100	DAMEs and DAOs — automatic suspension and cancellation after criminal conviction
67.105	DAMEs — automatic cancellation on ceasing to be medical practitioner
67.110	DAOs — automatic cancellation on ceasing to be medical practitioner or ophthalmologist
67.115	Suspension of declaration under subregulation 67.055 (1) or 67.075 (1)
67.120	Revocation of declaration on request

67.125	Obligation to report
67.130	Surrender of certificate of appointment
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Subpart 67.C	Medical certificates
67.145	Kinds of medical certificate
67.150	Who meets medical standard 1
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67.195	Medical certificate — conditions
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67.220	Medical certificates — extension of period in force by DAMEs
67.225	Medical certificates — new medical certificates issued by DAMEs
67.230	CASA may require medical examination of certificate holders
67.235	Suspension of medical certificates — pregnancy
67.240	Medical certificates — suspension pending examination
67.245	Suspension of medical certificates — special arrangements for service in urgent cases
67.250	Medical certificates — effect of suspension
67.255	Medical certificates — cancellation if medical standard not met
67.260	Medical certificates — cancellation and suspension in other cases

Regulation 67.005

Subpart 67.D Responsibilities of medical certificate holders

- 67.265 Obligation to tell CASA of changes in medical condition
- 67.270 Offence — doing act while efficiency impaired
- 67.275 Surrender of medical certificates

Subpart 67.A General

67.005 Applicability

This Part:

- (a) provides for the appointment of appropriately qualified persons as DAMEs or DAOs and for the cancellation of such appointments; and
- (b) sets out procedures under which CASA may make declarations that particular persons, or persons who hold or perform the duties of certain positions or offices, are to be taken to be DAMEs or DAOs; and
- (c) sets out the medical standards for the issue of medical certificates; and
- (d) provides for the issue and administrative control of medical certificates.

67.010 Definitions for this Part

- (1) In this Part:

clinical psychologist means a person who:

- (a) is registered or licensed as a clinical psychologist under a law of a State or Territory of Australia; or
- (b) in the case of a psychologist practising as a clinical psychologist in a country other than Australia — has other qualifications in clinical psychology acceptable to CASA.

Designated Aviation Medical Examiner's Handbook means the document called 'Designated Aviation Medical Examiner's Handbook' published by CASA, as in force from time to time.

Note The Designated Aviation Medical Examiner's Handbook is available from CASA's website at:

<http://www.casa.gov.au/manuals/htm/dame/dame.htm>.

medically significant condition includes:

- (a) any of the following (no matter how minor):
 - (i) any illness or injury;
 - (ii) any bodily infirmity, defect or incapacity;
 - (iii) any mental infirmity, defect or incapacity;
 - (iv) any sequela of an illness, injury, infirmity, defect or incapacity mentioned in subparagraph (i), (ii) or (iii); and
- (b) any abnormal psychological state; and
- (c) drug addiction and drug dependence; and
- (d) for a woman — pregnancy and the physiological and psychological consequences of pregnancy or of termination of pregnancy.

medical practitioner means a person entitled to practise as a medical practitioner under a law of a State or Territory or under a law of a Contracting State.

medical standard 1 means the standard set out in table 67.150.

medical standard 2 means the standard set out in table 67.155.

medical standard 3 means the standard set out in table 67.160.

relevant examination means an examination or test of, or in relation to, a person for the purpose of finding out whether the person meets the relevant medical standard for the issue to him or her of a medical certificate.

relevant medical standard means:

- (a) for a class 1 medical certificate — medical standard 1; and
- (b) for a class 2 medical certificate — medical standard 2; and
- (c) for a class 3 medical certificate — medical standard 3.

specialist medical practitioner means a medical practitioner who has:

- (a) postgraduate qualifications in a recognised medical specialty entitling him or her to be recognised as a specialist medical practitioner by the Medicare Australia or by the public hospital service or public health service of a State or Territory of Australia; or

Regulation 67.015

- (b) in the case of a medical practitioner practising in a country other than Australia — other postgraduate qualifications in the specialty acceptable to CASA.

specialist psychiatrist means a medical practitioner who has:

- (a) postgraduate qualifications in psychiatry entitling him or her to be recognised as a specialist psychiatrist by the Medicare Australia or by the public hospital service or public health service of a State or Territory of Australia; or
 - (b) in the case of a psychiatrist practising in a country other than Australia — other postgraduate qualifications in psychiatry acceptable to CASA.
- (2) In this Part, a mention of a medically significant condition (other than pregnancy, a consequence of pregnancy or the termination of a pregnancy) includes both such a condition that is congenital and one that is the result of injury or illness.

67.015 Meaning of *safety-relevant*

For the purposes of this Part, a medically significant condition is *safety-relevant* if it reduces, or is likely to reduce, the ability of someone who has it to exercise a privilege conferred or to be conferred, or perform a duty imposed or to be imposed, by a licence that he or she holds or has applied for.

67.020 Extended meaning of *convicted of an offence*

- (1) In this Part, *convicted of an offence* has, in addition to its ordinary meaning, the meaning set out in subregulation (2).
- (2) For this Part, a person is taken to have been *convicted of an offence* if:
 - (a) he or she is found guilty of the offence but is discharged without a conviction being recorded; or
 - (b) with his or her consent, the offence is taken into account in sentencing him or her for another offence.

Subpart 67.B Designated aviation medical examiners and designated aviation ophthalmologists

67.025 Application for appointment as DAME or DAO

- (1) A medical practitioner may apply to CASA for appointment as a DAME or DAO for the purposes of this Part.
- (2) An application must be in the approved form and must be accompanied by copies of the following documents:
 - (a) the certificate of the applicant's registration as a medical practitioner in the State or Territory of Australia, or the Contracting State, in which he or she proposes to function as a DAME or DAO;
 - (b) if the applicant is applying for appointment as a DAME — either:
 - (i) a certificate as to his or her successful completion of a course in aviation medicine approved by CASA; or
 - (ii) documents that are evidence of his or her demonstrated competence in aviation medicine;
 - (c) if the applicant is applying for appointment as a DAO — documents that are evidence that:
 - (i) he or she is a Fellow of the Royal Australian College of Ophthalmologists or has postgraduate qualifications in ophthalmology entitling him or her to be recognised as an ophthalmologist by the Medicare Australia or by the public hospital service or public health service of a State or Territory of Australia; or
 - (ii) if the applicant is practising in a country other than Australia — he or she has postgraduate qualifications in ophthalmology that are acceptable to CASA.

Note The documents 'Conditions of Appointment for DAMEs' and 'Conditions of Appointment for DAOs' (part of the application form for an appointment as a DAME or DAO) are available from CASA's website at: <http://www.casa.gov.au/manuals/regulate/dame/form755.pdf>.

Regulation 67.030

- (3) If the applicant has previously been appointed as a DAME or DAO, and the previous appointment was cancelled, the applicant must include with the application any available evidence to show that the applicant could now properly exercise the powers or perform the functions of the appointment sought.

67.030 More information for application

- (1) If CASA needs more information or another document to allow it to consider an application for appointment as a DAME or DAO, CASA may by written notice ask the applicant to give to it the information, document or copy of the document, specified in the notice.
- (2) The notice must include a statement to the effect that the application will be taken to be withdrawn if the information or document is not given to CASA within 1 month or any further time allowed by CASA under paragraph (3) (b).
- (3) The applicant must give to CASA the information or document:
- (a) within 1 month after the date of the notice; or
 - (b) if the applicant asks CASA for an extension of time before the end of the month and CASA extends the time within which the applicant must give the information — before the end of the extended period.
- (4) If the applicant does not comply with subregulation (3), the application is taken to be withdrawn by the applicant.
- (5) If an applicant for appointment as a DAME or DAO is designated in a Contracting State as a medical examiner for subclause 1.2.2.4 of Annex 1, *Personnel Licensing*, to the Chicago Convention, CASA need not consider the application unless the applicant authorises the authority of the Contracting State that designated the applicant under that subclause to disclose to CASA information about the applicant's performance and competence as a medical examiner.

67.035 Continuation of appointment until application decided

- (1) This regulation applies in relation to an appointment of a DAME or DAO that is granted by CASA for a specified period (the *old appointment*) if:
 - (a) at least 1 month before the time when the old appointment would, but for this regulation cease, its holder applies to CASA under this Subpart for a new appointment that authorises the holder to exercise the same powers or perform the same functions as the old appointment; and
 - (b) at the time when the old appointment would, but for this regulation cease, CASA has not made a decision on the application.
- (2) Despite anything else in these Regulations, but subject to subregulations (3) and (4), the old appointment continues in force until CASA makes a decision on the application.
- (3) If CASA asks for information or a document under subregulation 67.030 (1) and the holder does not provide the information or document within the period mentioned in paragraph 67.030 (3) (a) or any further period allowed by CASA under paragraph 67.030 (3) (b), the old appointment is taken to cease at the end of that period.
- (4) If subregulation 67.030 (5) applies to the holder and the holder has not authorised the authority of the Contracting State concerned to disclose to CASA information about the holder's performance and competence as a medical examiner within 1 month after the date of the application, the old appointment is taken to cease at the end of that period.

67.040 When decision must be made

- (1) Subject to this regulation, if CASA does not make a decision about an application for appointment as a DAME or DAO within 3 months after receiving it, CASA is taken to have refused the application.
- (2) If CASA asks for information or a document under subregulation 67.030 (1), the time between when CASA asks for the information or document, and when the applicant gives

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CASA the information or document, does not count towards the period.

- (3) If subregulation 67.030 (5) applies to the applicant, any time between when the applicant submits the application to CASA and when the applicant authorises the authority of the Contracting State concerned to disclose to CASA information about the applicant's performance and competence as a medical examiner, does not count towards the period.

67.045 Appointment of DAMEs

- (1) Subject to this regulation, if a medical practitioner has applied for appointment as a DAME in accordance with this Subpart, CASA must appoint the practitioner as a DAME if:
- (a) the practitioner is registered in the State or Territory of Australia, or registered or licensed in the Contracting State, in which he or she proposes to function as a DAME; and
 - (b) either he or she:
 - (i) has received training acceptable to CASA in aviation medicine; or
 - (ii) has demonstrated competence in aviation medicine; and
 - (c) appointing the practitioner would not be likely to have an adverse effect on the safety of air navigation.

Note The courses of training generally acceptable are set out in the *Designated Aviation Medical Examiner's Handbook*, available on CASA's website at:

<http://www.casa.gov.au/manuals/htm/dame/dame.htm>.

- (2) An appointment must be in writing.
- (3) If CASA limits in any way the number of appointments that may be made, CASA may refuse to make the appointment if the limit will be exceeded if the appointment is made.
- (4) In deciding whether an appointment would be likely to have an adverse effect on the safety of air navigation, CASA may take into account:

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- (a) the practitioner's record of compliance with regulatory requirements (in Australia or elsewhere) relating to aviation safety and other transport safety; and
 - (b) the practitioner's experience (if any) in aviation; and
 - (c) the practitioner's knowledge of the regulatory requirements applicable to civil aviation in Australia; and
 - (d) the practitioner's history, if any, of serious behavioural problems; and
 - (e) any evidence held by CASA that the practitioner has contravened:
 - (i) the Act or these Regulations; or
 - (ii) a law of another country relating to aviation safety; or
 - (iii) another law (of Australia or of another country) relating to transport safety.
- (5) In deciding whether to appoint a medical practitioner who has previously been appointed as a DAME and whose previous appointment was cancelled, CASA must take into account:
- (a) the fact of the cancellation; and
 - (b) the reasons for the cancellation given at the time of the cancellation; and
 - (c) any evidence that the practitioner submits about his or her capacity to exercise the powers or carry out the functions that would be conferred by the appointment, if it were made.
- (6) However, in making a decision in relation to a medical practitioner referred to in subregulation (5), CASA is not obliged to reconsider, or inquire into the circumstances of, the cancellation.
- (7) If CASA refuses to appoint a medical practitioner as a DAME, it must tell the practitioner, in writing, of the refusal, and of the reasons for not appointing the practitioner.

Note A refusal is reviewable by the Administrative Appeals Tribunal — see regulation 67.141.

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67.050 DAMEs — duration of appointment

An appointment of a person as a DAME remains in force:

- (a) unless it is cancelled or surrendered; or
- (b) if a period (which must not be less than 4 weeks) is specified in the certificate issued to the DAME under regulation 67.085 — until the end of that period unless sooner cancelled or surrendered.

67.055 DAMEs — declaration about holders of position

- (1) CASA may declare, in writing, that the person holding or occupying a particular office or position from time to time, or performing the duties of a particular office or position from time to time, is, subject to subregulation (3), taken to be a DAME.
- (2) CASA may also declare, in writing, that a medical practitioner specified in the declaration is, for the purposes of doing a particular act or thing specified in the declaration, taken to be a DAME.
- (3) A declaration under subregulation (1) has no effect in relation to a person occupying or performing the duties of an office or position if the person is not a medical practitioner.
- (4) Subject to subregulation (5), a declaration under subregulation (1) remains in force:
 - (a) unless it is revoked; or
 - (b) if a period (which must not be less than 4 weeks) is specified in the declaration — until the end of that period unless it is sooner revoked.
- (5) A declaration under subregulation (1) is not in force while it is suspended.

67.060 DAMEs — conditions

- (1) The appointment of a DAME is subject to the following conditions:

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- (a) that he or she complies with any requirement of the Designated Aviation Medical Examiner's Handbook that is applicable to him or her;
- (b) that he or she observes the Code of Ethics of the Australian Medical Association, as that Code is in effect from time to time;
- (c) that he or she undertakes continuing training in aviation medicine according to a course or system specified, or referred to, on the CASA website or otherwise approved by CASA;
- (d) that, if he or she is convicted of an offence punishable by imprisonment for 12 months or longer (whether or not such a sentence is actually imposed), he or she tells CASA of the conviction in writing as soon as practicable.

Note For the extended meaning of **convicted of an offence**, see regulation 67.020.

- (2) A declaration under subregulation 67.055 (1) is subject to the conditions that a person occupying, or performing the duties of, the office or position to which the declaration relates:
 - (a) observes, while he or she is acting as a DAME, the Code of Ethics of the Australian Medical Association, as that Code is in effect from time to time; and
 - (b) if he or she is convicted of an offence punishable by imprisonment for 12 months or longer (whether or not such a sentence is actually imposed), tells CASA of the conviction in writing as soon as practicable.
- (3) A declaration under subregulation 67.055 (2) is subject to the condition that the person specified in the declaration observes, while he or she is acting as a DAME, the Code of Ethics of the Australian Medical Association, as that Code is in effect from time to time.
- (4) CASA may impose a condition, restriction or limitation:
 - (a) on an appointment of a DAME in addition to the conditions to which the appointment is subject under subregulation (1); or

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- (b) on a declaration under regulation 67.055 in addition to the conditions to which the declaration is subject under subregulation (2) or (3).
- (5) A condition, restriction or limitation on an appointment of a DAME that is imposed under paragraph (4) (a) must be set out in the certificate issued to the DAME under regulation 67.085.
- (6) A condition, restriction or limitation on a declaration that is imposed under paragraph (4) (b) must be set out in the declaration.

67.065 Appointment of DAOs

- (1) Subject to this regulation, if a medical practitioner has applied for appointment as a DAO in accordance with this Subpart, CASA must appoint the practitioner as a DAO if:
 - (a) the practitioner has the qualifications set out in subregulation (4); and
 - (b) making the appointment would not be likely to have an adverse effect on the safety of air navigation.
- (2) An appointment must be in writing.
- (3) If CASA limits in any way the number of appointments that may be made, CASA may refuse to make the appointment if the limit will be exceeded if the appointment is made.
- (4) The qualifications are:
 - (a) in the case of a practitioner who is an ophthalmologist practising in Australia — being a Fellow of the Royal Australian College of Ophthalmologists or otherwise having postgraduate qualifications in ophthalmology entitling him or her to be recognised as an ophthalmologist by the Medicare Australia or by the public hospital service or public health service of a State or Territory of Australia; and
 - (b) in the case of a practitioner who is an ophthalmologist practising in a country other than Australia — having postgraduate qualifications in ophthalmology that are acceptable to CASA.

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- (5) In deciding whether an appointment would be likely to have an adverse effect on the safety of air navigation, CASA may take into account:
- (a) the practitioner's record of compliance with regulatory requirements (in Australia or elsewhere) relating to aviation safety and other transport safety; and
 - (b) the practitioner's experience (if any) in aviation; and
 - (c) the practitioner's knowledge of the regulatory requirements applicable to civil aviation in Australia; and
 - (d) the practitioner's history, if any, of serious behavioural problems; and
 - (e) any evidence held by CASA that the practitioner has contravened:
 - (i) the Act or these Regulations; or
 - (ii) a law of another country relating to aviation safety; or
 - (iii) another law (of Australia or of another country) relating to transport safety.
- (6) In deciding whether to appoint a medical practitioner who has previously been appointed as a DAO and whose previous appointment was cancelled, CASA must take into account:
- (a) the fact of the cancellation; and
 - (b) the reasons for the cancellation given at the time of the cancellation; and
 - (c) any evidence that the practitioner submits about his or her capacity to exercise the powers or carry out the functions that would be conferred by the appointment, if it were made.
- (7) However, in making a decision in relation to a medical practitioner referred to in subregulation (6), CASA is not obliged to reconsider, or inquire into the circumstances of, the cancellation.
- (8) If CASA refuses to appoint a medical practitioner as a DAO, it must tell the practitioner, in writing, of the refusal, and of the reasons for not appointing the practitioner.

Note A refusal is reviewable by the Administrative Appeals Tribunal — see regulation 67.141.

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67.070 DAOs — duration of appointment

An appointment of a person as a DAO remains in force:

- (a) unless it is cancelled or surrendered; or
- (b) if a period (which must not be less than 4 weeks) is specified in the certificate issued to the DAO under regulation 67.085 — until the end of that period unless sooner cancelled or surrendered.

67.075 DAOs — declaration about holders of position

- (1) CASA may declare, in writing, that the person holding or occupying a particular office or position from time to time, or performing the duties of a particular office or position from time to time, is, subject to subregulation (3), taken to be a DAO.
- (2) CASA may also declare, in writing, that a qualified person specified in the declaration is, for the purposes of doing a particular act or thing specified in the declaration, taken to be a DAO.
- (3) A declaration under subregulation (1) has no effect in relation to a person occupying, or performing the duties of, an office or position if:
 - (a) the person is not a Fellow of the Royal Australian College of Ophthalmologists, or does not have postgraduate qualifications in ophthalmology entitling him or her to be recognised as an ophthalmologist by the Medicare Australia or by the public hospital service or public health service of a State or Territory of Australia; or
 - (b) in the case of an ophthalmologist practising in a country other than Australia — the person does not have postgraduate qualifications in ophthalmology that are acceptable to CASA.
- (4) Subject to subregulation (5), a declaration under subregulation (1) remains in force:
 - (a) unless it is revoked; or

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- (b) if a period (which must not be less than 4 weeks) is specified in the declaration — until the end of that period unless it is sooner revoked.
- (5) A declaration under subregulation (1) is not in force while it is suspended.
- (6) In this regulation:
qualified person means a person who is a medical practitioner having the qualifications referred to in paragraph 67.065 (4) (a) or (b).

67.080 DAOs — conditions

- (1) The appointment of a DAO is subject to the following conditions:
 - (a) that he or she observes the Code of Ethics of the Australian Medical Association, as that Code is in effect from time to time;
 - (b) that he or she undertakes continuing training in ophthalmology according to courses or systems acceptable to CASA;
 - (c) that, if he or she is convicted of an offence punishable by imprisonment for 12 months or longer (whether or not such a sentence is actually imposed), he or she tells CASA of the conviction in writing as soon as practicable.
- Note* For the extended meaning of *convicted of an offence*, see regulation 67.020.
- (2) A DAO who is a Fellow of the Royal Australian College of Ophthalmologists, and undertakes continuing education in ophthalmology according to the requirements of the College, is taken to satisfy the requirement in paragraph (1) (b) as to continuing training in ophthalmology.
 - (3) A declaration under subregulation 67.075 (1) is subject to the conditions that a person occupying, or performing the duties of, the office or position to which the declaration relates:
 - (a) observes, while he or she is acting as a DAO, the Code of Ethics of the Australian Medical Association, as that Code is in effect from time to time; and

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- (b) if he or she is convicted of an offence punishable by imprisonment for 12 months or longer (whether or not such a sentence is actually imposed), tells CASA of the conviction in writing as soon as practicable.

Note For the extended meaning of **convicted of an offence**, see regulation 67.020.

- (4) A declaration under subregulation 67.075 (2) is subject to the condition that the person specified in the declaration observes, while he or she is acting as a DAO, the Code of Ethics of the Australian Medical Association, as that Code is in effect from time to time.
- (5) CASA may impose a condition, restriction or limitation:
 - (a) on an appointment of a DAO in addition to the conditions to which the appointment is subject under subregulation (1); or
 - (b) on a declaration under regulation 67.075 in addition to the conditions to which the declaration is subject under subregulation (3) or (4).
- (6) A condition, restriction or limitation on an appointment of a DAO that is imposed under paragraph (5) (a) must be set out in the certificate issued to the DAO under regulation 67.085.
- (7) A condition, restriction or limitation on a declaration that is imposed under paragraph (5) (b) must be set out in the declaration.

67.085 Certificate of appointment

- (1) If CASA appoints a medical practitioner as a DAME under regulation 67.045 or as a DAO under regulation 67.065, it must issue to the practitioner a certificate setting out:
 - (a) what the appointment is; and
 - (b) the practitioner's name and business address; and
 - (c) any expiry date of the appointment (if not sooner cancelled or surrendered); and
 - (d) any conditions, restrictions or limitations of the appointment imposed under paragraph 67.060 (4) (a) or 67.080 (5) (a); and

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- (e) any other information CASA thinks should be included.
- (2) CASA may issue a replacement certificate in place of one that contains anything that is not, or is no longer, correct or has been lost or destroyed.

67.090 Release of information about performance of DAMEs or DAOs

- (1) CASA may disclose, to an authority referred to in subregulation (3), information about the performance and competence as a medical examiner of a person who:
 - (a) is a DAME or a DAO; or
 - (b) is performing or has performed the duties of a position referred to in a declaration under subregulation 67.055 (1) or 67.075 (1).
- (2) Despite subregulation (1), CASA may only disclose to the authority the information if CASA has taken all reasonable steps to ensure that that authority has given appropriate undertakings:
 - (a) for protecting the confidentiality of the information; and
 - (b) for ensuring that it is used only for the purpose of assessing the performance and competence of the person as a medical examiner.
- (3) The authority is the authority of a Contracting State that designates medical examiners for that State for subclause 1.2.2.4 of Annex 1, *Personnel Licensing*, to the Chicago Convention, being an authority:
 - (a) that has designated the person for that subclause; or
 - (b) to which the person has applied to be so designated.

Note Medical practitioners who apply to CASA for appointment as DAMEs or DAOs and persons occupying, or performing the duties of, an office or position to which a declaration under subregulation 67.055 (1) or 67.075 (1) relates are notified by CASA about the effect of regulation 67.090.

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67.095 DAMEs and DAOs — cancellation or surrender of appointment

- (1) CASA may cancel a person's appointment as a DAME or DAO if there are reasonable grounds for believing that the person:
 - (a) has contravened a condition to which his or her appointment is subject; or
 - (b) has contravened regulation 67.125 or subregulation 67.170 (1); or
 - (c) does not meet, or does not continue to meet, a requirement of, or imposed under, this Subpart for getting or holding the appointment.
- (2) Before cancelling the appointment of a person as a DAME or DAO under subregulation (1), CASA:
 - (a) must give to the person a show cause notice that:
 - (i) sets out the matters that might constitute grounds for cancellation; and
 - (ii) invites the person, within a reasonable time stated in the notice, to make representations explaining why his or her appointment should not be cancelled; and
 - (b) must take into account any written representations that the person makes within the period stated in the notice.
- (3) If CASA cancels the appointment of a person as a DAME or DAO under subregulation (1), CASA must give the person written notice of the cancellation, setting out the grounds for the cancellation.

Note A decision by CASA to cancel a DAME's or DAO's appointment is reviewable by the Administrative Appeals Tribunal — see regulation 67.141.
- (4) A DAME or DAO may, by written notice to CASA, surrender his or her appointment.
- (5) If a DAME or DAO surrenders his or her appointment under subregulation (4), the appointment stops having effect on the day when the notice of surrender is given to CASA, or if a later day is specified in the notice, on the later day.

**67.100 DAMEs and DAOs — automatic suspension and
cancellation after criminal conviction**

- (1) This regulation applies to a person appointed as a DAME or DAO who is convicted of an offence punishable by imprisonment for 12 months or longer (whether or not such a sentence is actually imposed).

Note 1 For the extended meaning of *convicted of an offence*, see regulation 67.020.

Note 2 This regulation operates subject to the provisions of Part VIIC of the *Crimes Act 1914*.

- (2) The person's appointment is taken to be suspended at the time of the conviction.
- (3) The person's appointment is taken to be cancelled:
 - (a) if he or she appeals against the conviction and the appeal is dismissed — at the time the appeal is dismissed; or
 - (b) if he or she does not appeal against the conviction — on the last day for lodging such an appeal.

**67.105 DAMEs — automatic cancellation on ceasing to be
medical practitioner**

- (1) Subject to subregulation (2), this regulation applies to a person appointed as a DAME who ceases to be a medical practitioner.
- (2) This regulation does not apply to a person who is registered or licensed as a medical practitioner in a country other than Australia, and registered as a medical practitioner in a State or Territory of Australia, if he or she ceases to be registered or licensed as a medical practitioner in the other country.
- (3) The person's appointment is taken to be cancelled at the time he or she ceases to be registered or licensed as a medical practitioner.

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67.110 DAOs — automatic cancellation on ceasing to be medical practitioner or ophthalmologist

- (1) Subject to subregulation (2), this regulation applies to a person appointed as a DAO who ceases to be a medical practitioner or specialist ophthalmologist.
- (2) This regulation does not apply to a person who is registered or licensed as a medical practitioner in a country other than Australia and registered as a medical practitioner in a State or Territory of Australia if he or she ceases to be registered or licensed as a medical practitioner in the other country.
- (3) The person's appointment is taken to be cancelled:
 - (a) at the time he or she ceases to be a specialist ophthalmologist; or
 - (b) if he or she ceases to be registered or licensed as a medical practitioner — at the time he or she so ceases.

67.115 Suspension of declaration under subregulation 67.055 (1) or 67.075 (1)

- (1) If the occupant or holder of an office or position specified in a declaration made under subregulation 67.055 (1) or 67.075 (1):
 - (a) is convicted of an offence punishable by imprisonment for 12 months or longer (whether or not such a sentence is actually imposed); or
 - (b) fails to comply with a condition of the declaration;

CASA may direct, by written notice to the body or organisation of which the office or position forms part, that the declaration is taken not to have effect while that person holds or performs the duties of the office or position.

Note For the extended meaning of *convicted of an offence*, see regulation 67.020.
- (2) Before giving such a direction for the reason mentioned in paragraph (1) (b), CASA must give to the organisation:
 - (a) written notice of the matters that might constitute grounds for the suspension of the declaration; and
 - (b) a reasonable opportunity to make representations explaining why the declaration should not be suspended.

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- (3) If CASA suspends the declaration for the reason mentioned in paragraph (1) (b), the notice of suspension must set out the grounds for the suspension.

67.120 Revocation of declarations

- (1) CASA may revoke a declaration made under subregulation 67.055 (1) or 67.075 (2) in respect of a particular office or position by written notice to the body or organisation of which the office or position forms part if there are reasonable grounds for believing that:
 - (a) a fact or circumstance exists that, had it existed and been known to CASA at the time the declaration was made, is likely to have resulted in the declaration not being made; or
 - (b) continuing the particular office or position to be declared would be likely to have an adverse effect on the safety of air navigation.
- (2) Before revoking a declaration made under subregulation 67.055 (1) or 67.075 (2) in respect of a particular office or position, CASA must give to the body or organisation of which the office forms part:
 - (a) written notice of the matters that might constitute grounds for the revocation of the declaration; and
 - (b) a reasonable opportunity to make representations explaining why the declaration should not be revoked.
- (3) Despite anything else in this Part, CASA must revoke a declaration made under subregulation 67.055 (1) or 67.075 (1) if the organisation or body of which the office or position specified in it forms part asks CASA in writing to revoke the declaration.

67.125 Obligation to report

If the holder of a medical certificate tells a DAME or DAO about a medical condition that is safety-relevant, the DAME or DAO must inform CASA of the condition within 5 working days.

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67.130 Surrender of certificate of appointment

- (1) CASA may require, by written notice, a DAME or DAO to surrender any certificate or replacement certificate issued to the person under regulation 67.085 within a reasonable time specified in the notice.
- (2) The DAME or DAO must comply with the requirement.

Penalty: 5 penalty units.

- (3) A person who fails to comply with subregulation (2) is guilty of an offence in respect of each day during which the person refuses or fails to comply with the requirement, including the day of any conviction for such an offence.
- (4) A person must not destroy, mutilate or deface a certificate that he or she is required to surrender to CASA under subregulation (1) with intent to evade the obligation to comply with the requirement.

Penalty: 10 penalty units.

67.135 Return of certificate if appointment cancelled or surrendered

- (1) A person who ceases to be a DAME or DAO must return any certificate or replacement certificate issued to the person under regulation 67.085 within 14 days after ceasing to be a DAME or DAO.

Penalty: 1 penalty unit.

- (2) Subregulation (1) does not prevent CASA from returning the certificate or replacement certificate to the person if CASA first defaces it.

67.140 Indemnification of medical reporting

- (1) In this regulation:
indemnified act means any of the following acts:
 - (a) advising CASA that a person does not meet a relevant medical standard;

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- (b) expressing to CASA, whether in writing or otherwise, an opinion that a person whom the practitioner has examined or treated may not be competent or medically fit to undertake a duty or exercise a privilege under a licence that the person holds or has applied for, because of:
 - (i) illness or bodily or mental infirmity, defect or incapacity suffered by the person; or
 - (ii) the effect on the person of treatment for any illness, infirmity, defect or incapacity;
- (c) stating to CASA, whether in writing or otherwise:
 - (i) the nature of a person's illness, infirmity, defect or incapacity; or
 - (ii) the effect on a person of treatment for any illness, infirmity, defect or incapacity.
- (2) A DAME or DAO is not subject to any civil or criminal liability for doing an indemnified act in good faith in the course of carrying out his or her functions under this Part.
- (3) A person to whom, or an organisation to which, subregulation (4) applies is not subject to any civil or criminal liability for doing an indemnified act in good faith in the course of answering any question put to the person or organisation by CASA:
 - (a) that concerns a person who has applied for, or holds, a medical certificate; and
 - (b) that is relevant to any action CASA may take under this Part.
- (4) This subregulation applies to:
 - (a) a medical practitioner; and
 - (b) a specialist psychiatrist or clinical psychologist; and
 - (c) a person, organisation, body or authority referred to in paragraph 67.180 (6) (b), (c), (d) or (e) or 67.225 (6) (b), (c), (d) or (e); and
 - (d) a person, organisation, body or authority acting on behalf of a person, organisation, body or authority referred to in paragraph (c).

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Subpart 67.C Medical certificates

67.145 Kinds of medical certificate

There are 3 classes of medical certificate, as follows:

- (a) class 1 medical certificate;
- (b) class 2 medical certificate;
- (c) class 3 medical certificate.

67.150 Who meets medical standard 1

- (1) Subject to subregulations (2) to (7), a person who satisfies the criteria in table 67.150 meets medical standard 1.
- (2) A person may use contact lenses to meet the criterion in item 1.35 of table 67.150 if the lenses are monofocal and not tinted, and are well tolerated.
- (3) A person whose visual acuity in either eye is worse than 6/60 must provide a full ophthalmic report to CASA.
- (4) A person who has undergone surgery affecting the refractive status of either eye is taken not to meet the criterion in item 1.35 of table 67.150 until he or she is free of safety-relevant sequelae of the surgery.
- (5) A person who requires both near correction and distant correction to meet the criteria in items 1.35 and 1.36 of table 67.150 must demonstrate that 1 pair of spectacles is sufficient to meet both requirements for correction.
- (6) A person must demonstrate that he or she meets the criterion in item 1.39 of table 67.150 by:
 - (a) in daylight, or artificial light of similar luminosity, readily identifying a series of pseudo-isochromatic plates of the Ishihara 24-plate type, making no more than 2 errors; or
 - (b) for somebody who makes more than 2 errors in a test mentioned in paragraph (a), readily identifying aviation coloured lights displayed by means of a Farnsworth colour-perception lantern, making:
 - (i) no errors on 1 run of 9 pairs of lights; or

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- (ii) no more than 2 errors on a sequence of 2 runs of 9 pairs of lights; or
 - (c) for somebody who does not satisfy paragraph (a) or (b), correctly identifying all relevant coloured lights in a test, determined by CASA, that simulates an operational situation.
- (7) If a change is made to a criterion in an item of table 67.150, a person who held a class 1 medical certificate and satisfied the criterion immediately before the change, but fails to satisfy the criterion as changed, is taken to satisfy the criterion for 2 years after the day when the change is made.

Note Under Annex 1, *Personnel Licensing*, to the Chicago Convention, medical standard 1 applies to holders of, or applicants for, licences of the following kinds:

- commercial pilot licence (aeroplane or helicopter)
- airline transport pilot licence (aeroplane or helicopter)
- flight navigator
- flight engineer.

Table 67.150 Criteria for medical standard 1

Item	Criterion
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Abnormalities, disabilities and functional capacity

- | | |
|-----|--|
| 1.1 | Has no safety-relevant condition of any of the following kinds that produces any degree of functional incapacity or a risk of incapacitation: <ul style="list-style-type: none"> (a) an abnormality; (b) a disability or disease (active or latent); (c) an injury; (d) a sequela of an accident or a surgical operation |
| 1.2 | Has no physical conditions or limitations that are safety-relevant |
| 1.3 | Is not using any over-the-counter or prescribed medication or drug (including medication or a drug used to treat a disease or medical disorder) that causes the person to experience any side effects likely to affect the person to an extent that is safety-relevant |

Regulation 67.150

Item	Criterion
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Mental fitness

- | | |
|-----|---|
| 1.4 | Has no established medical history or clinical diagnosis of any of the following conditions, to an extent that is safety-relevant: <ul style="list-style-type: none">(a) psychosis;(b) significant personality disorder;(c) significant mental abnormality or neurosis |
| 1.5 | Does not engage in any problematic use of substances (within the meaning given by section 1.1 of Annex 1, <i>Personnel Licensing</i> , to the Chicago Convention) |
| 1.6 | If there is any personal history of problematic use of a substance (within the meaning given by section 1.1 of Annex 1, <i>Personnel Licensing</i> , to the Chicago Convention): <ul style="list-style-type: none">(a) the person's abstinence from problematic use of the substance is certified by an appropriate specialist medical practitioner; and(b) the person is not suffering from any safety-relevant sequelae resulting from the person's use of the substance; and(c) the person provides evidence that the person is undertaking, or has successfully completed, an appropriate course of therapy |

Note In Annex 1, *Personnel Licensing*, to the Chicago Convention, 'Problematic use of substances' is defined as follows:

'The use of one or more psychoactive substances by aviation personnel in a way that:

- a) constitutes a direct hazard to the user or endangers the lives, health or welfare of others; and/or
- b) causes or worsens an occupational, social, mental or physical problem or disorder.'

'Psychoactive substances' is there defined as 'Alcohol, opioids, cannabinoids, sedatives and hypnotics, cocaine, other psychostimulants, hallucinogens, and volatile solvents, whereas coffee and tobacco are excluded.'

Nervous system

- | | |
|-----|---|
| 1.7 | Has no established medical history or clinical diagnosis of: <ul style="list-style-type: none">(a) a safety-relevant disease of the nervous system; or(b) epilepsy; or(c) a disturbance of consciousness for which there is no satisfactory medical explanation and which may recur |
|-----|---|

Regulation 67.150

Item	Criterion
1.8	Is not suffering from safety-relevant effects of a head injury or neurosurgical procedure
<i>Cardiovascular system</i>	
1.9	Has no safety-relevant heart abnormality
1.10	Systolic and diastolic blood pressures are within limits specified by CASA from time to time in the Designated Aviation Medical Examiner's Handbook (even if approved drugs are used to maintain the blood pressure within those limits)
1.11	Has no significant functional or structural abnormality of the circulatory tree
<i>Respiratory system</i>	
1.12	Is not suffering from a safety-relevant condition of the respiratory system
1.13	Has full and free respiratory function without the use of drugs (other than drugs approved by CASA for this item) that act on the respiratory organs
<i>Alimentary system and metabolic disorders</i>	
1.14	Is not suffering from any safety-relevant defect of the digestive system or its adnexae, nor from any safety-relevant effect of disease or trauma of, or an operation on, the digestive system or its adnexae
1.15	Is not suffering from any safety-relevant metabolic, nutritional or endocrine disorders
1.16	If suffering from diabetes mellitus — the diabetes is satisfactorily controlled without the use of any anti-diabetic drug
<i>Reticulo-endothelial system</i>	
1.17	Is not suffering from an enlargement of the spleen that causes a significant displacement below the costal margin
1.18	Is not suffering from a safety-relevant condition of any of the following kinds: <ul style="list-style-type: none"> (a) localised or generalised enlargement of the lymphatic nodes; (b) a disease of the blood; (c) an immune deficiency disorder

Regulation 67.150

Item	Criterion
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Genito-urinary system

- | | |
|------|---|
| 1.19 | Is not suffering from any safety-relevant disease of the genito-urinary system |
| 1.20 | Has no safety-relevant sequelae of disease or surgical procedures on the kidneys or urinary tract |
| 1.21 | Kidneys and urinary tract are free of significant obstructions |
| 1.22 | If there is any personal history of syphilis — provides evidence that adequate treatment has been completed and that there are no safety-relevant sequelae of the infection |

Gynaecological and obstetrical

- | | |
|------|--|
| 1.23 | Does not suffer from safety-relevant menstrual disturbances |
| 1.24 | If pregnant — the pregnancy is not likely to interfere with the safe exercise of privileges, or performance of duties, under the licence held or applied for |

Note See regulation 67.235 regarding the periods during which a pregnant woman must not exercise the privileges of a licence.

Skeletal system

- | | |
|------|--|
| 1.25 | Is not suffering from safety-relevant active disease of the bones, joints, muscles or tendons |
| 1.26 | Is not suffering from safety-relevant functional sequelae of medically significant conditions of the bones, joints, muscles or tendons |

Ear, nose and throat

- | | |
|------|--|
| 1.27 | Is not suffering from:
(a) active pathological processes of the internal ear or of the middle ear; or
(b) permanent obstructions of the Eustachian tubes; or
(c) permanent disturbances of the vestibular apparatus |
| 1.28 | Has no safety-relevant condition of the buccal cavity or the upper respiratory tract |

Hearing requirements

- | | |
|------|--|
| 1.29 | Is not suffering from any safety-relevant hearing defect |
|------|--|

Regulation 67.150

Item	Criterion
1.30	<p>If suffering from a hearing loss (measured in a quiet room using a properly calibrated, compensated audiometer) in either ear of more than:</p> <p>(a) 35 dB at any of the frequencies of 500 Hz, 1 000 Hz or 2 000 Hz; or</p> <p>(b) 50 dB at 3 000 Hz —</p> <p>passes a speech discrimination test, or an operational check, carried out by an approved person in an aircraft of similar ambient noise level to that in which the person being tested is or will be operationally involved</p>

Visual requirements

- 1.31 Eyes and their adnexae function normally
 - 1.32 Is not suffering from any safety-relevant pathological condition (either acute or chronic), nor any sequelae of surgery or trauma
 - 1.33 Has normal fields of vision
 - 1.34 Has normal binocular vision
 - 1.35 Has a distant visual acuity of 6/9 or better in each eye separately and 6/6 or better binocular (with or without correcting lenses)
 - 1.36 Can read (with or without correcting lenses) an N5 chart (or its equivalent) binocularly at a distance that he or she selects (in the range of 30 to 50 centimetres), and can read an N14 chart binocularly (with or without correcting lenses) at a distance of 1 metre
- Note* A person who needs correcting lenses to meet this criterion must have the appropriate lenses available while carrying out duties under a relevant licence — see regulation 67.200.
- 1.37 Has a near point of accommodation no further away than 30 centimetres (with or without correcting lenses)
 - 1.38 If using contact lenses to meet the visual standards set out in items 1.31 to 1.37:
 - (a) is able to wear those lenses for twice the projected length of flight time or duty time for the person without deterioration in visual acuity or discomfort; and
 - (b) if the lenses are of the hard or gas-permeable variety, demonstrates the ability, immediately after removing the lenses, to read at least 6/9 with spectacles binocularly

Regulation 67.155

Item	Criterion
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Colour perception

- | | |
|------|---|
| 1.39 | Can readily distinguish the colours that need to be distinguished for the safe exercise of privileges, or performance of duties, under the relevant licence |
|------|---|

Note For how to demonstrate this, see subregulation 67.150 (6).

67.155 Who meets medical standard 2

- (1) Subject to subregulations (2) to (7), a person who satisfies the criteria in table 67.155 meets medical standard 2.
- (2) A person may use contact lenses to meet the criterion in item 2.35 of table 67.155 if the lenses are monofocal and not tinted, and are well tolerated.
- (3) A person whose visual acuity in either eye is worse than 6/60 must provide a full ophthalmic report to CASA.
- (4) A person who has undergone surgery affecting the refractive status of either eye is taken not to meet the criterion in item 2.35 of table 67.155 until he or she is free of safety-relevant sequelae of the surgery.
- (5) A person who requires both near correction and distant correction to meet the criteria in items 2.35 and 2.36 of table 67.155 must demonstrate that 1 pair of spectacles is sufficient to meet both requirements for correction.
- (6) A person must demonstrate that he or she meets the criterion in item 2.39 of table 67.155 by:
 - (a) in daylight, or artificial light of similar luminosity, readily identifying a series of pseudo-isochromatic plates of the Ishihara 24-plate type, making no more than 2 errors; or
 - (b) for somebody who makes more than 2 errors in a test mentioned in paragraph (a), readily identifying aviation coloured lights displayed by means of a Farnsworth colour-perception lantern, making:
 - (i) no errors on 1 run of 9 pairs of lights; or

Regulation 67.155

- (ii) no more than 2 errors on a sequence of 2 runs of 9 pairs of lights; or
 - (c) for somebody who does not satisfy paragraph (a) or (b), correctly identifying all relevant coloured lights in a test, determined by CASA, that simulates an operational situation.
- (7) If a change is made to a criterion in an item of table 67.155, a person who held a class 2 medical certificate and satisfied the criterion immediately before the change, but fails to satisfy the criterion as changed, is taken to satisfy the criterion for 2 years after the day when the change is made.

Note Under Annex 1, *Personnel Licensing*, to the Chicago Convention, medical standard 2 applies to holders of, or applicants for, licences of the following kinds:

- private pilot licences (aeroplane or helicopter)
- glider pilot licence
- free balloon pilot licence.

Table 67.155 Criteria for medical standard 2

Item	Criterion
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Abnormalities, disabilities and functional capacity

- | | |
|-----|--|
| 2.1 | Has no safety-relevant condition of any of the following kinds that produces any degree of functional incapacity or a risk of incapacitation: <ul style="list-style-type: none"> (a) an abnormality; (b) a disability or disease (active or latent); (c) an injury; (d) a sequela of an accident or a surgical operation |
| 2.2 | Has no physical conditions or limitations that are safety-relevant |
| 2.3 | Is not using any over-the-counter or prescribed medication or drug (including medication or a drug used to treat a disease or medical disorder) that causes the person to experience any side effects likely to affect the person to an extent that is safety-relevant |

Regulation 67.155

Item	Criterion
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Mental fitness

- | | |
|-----|---|
| 2.4 | Has no established medical history or clinical diagnosis of any of the following conditions, to an extent that is safety-relevant: <ul style="list-style-type: none">(a) psychosis;(b) significant personality disorder;(c) significant mental abnormality or neurosis |
| 2.5 | Does not engage in any problematic use of substances (within the meaning given by section 1.1 of Annex 1, <i>Personnel Licensing</i> , to the Chicago Convention) |
| 2.6 | If there is any personal history of problematic use of a substance (within the meaning given by section 1.1 of Annex 1, <i>Personnel Licensing</i> , to the Chicago Convention): <ul style="list-style-type: none">(a) the person's abstinence from problematic use of the substance is certified by an appropriate specialist medical practitioner; and(b) the person is not suffering from any safety-relevant sequelae resulting from the person's use of the substance; and(c) the person provides evidence that the person is undertaking, or has successfully completed, an appropriate course of therapy |

Note In Annex 1, *Personnel Licensing*, to the Chicago Convention, 'Problematic use of substances' is defined as follows:

'The use of one or more psychoactive substances by aviation personnel in a way that:

- a) constitutes a direct hazard to the user or endangers the lives, health or welfare of others; and/or
- b) causes or worsens an occupational, social, mental or physical problem or disorder.'

'Psychoactive substances' is there defined as 'Alcohol, opioids, cannabinoids, sedatives and hypnotics, cocaine, other psychostimulants, hallucinogens, and volatile solvents, whereas coffee and tobacco are excluded.'

Nervous system

- | | |
|-----|---|
| 2.7 | Has no established medical history or clinical diagnosis of: <ul style="list-style-type: none">(a) a safety-relevant disease of the nervous system; or(b) epilepsy; or(c) a disturbance of consciousness for which there is no satisfactory medical explanation and which may recur |
|-----|---|

Regulation 67.155

Item	Criterion
2.8	Is not suffering from safety-relevant effects of a head injury or neurosurgical procedure
<i>Cardiovascular system</i>	
2.9	Has no safety-relevant heart abnormality
2.10	Systolic and diastolic blood pressures are within limits specified by CASA from time to time in the Designated Aviation Medical Examiner's Handbook (even if approved drugs are used to maintain the blood pressure within those limits)
2.11	Has no significant functional or structural abnormality of the circulatory tree
<i>Respiratory system</i>	
2.12	Is not suffering from a safety-relevant condition of the respiratory system
<i>Alimentary system and metabolic disorders</i>	
2.13	Is not suffering from a safety-relevant defect of the digestive system or its adnexae, nor from any safety-relevant effect of disease or trauma of, or an operation on, the digestive system or its adnexae
2.14	Is not suffering from safety-relevant metabolic, nutritional or endocrine disorders
2.15	If suffering from diabetes mellitus: <ul style="list-style-type: none">(a) the condition is satisfactorily controlled without the use of any anti-diabetic drug; or(b) if an oral anti-diabetic drug is used to control the condition:<ul style="list-style-type: none">(i) the condition is under on-going medical supervision and control; and(ii) the oral drug is approved by CASA
<i>Reticulo-endothelial system</i>	
2.16	Is not suffering from an enlargement of the spleen that causes a significant displacement below the costal margin
2.17	Is not suffering from a safety-relevant condition of any of the following kinds: <ul style="list-style-type: none">(a) localised or generalised enlargement of the lymphatic nodes;(b) a disease of the blood;(c) an immune deficiency disorder

Regulation 67.155

Item	Criterion
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Genito-urinary system

- | | |
|------|---|
| 2.18 | Is not suffering from any safety relevant disease of the genitor-urinary system |
| 2.19 | Has no safety-relevant sequelae of disease or surgical procedures on the kidneys or urinary tract |
| 2.20 | Kidneys and urinary tract are free of significant obstructions |
| 2.21 | If there is any personal history of syphilis — provides evidence that adequate treatment has been completed and that there are no safety-relevant sequelae of the infection |

Gynaecological and obstetrical

- | | |
|------|--|
| 2.22 | Does not suffer from safety-relevant menstrual disturbances |
| 2.23 | If pregnant — the pregnancy is not likely to interfere with the safe exercise of privileges, or performance of duties, under the licence held or applied for |

Note See regulation 67.235 regarding the periods during which a pregnant woman must not exercise the privileges of a licence.

Skeletal system

- | | |
|------|--|
| 2.24 | Is not suffering from safety-relevant active disease of the bones, joints, muscles or tendons |
| 2.25 | Is not suffering from safety-relevant functional sequelae of medically significant conditions of the bones, joints, muscles or tendons |

Ear, nose and throat

- | | |
|------|---|
| 2.26 | Is not suffering from: <ul style="list-style-type: none">(a) active pathological processes of the internal ear or of the middle ear; or(b) permanent obstructions of the Eustachian tubes; or(c) permanent disturbances of the vestibular apparatus |
| 2.27 | Has no safety-relevant condition of the buccal cavity or the upper respiratory tract |

Hearing

- | | |
|------|--|
| 2.28 | Is not suffering from any safety-relevant hearing defect |
|------|--|

Regulation 67.155

Item	Criterion
2.29	With or without a hearing aid, is able to hear with both ears an average conversational voice in a quiet room while at a distance of 2 metres from the examiner, and looking away from the examiner
2.30	For somebody who fails to meet the standard in item 2.29, passes an operational check by an approved person in an aircraft having a similar ambient noise level to that in which the person is or will be operationally involved

Visual requirements

2.31	Eyes and their adnexae function normally
2.32	Is not suffering from any safety-relevant pathological condition (either acute or chronic), nor any sequelae of surgery or trauma
2.33	Has normal fields of vision
2.34	Has normal binocular vision
2.35	Has a distant visual acuity of 6/12 or better in each eye separately and 6/9 or better binocular (with or without correcting lenses)
2.36	Can read (with or without correcting lenses) an N5 chart (or its equivalent) binocularly at a distance that he or she selects (in the range of 30 to 50 centimetres), and can read an N14 chart binocularly (with or without correcting lenses) at a distance of 1 metre

Note A person who needs correcting lenses to meet this criterion must have the appropriate lenses available while carrying out duties under a relevant licence — see regulation 67.200.

2.37	Has a near point of accommodation no further away than 30 centimetres (with or without correcting lenses)
2.38	If using contact lenses to meet the visual standards set out in items 2.31 to 2.37: <ul style="list-style-type: none"> (a) is able to wear those lenses for twice the projected length of flight time or duty time for the person without deterioration in visual acuity or discomfort; and (b) if the lenses are of the hard or gas-permeable variety, demonstrates the ability, immediately after removing the lenses, to read at least 6/9 with spectacles binocularly

Regulation 67.160

Item	Criterion
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Colour perception

- | | |
|------|---|
| 2.39 | Can readily distinguish the colours that need to be distinguished for the safe exercise of privileges, or performance of duties, under the relevant licence |
|------|---|

Note For how to demonstrate this, see subregulation 67.155 (6).

67.160 Who meets medical standard 3

- (1) Subject to subregulations (2) to (7), a person who satisfies the criteria in table 67.160 meets medical standard 3.
- (2) A person may use contact lenses to meet the criterion in item 3.33 of table 67.160 if the lenses are monofocal and not tinted, and are well tolerated.
- (3) A person whose visual acuity in either eye is worse than 6/60 must provide a full ophthalmic report to CASA.
- (4) A person who has undergone surgery affecting the refractive status of either eye is taken not to meet the criterion in item 3.33 of table 67.160 until he or she is free of safety-relevant sequelae of the surgery.
- (5) A person who requires both near correction and distant correction to meet the criteria in items 3.33 and 3.34 of table 67.160 must demonstrate that 1 pair of spectacles is sufficient to meet both requirements for correction.
- (6) If a person applies for a class 3 medical certificate, the person must demonstrate that he or she meets the criterion in item 3.37 of table 67.160 by, in daylight, or artificial light of similar luminosity, readily identifying a series of pseudo-isochromatic plates of the Ishihara 24-plate type, making no more than 2 errors.
- (7) If a change is made to a criterion in an item of table 67.160, a person who held a class 3 medical certificate and satisfied the criterion immediately before the change, but fails to satisfy the criterion as changed, is taken to satisfy the criterion for 2 years after the day when the change is made.

Regulation 67.160

Note Under Annex 1, *Personnel Licensing*, to the Chicago Convention, medical standard 3 applies to holders of, or applicants for, air traffic controller licences.

Table 67.160 Criteria for medical standard 3

Item	Criterion
<i>Abnormalities, disabilities and functional capacity</i>	
3.1	Has no safety-relevant condition of any of the following kinds that produces any degree of functional incapacity, or risk of incapacitation: <ul style="list-style-type: none"> (a) an abnormality; (b) a disability or disease (active or latent); (c) an injury; (d) a sequela of an accident or a surgical operation
3.2	Has no physical conditions or limitations that are safety-relevant
3.3	Is not using any over-the-counter or prescribed medication or drug (including medication or a drug used to treat a disease or medical disorder) that causes the person to experience any side effects likely to affect the person to an extent that is safety-relevant
<i>Mental fitness</i>	
3.4	Has no established medical history or clinical diagnosis of any of the following conditions, to an extent that is safety-relevant: <ul style="list-style-type: none"> (a) psychosis; (b) significant personality disorder; (c) significant mental abnormality or neurosis
3.5	Does not engage in any problematic use of substances (within the meaning given by section 1.1 of Annex 1, <i>Personnel Licensing</i> , to the Chicago Convention)
3.6	If there is any personal history of problematic use of a substance (within the meaning given by section 1.1 of Annex 1, <i>Personnel Licensing</i> , to the Chicago Convention): <ul style="list-style-type: none"> (a) the person's abstinence from problematic use of the substance is certified by an appropriate specialist medical practitioner; and (b) the person is not suffering from any safety-relevant sequelae resulting from the person's use of the substance; and (c) the person provides evidence that the person is undertaking, or has successfully completed, an appropriate course of therapy

Regulation 67.160

Item	Criterion
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Note In Annex 1, *Personnel Licensing*, to the Chicago Convention, 'Problematic use of substances' is defined as follows:

'The use of one or more psychoactive substances by aviation personnel in a way that:

- a) constitutes a direct hazard to the user or endangers the lives, health or welfare of others; and/or
- b) causes or worsens an occupational, social, mental or physical problem or disorder.'

'Psychoactive substances' is there defined as 'Alcohol, opioids, cannabinoids, sedatives and hypnotics, cocaine, other psychostimulants, hallucinogens, and volatile solvents, whereas coffee and tobacco are excluded.'

Nervous system

- | | |
|-----|---|
| 3.7 | Has no established medical history or clinical diagnosis of: <ul style="list-style-type: none">(a) a safety-relevant disease of the nervous system; or(b) epilepsy; or(c) a disturbance of consciousness for which there is no satisfactory medical explanation and which may recur |
| 3.8 | Is not suffering from safety-relevant effects of a head injury or neurosurgical procedure |

Cardiovascular system

- | | |
|------|--|
| 3.9 | Has no safety-relevant heart abnormality |
| 3.10 | Systolic and diastolic blood pressures are within limits specified by CASA from time to time in the Designated Aviation Medical Examiner's Handbook (even if approved drugs are used to maintain the blood pressure within those limits) |
| 3.11 | Has no significant functional or structural abnormality of the circulatory tree |

Respiratory system

- | | |
|------|---|
| 3.12 | Is not suffering from a safety-relevant condition of the respiratory system |
|------|---|

Alimentary system and metabolic disorders

- | | |
|------|---|
| 3.13 | Is not suffering from a safety-relevant defect of the digestive system or its adnexae, nor from any safety-relevant effect of disease or trauma of, or an operation on, the digestive system or its adnexae |
|------|---|

Regulation 67.160

Item	Criterion
3.14	Is not suffering from safety-relevant metabolic, nutritional or endocrine disorders
3.15	If suffering from diabetes mellitus: <ul style="list-style-type: none"> (a) the condition is satisfactorily controlled without the use of any anti-diabetic drug; or (b) if an oral anti-diabetic drug is used to control the condition: <ul style="list-style-type: none"> (i) the condition is under on-going medical supervision and control; and (ii) the oral drug is approved by CASA

Reticulo-endothelial system

- 3.16 Is not suffering from a safety-relevant condition of any of the following kinds:
- (a) localised or generalised enlargement of the lymphatic nodes;
 - (b) a disease of the blood;
 - (c) an immune deficiency disorder

Genito-urinary system

- 3.17 Is not suffering from any safety relevant disease of the genito-urinary system
- 3.18 Has no sequelae of disease or surgical procedures on the kidneys or urinary tract
- 3.19 Kidneys and urinary tract are free of significant obstructions
- 3.20 If there is any personal history of syphilis — provides evidence that adequate treatment has been completed and that there are no safety-relevant sequelae of the infection

Gynaecological and obstetrical

- 3.21 Does not suffer from safety-relevant menstrual disturbances
- 3.22 If pregnant — the pregnancy is not likely to interfere with the safe exercise of privileges, or performance of duties, under the licence held or applied for

Note See regulation 67.235 regarding the periods during which a pregnant woman must not exercise the privileges of a licence.

Skeletal system

- 3.23 Is not suffering from safety-relevant active disease of the bones, joints, muscles or tendons

Regulation 67.160

Item	Criterion
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- | | |
|------|--|
| 3.24 | Is not suffering from safety-relevant functional sequelae of medically significant conditions of the bones, joints, muscles or tendons |
|------|--|

Ear, nose and throat

- | | |
|------|--|
| 3.25 | Is not suffering from: <ul style="list-style-type: none">(a) active pathological processes of the internal ear or of the middle ear; or(b) permanent disturbances of the vestibular apparatus |
| 3.26 | Has no safety-relevant condition of the buccal cavity or the upper respiratory tract |

Hearing requirements

- | | |
|------|---|
| 3.27 | Is not suffering from any safety-relevant hearing defect |
| 3.28 | If suffering from a hearing loss (measured in a quiet room using a properly calibrated, compensated audiometer) in either ear of more than: <ul style="list-style-type: none">(a) 35 dB at any of the frequencies of 500 Hz, 1 000 Hz or 2 000 Hz; or(b) 50 dB at 3 000 Hz — passes a speech discrimination test, or an operational check, carried out by an approved person |

Visual requirements

- | | |
|------|--|
| 3.29 | Eyes and their adnexae function normally |
| 3.30 | Is not suffering from any safety-relevant pathological condition (either acute or chronic), nor any sequelae of surgery or trauma |
| 3.31 | Has normal binocular vision |
| 3.32 | Has normal fields of vision |
| 3.33 | Has a distant visual acuity of 6/9 or better in each eye separately and 6/6 or better binocular (with or without correcting lenses) |
| 3.34 | Can read (with or without correcting lenses) an N5 chart (or its equivalent) binocularly at a distance that he or she selects (in the range of 30 to 50 centimetres), and can read an N14 chart binocularly (with or without correcting lenses) at a distance of 1 metre |

Note A person who needs correcting lenses to meet this criterion must have the appropriate lenses available while carrying out duties under a relevant licence — see regulation 67.200.

Regulation 67.165

Item	Criterion
3.35	Has a near point of accommodation no further away than 30 centimetres (with or without correcting lenses)
3.36	If using contact lenses to meet the visual standards set out in items 3.29 to 3.35: <ul style="list-style-type: none">(a) is able to wear those lenses for twice the projected length of duty time for the person without deterioration in visual acuity or discomfort; and(b) if the lenses are of the hard or gas-permeable variety, demonstrates the ability, immediately after removing the lenses, to read at least 6/9 with spectacles binocularly

Colour perception

- 3.37 Can readily distinguish the colours that need to be distinguished for the safe exercise of privileges, or performance of duties, under the relevant licence

Note For how to demonstrate this, see subregulation 67.160 (6).

67.165 Directions about examinations for issue of medical certificates

- (1) If CASA has reason to believe that an applicant for the issue of a medical certificate has a condition (including a condition other than a medical condition) that may, if he or she is issued the medical certificate, endanger the safety of air navigation, CASA may direct the applicant to do either or both of the following:
 - (a) submit to an examination carried out by a medical practitioner, specialist psychiatrist, clinical psychologist, audiologist, optometrist, orthoptist, orthotist, occupational therapist, specialist prosthetist or a practitioner of another kind specified in the direction;
 - (b) submit to an examination or test by a person (not necessarily a medical practitioner) expert in the safe performance of the particular activity in respect of which the medical certificate is sought.
- (2) For paragraph (1)(a), CASA may nominate a particular practitioner, of a kind mentioned or referred to in that paragraph, who is to carry out the examination.

Regulation 67.170

- (3) For paragraph (1) (b), CASA may nominate a particular person who is expert in the safe performance of the activity concerned to carry out the examination.

67.170 Evidence of identity

- (1) If a person submits to a relevant examination by a DAME or DAO, the DAME or DAO must ask the person to produce evidence of his or her identity before finishing the examination.
- (2) The evidence must include a photograph of the person.

Example

The identification might take the form of a passport or any of the following that includes a photograph: a driver's licence, a workplace identification document, a student's identity card.

- (3) However, subregulation (1) does not require the DAME or DAO to ask the person to produce the evidence if the DAME or DAO knows or reasonably believes the person is who the person claims to be.
- (4) If the DAME or DAO has asked the person to produce evidence of his or her identity under subregulation (1), the DAME or DAO may refuse to carry out, or finish, the examination until the person produces the evidence.

67.175 Medical certificates — application

A person may apply to CASA for the issue of a medical certificate.

67.180 Medical certificates — issue and refusal

- (1) Subject to this regulation, on receiving an application under regulation 67.175, CASA must issue a medical certificate to the applicant only if:
 - (a) the applicant meets the requirements of subregulation (2); or
 - (b) if subregulation (3) applies to the applicant — CASA is satisfied that issuing the medical certificate to the applicant will not adversely affect the safety of air navigation.

- (2) For paragraph (1) (a), the requirements are:
- (a) the applicant has undergone any relevant examinations that, in the opinion of CASA, are necessary in the particular case; and
 - (b) each relevant examination has been carried out by an examiner to whom subregulation (4) applies; and
 - (c) for each relevant examination, the applicant answers every question asked by the examiner that the examiner considers necessary to help CASA to decide whether the applicant meets the relevant medical standard; and
 - (d) subject to subregulation (5), the applicant authorises the disclosure to CASA and the examiner of any information about the applicant that may help CASA to decide whether the applicant meets the relevant medical standard, being information that is held by a person, organisation, body or authority referred to in subregulation (6); and
 - (e) either:
 - (i) the applicant meets the relevant medical standard; or
 - (ii) if the applicant does not meet that medical standard — the extent to which he or she does not meet the standard is not likely to endanger the safety of air navigation; and
 - (f) if, in addition to any relevant examinations that the applicant has undergone under paragraph (a), CASA has directed the applicant to undergo an examination under subregulation 67.165 (1):
 - (i) the applicant has undergone that examination; and
 - (ii) having taken into account the result of the examination, CASA is satisfied that issuing a medical certificate to the applicant would not endanger the safety of air navigation.

Note 1 The routine examinations that an applicant for the issue of a medical certificate must undergo to establish whether he or she meets the relevant medical standard for the certificate are those set out in the Designated Aviation Medical Examiner's Handbook.

Note 2 Part VIIC of the *Crimes Act 1914* operates to prevent any requirement to disclose a spent conviction. For details, see that Part.

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Note 3 A false statement in relation to the issue of a certificate is an offence punishable by imprisonment for 12 months — see the *Criminal Code*, section 137.1.

Note 4 A person may not meet any of the medical standards if the person has a history of ‘problematic use of substances’ — see items 1.5 and 1.6 of table 67.150, items 2.5 and 2.6 of table 67.155 and items 3.5 and 3.6 of table 67.160.

Note 5 For the period for which a medical certificate remains in force, see regulation 67.205.

- (3) This subregulation applies to an applicant:
- (a) whose medical certificate (the *old certificate*) has expired; and
 - (b) who:
 - (i) applies to CASA for the issue of a new medical certificate within 3 months after the old certificate expired; and
 - (ii) in the opinion of CASA, is not required to undergo any relevant examinations for the issue of the new certificate.

Note If a medical certificate is issued to an applicant referred to in subregulation (3), the medical certificate remains in force for the period (which must not be longer than 2 months) set out in the certificate — see subregulation 67.205 (4).

- (4) This subregulation applies to the following persons:
- (a) a DAME;
 - (b) a DAO;
 - (c) a specialist medical practitioner, or any other medical practitioner, who CASA has directed may carry out medical examinations for the purposes of subregulation (2);
 - (d) if CASA has directed that the applicant be assessed by a specialist psychiatrist or clinical psychologist — the psychiatrist or psychologist who carried out the assessment;
 - (e) if CASA has directed that the applicant be assessed by an audiologist, optometrist, orthoptist, orthotist, occupational therapist, specialist prosthetist, or similar practitioner — the practitioner who carried out the assessment;

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- (f) if CASA has directed that the applicant be assessed by a person (not necessarily a medical practitioner) expert in the safe performance of the particular activity in respect of which the medical certificate is sought — the person who carried out the assessment.
- (5) An authorisation under paragraph (2) (d) does not require a person, organisation, body or authority to disclose:
- (a) information that was collected for use as evidence in a legal proceeding, and has not been tendered or admitted as evidence in a court; or
 - (b) information that could not, because of Part 3.10 of the *Evidence Act 1995*, be given in evidence in a proceeding to which that Part applies.
- Note* Part 3.10 of the *Evidence Act 1995* is about: client legal privilege; religious confessions; self-incrimination in other proceedings; and evidence excluded in the public interest. For details, see that Act.
- (6) For paragraph (2) (d), the persons, organisations, bodies or authorities are as follows:
- (a) a medical practitioner;
 - (b) any other person or organisation (including a hospital) that has made a physical, psychological or psychiatric examination of the applicant;
 - (c) any other person or organisation (including a hospital) that has treated the applicant for a medically significant condition;
 - (d) an employer (including a former employer) of the applicant;
 - (e) any other person, organisation, body or authority (including a police force or police service and, subject to Part VIIC of the *Crimes Act 1914*, a court) that holds information of the kind referred to in paragraph (2) (d).
- (7) CASA must not issue a medical certificate to an applicant if it is satisfied that the applicant:
- (a) has knowingly or recklessly made a false or misleading statement in relation to the application for the medical certificate; or
 - (b) does not satisfy the requirements of this regulation; or

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- (c) has not, in the course of undergoing a relevant examination for the medical certificate, complied with a request made under subregulation 67.170 (1).
- (8) A medical certificate issued to an applicant who does not meet the relevant medical standard for the issue of the certificate, or to whom subparagraph (2) (f) (ii) applies, must bear a note of that fact.
- (9) The fact that an applicant who does not meet the relevant medical standard in all respects has previously been issued with a medical certificate under subparagraph (2) (e) (ii) or (f) (ii), or a special medical certificate (within the meaning of Part 6 of CAR), does not automatically entitle him or her to the issue of a further such medical certificate.

67.185 Notice of decision to refuse medical certificate

- (1) If CASA refuses to issue a medical certificate to a person, it must tell the person, in writing, of the refusal, and of:
 - (a) the reasons for not issuing the certificate; and
 - (b) if the reason was that the person failed to meet the relevant medical standard, the respects in which he or she did not meet the standard.
- (2) Failure to comply with subregulation (1) in relation to a decision does not affect the validity of the decision.

67.190 Reconsideration of decision to refuse medical certificate

- (1) A person to whom CASA has refused to issue a medical certificate, or to whom CASA has issued a medical certificate subject to a condition not sought by the person, may apply to CASA in writing for reconsideration of the decision.
- (2) The application must be made within 21 days after the day when the person is told by CASA, in writing, that it:
 - (a) has refused to issue a medical certificate to the person; or
 - (b) has issued a medical certificate subject to a condition not sought by the person.

- (3) The reconsideration of an application submitted to CASA must not be carried out solely by the CASA officer who made the decision being reconsidered.

Note A refusal to issue a medical certificate is reviewable by the Administrative Appeals Tribunal — see the Act, section 31 and regulation 201.004.

67.195 Medical certificate — conditions

- (1) CASA may issue a medical certificate to a person subject to any condition that is necessary in the interests of the safety of air navigation, having regard to the medical condition of the person.
- (2) In particular, CASA may issue a medical certificate subject to a condition that the period during which the certificate remains in force may be extended only by CASA.
- (3) A person must not contravene a condition subject to which his or her medical certificate is issued.

Penalty: 50 penalty units.

- (4) An offence against subregulation (3) is an offence of strict liability.
- (5) A condition to which a medical certificate is subject must be set out in the certificate.

67.200 Conditions applicable to certain medical certificates — correcting lenses

- (1) In addition to any other condition imposed by or under this Part, a medical certificate issued to a person who needs correcting lenses to satisfy the requirements of item 1.36 of table 67.150, item 2.36 of table 67.155 or item 3.34 of table 67.160 is subject to the conditions set out in subregulations (2) and (4).
- (2) The person must have those correcting lenses available for use while exercising the privileges of a licence for which the certificate is required.

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- (3) If the person is the holder of, or an applicant for, a licence for which he or she is required to meet medical standard 1 or 2, the correcting lenses may be a pair of spectacles or a combination of contact lenses and a pair of spectacles.
- (4) A person to whom subregulation (3) applies must have within reach, while he or she is performing duties essential to the operation of an Australian aircraft during flight time, a spare pair of spectacles for each pair of correcting lenses that he or she requires to meet the relevant medical standard.
- (5) The holder of a medical certificate that is subject to a condition set out in subregulation (2) or (4) must not contravene the condition.

Penalty: 50 penalty units.
- (6) An offence against subregulation (5) is an offence of strict liability.

67.205 Medical certificates — period in force

- (1) In this regulation:
appropriate day means:
 - (a) for a medical certificate issued to a person who:
 - (i) has never held a medical certificate, or a person who has previously held a medical certificate that has expired; and
 - (ii) has undergone any relevant examinations required for the purpose of the issue of the certificate;the day when the last relevant examination is completed; and
 - (b) for a new medical certificate issued to a person:
 - (i) who holds a medical certificate that is in force (the *current certificate*); and
 - (ii) who has undergone any relevant examinations required for the purpose of the issue of the new certificate; and
 - (iii) whose last relevant examination is completed more than 28 days before his or her current certificate is due to expire;

the day when the examination is completed; and

(c) for a new medical certificate issued to a person:

- (i) who holds a medical certificate that is in force (the ***current certificate***); and
- (ii) who has undergone any relevant examinations required for the purpose of the issue of the new certificate; and
- (iii) whose last relevant examination is completed 28 or fewer days before his or her current certificate is due to expire;

the day when the current certificate is due to expire.

Examples

1. A person who has never held a medical certificate has an examination for the issue of a medical certificate on 1 January 2003. The appropriate day for the certificate is 1 January 2003.
2. A person who holds a medical certificate that is due to expire on 1 January 2004 has an examination for a new certificate on 1 November 2003. The appropriate day for the new certificate is 1 November 2003.
3. A person who holds a medical certificate that is due to expire on 1 January 2004 has an examination for a new certificate on 20 December 2003. The appropriate day for the new certificate is 1 January 2004.
4. A person who held a medical certificate that expired on 1 January 2003 has an examination for a new certificate on 1 March 2003. The appropriate day for the new certificate is 1 March 2003.

(2) A medical certificate comes into force:

- (a) if the holder has undergone any relevant examinations required for the purpose of the issue of the certificate and complies with the relevant medical standard in all respects — on the certificate's appropriate day; or
- (b) in any other case — on the day when the certificate is issued.

(3) Subject to subregulation (6) and regulations 67.215 and 67.220, a medical certificate issued by CASA to a person who has undergone any relevant examinations required for the purpose of the issue of the certificate remains in force for the period set out in the certificate, being a period of not more than:

- (a) in the case of a class 1 medical certificate — 1 year after the day when the certificate comes into force; and

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- (b) in the case of a class 2 medical certificate:
 - (i) if the person is less than 40 years old when the certificate is issued to him or her — 4 years after the day when the certificate comes into force; or
 - (ii) if the person is 40 years old or older when the certificate is issued to him or her — 2 years after the day when the certificate comes into force; and
- (c) in the case of a class 3 medical certificate — 2 years after the day when the certificate comes into force.
- (4) Subject to subregulation (6) and regulations 67.215 and 67.220, a medical certificate issued by CASA to a person who has not been required to undergo any relevant examinations for the purpose of the issue of the certificate remains in force for the period (which must not be longer than 2 months) set out in the certificate.
- (5) Subject to subregulation (6), a medical certificate issued by a DAME remains in force for the period (which must not be longer than 2 months) set out in the certificate.
- (6) If a new medical certificate is issued to a person who holds a current medical certificate, and the new certificate comes into force before the current certificate is due to expire, the current certificate ceases to be in force at the last moment of the day before the day when the new certificate comes into force.

67.210 Medical certificates — application for extension of period in force

- (1) The holder of a current medical certificate issued by CASA may apply for an extension of the period during which the medical certificate remains in force.
- (2) The application may be made to:
 - (a) CASA; or
 - (b) if the certificate is not subject to a condition to the effect that the period during which the certificate remains in force may be extended only by CASA — a DAME.

67.215 Medical certificates — extension of period in force by CASA

- (1) If, on receiving an application under regulation 67.210 for an extension of the period during which a current medical certificate remains in force, CASA is satisfied that extending the period will not adversely affect the safety of air navigation, CASA may extend the period by:
 - (a) entering the period of the extension on the certificate; or
 - (b) giving to the holder of the certificate a written notice setting out the period of the extension.
- (2) An extension by CASA of the period during which the certificate remains in force must not be for longer than 1 year after the day when the certificate would expire if the period had not been extended.

67.220 Medical certificates — extension of period in force by DAMEs

- (1) A DAME must, on receiving an application under regulation 67.210 for an extension of the period during which a current medical certificate remains in force:
 - (a) deal with the application in accordance with the Designated Aviation Medical Examiner's Handbook; and
 - (b) extend the period only if the DAME is satisfied that this will not adversely affect the safety of air navigation.
- (2) If the DAME extends the period during which a medical certificate remains in force, the DAME must:
 - (a) enter the period of the extension on the certificate; or
 - (b) give to the holder of the certificate a written notice setting out the period of the extension.
- (3) A medical certificate may be extended by a DAME only once.
- (4) An extension by a DAME of the period during which the certificate remains in force must not be for longer than 2 months after the day when the certificate would expire if the period had not been extended.

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67.225 Medical certificates — new medical certificates issued by DAMEs

- (1) A person whose medical certificate has expired may apply to a DAME for the issue of a medical certificate under this regulation if the medical certificate:
 - (a) was issued by CASA; and
 - (b) was not subject to a condition that the period during which the certificate remains in force may be extended only by CASA.
 - (2) An application must be made within 3 months after the medical certificate has expired.
 - (3) On receiving an application under subregulation (1), a DAME must:
 - (a) deal with it in accordance with the Designated Aviation Medical Examiner's Handbook; and
 - (b) subject to this regulation, issue a new medical certificate to the applicant only if satisfied that:
 - (i) the applicant has, subject to subregulation (5), authorised the disclosure of his or her medical information to the DAME, being information that is held by a person, organisation, body or authority referred to in subregulation (6); and
 - (ii) issuing the medical certificate to the applicant will not adversely affect the safety of air navigation.
- Note* If a medical certificate is issued to a person by a DAME, the medical certificate remains in force for the period (which must not be longer than 2 months) set out in the certificate — see subregulation 67.205 (5).
- (4) The DAME must not issue a medical certificate to the applicant if the DAME is satisfied that the applicant:
 - (a) has knowingly or recklessly made a false or misleading statement in relation to the application for the medical certificate; or
 - (b) does not satisfy the requirements of this regulation; or
 - (c) has not, in the course of undergoing a relevant examination for the medical certificate, complied with a request made under subregulation 67.170 (1).

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- (5) An authorisation under subparagraph (3) (b) (i) does not require a person, organisation, body or authority to disclose:
- (a) information that was collected for use as evidence in a legal proceeding, and has not been tendered or admitted as evidence in a court; or
 - (b) information that could not, because of Part 3.10 of the *Evidence Act 1995*, be given in evidence in a proceeding to which that Part applies.

Note Part 3.10 of the *Evidence Act 1995* is about: client legal privilege; religious confessions; self-incrimination in other proceedings; and evidence excluded in the public interest. For details, see that Act.

- (6) For subparagraph (3) (b) (i), the persons, organisations, bodies or authorities are as follows:
- (a) a medical practitioner;
 - (b) any other person or organisation (including a hospital) that has made a physical, psychological or psychiatric examination of the applicant;
 - (c) any other person or organisation (including a hospital) that has treated the applicant for a medically significant condition;
 - (d) an employer (including a former employer) of the applicant;
 - (e) any other person, organisation, body or authority (including a police force or police service and, subject to Part VIIC of the *Crimes Act 1914*, a court) that holds information of the kind referred to in subparagraph (3) (b) (i).

67.230 CASA may require medical examination of certificate holders

- (1) If it is necessary, in the interests of the safety of air navigation, for the holder of a medical certificate to demonstrate:
- (a) that he or she continues to meet the relevant medical standard; or
 - (b) that holding the certificate does not adversely affect the safety of air navigation;

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CASA may direct the holder to do any 1 or more of the following:

- (c) submit to an examination carried out by a medical practitioner, specialist psychiatrist, clinical psychologist, audiologist, optometrist, orthoptist, orthotist, occupational therapist, specialist prosthetist or a practitioner of another kind specified in the direction;
 - (d) submit to an examination or test by a person (not necessarily a medical practitioner) expert in the safe performance of the particular activity to which the medical certificate relates;
 - (e) authorise the disclosure to CASA of any information about the holder, held by a person, organisation, body or authority referred to in subregulation (4), that may help CASA to decide whether:
 - (i) the holder continues to meet that medical standard; or
 - (ii) the holder's holding the certificate may adversely affect the safety of air navigation.
- (2) For paragraph (1) (c), CASA may nominate a particular practitioner, of a kind mentioned or referred to in that paragraph, who is to carry out the examination.
- (3) For paragraph (1) (d), CASA may nominate a particular person who is expert in the performance of the activity concerned to carry out the examination.
- (4) For paragraph (1) (e), the persons, organisations, bodies and authorities are as follows:
- (a) a medical practitioner, specialist psychiatrist, clinical psychologist, audiologist, optometrist, orthoptist, orthotist, occupational therapist, specialist prosthetist or similar practitioner who has examined or treated the holder;
 - (b) any other person or organisation (including a hospital) that has made a physical, psychological or psychiatric examination of the holder;
 - (c) any other person or organisation (including a hospital) that has treated the holder for a medically significant condition;
 - (d) an employer (including a former employer) of the holder;

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- (e) any other person, organisation, body or authority (including a police force or police service and, subject to Part VIIC of the *Crimes Act 1914*, a court) that holds information relevant to deciding whether the person's holding the certificate may adversely affect the safety of air navigation.

67.235 Suspension of medical certificates — pregnancy

- (1) A medical certificate held by a pregnant woman who holds, or is an applicant for, a licence is taken to be suspended:
 - (a) during the period beginning immediately after the end of the 30th week of gestation and ending when a DAME certifies that she is fully recovered following delivery or the termination of the pregnancy; or
 - (b) if in a particular case CASA directs in writing that a different period should apply — during the period so directed by CASA; or
 - (c) if, before the start of the period mentioned in paragraph (a), the pregnancy ends in miscarriage or premature labour, or is terminated by medical intervention — from the time of the miscarriage, premature labour or intervention until a DAME certifies that the woman is fully recovered.

Note This regulation does not preclude a pilot who is pregnant from undertaking or receiving instruction in a flight simulator at any stage of the pilot's pregnancy.

- (2) Despite subregulation (1), a pregnant woman who holds an air traffic controller licence may continue to exercise the privileges of the licence until the end of the 38th week of gestation if:
 - (a) the medical practitioner who is attending the woman certifies her continued medical fitness to do so each week beginning at the 31st week of gestation; and
 - (b) a DAME certifies the woman's continuing fitness to do so each week beginning at the 31st week of gestation; and
 - (c) another person who holds an air traffic controller licence, and is medically fit and able to take over responsibility for

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the function, is on duty and available at the times when she does so.

67.240 Medical certificates — suspension pending examination

- (1) If CASA directs the holder of a medical certificate to submit to an examination under regulation 67.230, or to authorise the disclosure of information to CASA under that regulation, CASA may, in writing, suspend the medical certificate.
- (2) If CASA suspends a medical certificate, CASA must give the holder of the certificate written notice of the suspension and of the reasons for the suspension.
- (3) A suspension of a medical certificate takes effect when the holder of the certificate is told of the suspension, either orally or in writing.
- (4) If:
 - (a) CASA suspends a medical certificate; and
 - (b) the holder of the certificate submits to an examination or test directed by CASA, or authorises the disclosure of information to CASA; and
 - (c) the examination, test or information shows that:
 - (i) the holder meets the relevant medical standard; and
 - (ii) the continued holding of the certificate by the holder will not adversely affect the safety of air navigation;CASA must:
 - (d) end the suspension; and
 - (e) tell the holder in writing that the suspension has ended.
- (5) If:
 - (a) CASA suspends a medical certificate; and
 - (b) the holder of the certificate submits to an examination or test directed by CASA, or authorises the disclosure of information to CASA; and
 - (c) the examination, test or information shows either or both of the following:

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- (i) the holder fails to meet the relevant medical standard;
- (ii) the continued holding of the certificate by the holder will adversely affect the safety of air navigation;

CASA must tell the holder in writing the respect in which the holder does not meet the medical standard.

67.245 Suspension of medical certificates — special arrangements for service in urgent cases

- (1) If there is reason to believe in a particular case that:
 - (a) the holding of a medical certificate by a person may seriously and adversely affect the safety of air navigation; and
 - (b) it is necessary, in the interests of the safety of air navigation, to suspend the certificate immediately; and
 - (c) the person is likely to attempt to evade service on him or her of the notice of suspension;

CASA may give the notice to the person in any way by which it is likely to be quickly brought to the person's attention.

- (2) In particular, if no other method of giving the notice is practicable in the circumstances, the notice may be given by fixing it in a prominent position to an aircraft that the person is likely to fly.
- (3) A notice that is fixed to an aircraft is taken to have been given to the person at the time it is fixed to the aircraft.

67.250 Medical certificates — effect of suspension

If CASA suspends a medical certificate, its holder is taken not to be the holder of a medical certificate during the period of the suspension.

67.255 Medical certificates — cancellation if medical standard not met

- (1) If, after undergoing an examination for the purposes of regulation 67.180 or under regulation 67.230, the holder of a medical certificate fails to meet the relevant medical standard

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for the certificate (or, in the case of a person who did not, at the time the certificate was issued, meet the standard in all respects, fails to meet the standard in an additional respect), CASA must:

- (a) by written notice given to the holder, cancel the certificate; and
 - (b) if CASA is satisfied that the holding of a medical certificate by the holder will not adversely affect the safety of air navigation — issue to the holder a medical certificate that is subject to any conditions that are necessary in the interests of the safety of air navigation.
- (2) CASA must include in the notice the reasons for the holder's failure to meet the relevant medical standard.

67.260 Medical certificates — cancellation and suspension in other cases

- (1) CASA may, by written notice given to the holder of a medical certificate, cancel the certificate, or suspend it for a specified period, if there are reasonable grounds for believing that the holder:
 - (a) has contravened a condition to which the certificate is subject; or
 - (b) has contravened subregulation 67.265 (3) or (4); or
 - (c) has failed to comply with a direction under regulation 67.230.
- (2) A notice must set out the grounds for the cancellation or suspension.
- (3) Before cancelling or suspending a medical certificate, CASA must:
 - (a) give a show cause notice to the holder of the certificate of the facts and circumstances that, in the opinion of CASA, justify consideration being given to the cancellation or suspension of the certificate; and
 - (b) allow the holder to show cause (within the time CASA sets out in that notice, being a period of not less than 14 days after the notice was given), why the certificate should not be cancelled or suspended.

Subpart 67.D Responsibilities of medical certificate holders

67.265 Obligation to tell CASA of changes in medical condition

- (1) In this regulation:
licence means a licence of any of the following kinds:
 - (a) flight crew licence;
 - (b) special pilot licence;
 - (c) flight radiotelephone licence;
 - (d) air traffic controller licence.
- (2) In this regulation, a reference to a DAME includes, in relation to a medically significant condition that affects a person's vision, a DAO.
- (3) If:
 - (a) the holder of a class 1 medical certificate and a licence:
 - (i) knows that he or she has a medically significant condition; and
 - (ii) is reckless as to whether the condition has been disclosed to CASA; and
 - (b) the condition continues for longer than 7 days; and
 - (c) the condition has the result that his or her ability to do an act authorised by the licence is impaired;he or she must tell CASA or a DAME about the condition as soon as practicable after the end of the 7 days.

Penalty: 50 penalty units.
- (4) If:
 - (a) the holder of a class 2 or class 3 medical certificate and a licence:
 - (i) knows that he or she has a medically significant condition; and
 - (ii) is reckless as to whether the condition has been disclosed to CASA; and
 - (b) the condition continues for longer than 30 days; and

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- (c) the condition has the result that his or her ability to do an act authorised by the licence is impaired;

he or she must tell CASA or a DAME about the condition as soon as practicable after the end of the 30 days.

Penalty: 50 penalty units.

- (5) If the holder of a medical certificate and a licence:

- (a) knows that he or she has a medically significant condition; and
- (b) is reckless as to whether the condition has been disclosed to CASA; and
- (c) the condition has the result that his or her ability to do an act authorised by the licence is impaired;

he or she must not do the act until a DAME certifies that the holder can safely do such acts.

Penalty: 50 penalty units.

Note If the holder of a medical certificate tells a DAME about a medically significant condition, and the condition is safety-relevant, the DAME must tell CASA in writing of that fact within 5 working days — see regulation 67.125.

- (6) It is a defence to a prosecution under subregulation (5) that, in the circumstances, the relevant act was a reasonable measure to save life (including the holder's own life) or avoid damage to property.

67.270 Offence — doing act while efficiency impaired

- (1) This regulation applies in relation to a licence of any of the following kinds:
 - (a) flight crew licence;
 - (b) special pilot licence;
 - (c) flight radiotelephone licence;
 - (d) air traffic controller licence.
- (2) The holder of the licence must not do an act authorised by the licence if at the time:
 - (a) he or she knows that he or she has a medically significant condition; and

Part 71 Airspace

Note This Part heading is reserved for future use.

Part 90 Additional airworthiness standards

Note This Part heading is reserved for future use.

Part 91 General operating and flight rules

Note *This Part is made up as follows:*

Subpart 91.A	Applicability and definitions
91.005	Applicability
Subpart 91.D	Operational procedures
91.830	Reduced vertical separation minimum (RVSM) operations
91.850	Required navigation performance (RNP) operations
91.865	Basic area navigation (B-RNAV) operations
91.870	Precision area navigation (P-RNAV) operations
91.875	Minimum navigation performance specification (MNPS) operations
91.880	Australian area navigation (AUSEP) operations
91.885	Navigation trial operations
91.890	Area navigation (RNAV) operations
Subpart 91.U	Navigation authorisations
Division 91.U.1	Preliminary
91.5000	Applicability
91.5005	Definition for this Subpart
91.5010	Issue of Manual of Standards
91.5015	How long navigation authorisations remain in force
91.5020	Contravention of conditions of navigation authorisations
91.5025	Removal of aircraft from navigation authorisations — holder ceasing to operate aircraft
91.5030	Aircraft allotted new registration marks
Division 91.U.2	RVSM airworthiness authorisation
Division 91.U.3	RVSM operational authorisation
Division 91.U.4	RNP operational authorisation
91.5150	RNP types
91.5155	Applications for RNP operational authorisation
91.5160	Criteria for grant of RNP operational authorisations
91.5165	RNP operational authorisations
91.5170	Conditions on RNP operational authorisations
Division 91.U.5	B-RNAV operational authorisation
Division 91.U.6	P-RNAV operational authorisation

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Division 91.U.7	MNPS operational authorisation
Division 91.U.8	AUSEP operational authorisation
Division 91.U.9	Navigation trial operational authorisation
Division 91.U.10	RNAV operational authorisation

Subpart 91.A Applicability and definitions

91.005 Applicability

- (1) This Part applies to:
- (a) the operation of Australian civil aircraft operating in or outside Australian territory; and
 - (b) the operation of a foreign registered civil aircraft flying into or out of, or operating in, Australian territory.

Note Each Subpart has its own applicability provision to describe its subject-matter.

- (2) In spite of paragraph (1) (a):
- (a) Annex 2, *Rules of the Air*, to the Chicago Convention applies to the operation of an Australian civil aircraft over the high seas; and
 - (b) the rules of a foreign State relating to the flight and manoeuvre of aircraft apply to the operation of an Australian civil aircraft in that State; and
 - (c) subject to any contrary intention in another provision of this Part, a requirement of this Part applies in the circumstances referred to in paragraph (b) if it is not inconsistent with, or is more stringent than, the corresponding requirement of the law of the foreign State.

Subpart 91.D Operational procedures

91.830 Reduced vertical separation minimum (RVSM) operations

Note This regulation heading is reserved for future use. For the rules presently applying to such operations, see regulations 181A to 181X of CAR.

91.850 Required navigation performance (RNP) operations

- (1) The operator of an aircraft must not permit it to start a flight during which it may operate in an RNP operation unless:
 - (a) a flight plan for the flight has been submitted to air traffic services; and
 - (b) the flight plan complies with regulation 241 of CAR so far as those requirements apply to the operation.

Penalty: 25 penalty units.

- (2) In this regulation:

RNP operation means an aircraft operation of a kind for which the airspace or route design or aircraft separation minima for the operation are based on an RNP type.

Note An operator who does not hold an RNP operational authorisation will not necessarily be excluded by air traffic services from airspace in which the route design, route spacing and aircraft separation minima are based on an RNP type. However, such an operator would not be given the separation minima that would be given to an operator who holds an RNP operational authorisation.

91.865 Basic area navigation (B-RNAV) operations

Note This regulation heading is reserved for future use.

91.870 Precision area navigation (P-RNAV) operations

Note This regulation heading is reserved for future use.

91.875 Minimum navigation performance specification (MNPS) operations

Note This regulation heading is reserved for future use.

91.880 Australian area navigation (AUSEP) operations

Note This regulation heading is reserved for future use.

91.885 Navigation trial operations

Note This regulation heading is reserved for future use.

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91.890 Area navigation (RNAV) operations

Note This regulation heading is reserved for future use.

Subpart 91.U Navigation authorisations

Division 91.U.1 Preliminary

91.5000 Applicability

- (1) This Subpart applies in relation to navigation authorisations held by Australian operators.
- (2) This Subpart sets out the administrative processes to be followed by CASA and applicants, and the technical, training, operational and monitoring standards that form the basis of the navigation authorisations.

91.5005 Definition for this Subpart

In this Subpart:

Australian operator means an operator whose principal place of business, or whose place of permanent residence, is in Australian territory.

MOS Subpart 91.U means the manual known as *Manual of Standards — Subpart 91.U*, as issued by CASA from time to time.

navigation authorisation means an RNP operational authorisation (within the meaning given by subregulation 91.5155 (1)).

Note In future it is intended that the definition will be expanded to cover other kinds of navigation authorisation (such as RVSM approvals, which are presently dealt with in Division 5 of Part 12 of CAR).

91.5010 Issue of Manual of Standards

CASA may issue a Manual of Standards for this Subpart that provides for the following matters:

- (a) equipment requirements;
- (b) training requirements;

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- (c) continuing airworthiness;
- (d) operating procedures;
- (e) reporting of navigation or system errors;
- (f) any other matter required or permitted by this Subpart to be provided for by the Manual of Standards;
- (g) any matter necessary or convenient to be provided for the effective operation of this Subpart.

Note 1 A Manual of Standards is a legislative instrument for the purposes of the Legislative Instruments Act 2003: see paragraph 6 (d) of that Act and subsections 98 (5A) and (5B) of the Civil Aviation Act 1988.

Note 2 Subpart 11.J sets out procedures for the issue, amendment and revocation of a Manual of Standards.

91.5015 How long navigation authorisations remain in force

- (1) Subject to subregulation (2), a navigation authorisation remains in force unless it is cancelled.
- (2) A navigation authorisation is not in force during any period in which it is suspended.

91.5020 Contravention of conditions of navigation authorisations

- (1) The holder of a navigation authorisation must not contravene a condition of the authorisation.

Penalty: 25 penalty units.
- (2) An offence against subregulation (1) is an offence of strict liability.

91.5025 Removal of aircraft from navigation authorisations — holder ceasing to operate aircraft

- (1) If the holder of a navigation authorisation ceases to be the operator of an aircraft covered by the authorisation, the holder must notify CASA, in writing, within 14 days after ceasing to be the operator.

Penalty: 5 penalty units.

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- (2) An offence against subregulation (1) is an offence of strict liability.
- (3) After receiving a notice under subregulation (1), CASA must:
 - (a) cancel the navigation authorisation; and
 - (b) if any other aircraft is or are covered by the authorisation, give the holder a new navigation authorisation covering the remaining aircraft.
- (4) CASA must give the holder written notice of the cancellation, and the new authorisation (if any), setting out:
 - (a) the date of the cancellation; and
 - (b) any other information CASA thinks should be included.
- (5) A new navigation authorisation given under paragraph (3) (b) takes effect on the cancellation of the replaced authorisation.

91.5030 Aircraft allotted new registration marks

If a navigation authorisation identifies an Australian aircraft by reference to its registration mark, but that registration mark has been replaced with a new one, the reference in the authorisation to the old registration mark is taken to be a reference to the new registration mark.

Note A navigation authorisation identifies an aircraft by both its serial number and its registration mark — see paragraph 91.5165 (d).

Division 91.U.2 RVSM airworthiness authorisation

Note This Division is reserved for future use.

Division 91.U.3 RVSM operational authorisation

Note This Division is reserved for future use.

Division 91.U.4 RNP operational authorisation

Note **RNP** means required navigation performance. An **RNP type** is a level of navigation performance accuracy expressed as a distance, in nautical miles.

91.5150 RNP types

There are the following RNP types:

- (a) RNP 4;
- (b) RNP 10.

Note The number in an RNP type is the level of navigation performance accuracy for the type, in nautical miles. Hence, RNP 4 requires a navigation performance accuracy of 4 nautical miles.

91.5155 Applications for RNP operational authorisation

- (1) An ***RNP operational authorisation*** is an authorisation granted to an Australian operator by CASA certifying that the operator is qualified to operate a specified aircraft in a specified aircraft operation to which a specified RNP type applies.
- (2) An Australian operator may apply to CASA for the grant of an RNP operational authorisation.
- (3) The application:
 - (a) must be made in writing; and
 - (b) must specify the RNP type or types proposed to be covered by the authorisation; and
 - (c) must specify the aircraft, or each aircraft, proposed to be covered by the authorisation by reference to the aircraft's registration mark and serial number; and
 - (d) must contain, or be accompanied by:
 - (i) written information, in accordance with MOS Subpart 91.U, that shows whether each of those aircraft meets the standards referred to in paragraph 91.5160 (a); and
 - (ii) a written description, in accordance with MOS Subpart 91.U, of the training program proposed by the operator for the members of the operator's flight crew who would, if the authorisation were to be granted, operate any or all of the aircraft; and
 - (iii) a written description, in accordance with MOS Subpart 91.U, of the program proposed by the operator for the continued airworthiness of the aircraft; and

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- (iv) a written description, in accordance with MOS Subpart 91.U, of the operational procedures for operating the aircraft in aircraft operations of the kind for which the airspace or route spacing and separation minima are based on the RNP type, or an RNP type, for which the authorisation is sought; and
- (v) any other information required by MOS Subpart 91.U.

91.5160 Criteria for grant of RNP operational authorisations

For regulation 11.055, an applicant for an RNP operational authorisation must show that:

- (a) each aircraft proposed to be covered by the authorisation is equipped in accordance with the standards set out in MOS Subpart 91.U for equipment for aircraft operated under such an authorisation; and
- (b) the operator would, if the authorisation were to be granted, be able to comply with the conditions to which the authorisation would be subject.

91.5165 RNP operational authorisations

An RNP operational authorisation:

- (a) must contain a reference number by which it can be identified; and
- (b) must state the name of the operator and the date when it comes into force; and
- (c) must state the RNP type or types covered by it; and
- (d) must specify the aircraft, or each aircraft, covered by it by reference to the aircraft's registration mark and serial number; and
- (e) must set out any conditions imposed on the authorisation; and
- (f) may include any other information CASA thinks should be included.

91.5170 Conditions on RNP operational authorisations

In addition to any other conditions imposed by or under Part 11, an RNP operational authorisation is subject to the following conditions:

- (a) that the operator to which it is granted has, and complies with, a program for the continued airworthiness of each aircraft covered by the authorisation to ensure that it will continue to meet the standards for continued airworthiness set out in MOS Subpart 91.U;
- (b) that the operator has, for the members of the operator's flight crew who will operate the aircraft, a training program that complies with the standards for training programs set out in MOS Subpart 91.U;
- (c) that the operator has operating procedures for operating the aircraft in aircraft operations for which the airspace or route design and separation minima are based on an RNP type covered by the authorisation;
- (d) the aircraft's operator or pilot-in-command reports to CASA any navigation or system error of a type specified for that purpose in MOS Subpart 91.U.

Division 91.U.5 B-RNAV operational authorisation

Note This Division heading is reserved for future use.

Division 91.U.6 P-RNAV operational authorisation

Note This Division heading is reserved for future use.

Division 91.U.7 MNPS operational authorisation

Note This Division heading is reserved for future use.

Division 91.U.8 AUSEP operational authorisation

Note This Division heading is reserved for future use.

**Division 91.U.9 Navigation trial operational
authorisation**

Note This Division heading is reserved for future use.

Division 91.U.10 RNAV operational authorisation

Note This Division heading is reserved for future use.

Part 92 Consignment and carriage of dangerous goods by air

Note *This Part is made up as follows:*

Subpart 92.A	General
92.005	Applicability
92.010	Definitions for Part 92
92.015	What are dangerous goods?
Subpart 92.B	Conditions for carriage etc of dangerous goods
92.020	Compliance with Technical Instructions generally
92.025	Compliance with Technical Instructions — operators
92.030	Compliance with Technical Instructions — passengers and crew
92.035	Compliance with Technical Instructions — persons who consign dangerous goods
92.040	Commercial Australian aircraft operators — conditions for carriage of dangerous goods — dangerous goods manual
92.045	Dangerous goods manual — Australian aircraft operators
92.050	Commercial foreign aircraft operators — conditions to which carriage of dangerous goods is subject
92.055	Dangerous goods manual — requirements applicable to all operators
92.060	Directions relating to dangerous goods manuals
92.065	Commercial operators — reporting of dangerous goods incidents
92.070	Dangerous goods statement (Act s 23A)
92.075	Dangerous goods statement in reliance on statement already made
92.080	Exclusions from requirement about dangerous goods statement
Subpart 92.C	Training
92.085	Definitions for Subpart 92.C
92.090	Extended meaning of <i>every 2 years</i> for this Subpart
92.095	Training — certain employees of Australian aircraft operators
92.100	Training — certain employees of Australian ground handling agents

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92.105	Training — certain employees of Australian freight forwarders
92.110	Required standard of training for regulations 92.095, 92.100 and 92.105
92.115	Training — certain employees of screening authorities
92.120	Training — certain employees of shippers of dangerous goods
92.125	Training — certain employees of non-Australian operators
92.130	Training — Australian operators' employees outside Australia
92.135	Requirements for training course
92.140	Who may conduct training
92.145	Records about training — Australian operators etc
92.150	Transitional — training undertaken before commencement of this Subpart
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Subpart 92.D	Limitations on application of Subparts 92.B and 92.C
92.160	Aircraft operated by law enforcement authorities
92.165	Helicopter-slung loads
92.170	Cargo carried in main deck cargo compartments
92.175	Goods carried by private operators
92.180	Goods carried for parachute operations
92.185	Carriage of fuel in large containers
92.190	Goods for use in emergency services
92.195	Carriage of ammunition by air security officers
Subpart 92.E	Information to passengers
92.200	Information in passenger terminals
92.205	Information with tickets

Subpart 92.A General

92.005 Applicability

- (1) This Part applies in relation to the operation of:
 - (a) all Australian aircraft; and
 - (b) all foreign aircraft (other than state aircraft) operating in Australian territory.

(2) This Part sets out:

- (a) for section 23 of the Act — the conditions under which an aircraft may carry dangerous goods and a person may carry dangerous goods, or consign dangerous goods for carriage, on an aircraft; and
- (b) for section 23A of the Act — the requirements for the statement to be made in respect of cargo consigned for carriage on an aircraft; and
- (c) for section 23B of the Act — the requirements for training of persons involved in handling cargo carried or consigned for carriage on an aircraft.

92.010 Definitions for Part 92

(1) In this Part:

accept, used in relation to a package or consignment, has the same meaning as in the Technical Instructions.

Australian aircraft operator means an operator of an Australian aircraft.

commercial operator means an operator engaging in commercial air transport operations or commercial aerial work operations.

dangerous goods accident means an event involving dangerous goods that occurs in the course of the goods being carried, or consigned for carriage, on an aircraft and results in:

- (a) a fatal or serious injury to a person; or
- (b) serious damage to the aircraft or any cargo carried on the aircraft.

dangerous goods incident means an event (other than a dangerous goods accident) involving dangerous goods that occurs in the course of the goods being carried, or consigned for carriage, on an aircraft and that:

- (a) results in:
 - (i) the escape of smoke or flames from the container or package in which the goods are contained; or
 - (ii) breakage of the container or package in which the goods are contained; or

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- (iii) any escape of the goods or part of them from the container or package in which they are contained; or
- (iv) leakage of fluid or radiation from the container or package in which the goods are contained; or
- (b) seriously jeopardises, or is likely to seriously jeopardise, the aircraft or its occupants.

dangerous goods manual means a manual kept by an operator in accordance with regulation 92.045 or 92.050.

freight forwarder means a person who offers the service of arranging the transport of cargo by air.

ground handling agent means a person who performs, on behalf of an operator, the service of accepting, handling, loading, unloading, transferring or otherwise processing cargo, passengers or baggage.

shipment means shipment by air.

shipper of dangerous goods means a person who consigns dangerous goods for carriage on an aircraft.

Technical Instructions means, at a particular time, the edition that is valid at that time of the document entitled *Technical Instructions for the Safe Transport of Dangerous Goods by Air*, issued by the International Civil Aviation Organization.

Note 1 Each edition of the Technical Instructions states in its Introduction the dates between which it is valid. The edition for 2003–2004 of the Technical Instructions is valid from 1 March 2003 to 31 December 2004 or until the next edition becomes valid. The Technical Instructions are available (as a printed document only) from the ICAO's Document Sales Unit at:

ICAO, Document Sales Unit
999 University Street, Montreal, Quebec H3C 5H7
Canada
Telephone: (514) 954-8022
Fax: (514) 954-6769
E-mail: sales_unit@icao.int

Note 2 General industry practice is to follow the IATA Dangerous Goods Regulations, which are issued more frequently than the Technical Instructions. The requirements of the IATA Regulations are either the same as, or more stringent than, the requirements of the Technical Instructions. If that is so, compliance with the IATA Regulations will automatically result in compliance with the Technical Instructions.

- (2) An expression used in both this Part and the Technical Instructions has, unless the contrary intention appears, the same meaning in this Part as in the Technical Instructions.

92.015 What are dangerous goods?

For the purposes of subparagraph (b) (ii) of the definition of *dangerous goods* in subsection 23 (3) of the Act, the things specified in the Dangerous Goods List contained in the Technical Instructions are declared to be dangerous goods.

Note Explosives are dangerous goods whether or not they are mentioned in the Dangerous Goods List — see the Act, subsection 23 (3).

Subpart 92.B Conditions for carriage etc of dangerous goods

Note Subpart 92.D sets out certain exemptions from requirements of this Subpart.

92.020 Compliance with Technical Instructions generally

- (1) This regulation makes provision, for the purposes of subsections 23 (1), (2) and (2A) of the Act, about the carriage, and consignment for carriage, of dangerous goods on an aircraft.

Note Under subsections 23 (1), (2) and (2A) of the Act, an aircraft must not carry dangerous goods except in accordance with these Regulations.

- (2) Dangerous goods of a kind that, under the Technical Instructions, are forbidden for transport by air must not be consigned for carriage on an aircraft.

Note For details of where to obtain copies of the Technical Instructions, see the note following the definition of *Technical Instructions* in regulation 92.010.

- (3) Dangerous goods of a kind that, under the Technical Instructions, are forbidden for transport by air must not be carried on an aircraft.

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- (4) Dangerous goods of a kind that, under the Technical Instructions, are forbidden for transport by air on a passenger aircraft must not be consigned for carriage on a passenger aircraft.
- (5) Dangerous goods of a kind that, under the Technical Instructions, are forbidden for transport by air on a passenger aircraft must not be carried on a passenger aircraft.
- (6) Dangerous goods of a kind that, under the Technical Instructions, may be carried by air only in particular circumstances must not be consigned for carriage by air except in those circumstances.
- (7) Dangerous goods of a kind that, under the Technical Instructions, may be carried by air only in particular circumstances must not be carried by air except in those circumstances.

92.025 Compliance with Technical Instructions — operators

- (1) This regulation makes provision, for the purposes of subsections 23 (1), (2) and (2A) of the Act, about the carriage of dangerous goods on an aircraft.

Note Under subsections 23 (1), (2) and (2A) of the Act, an aircraft must not carry dangerous goods except in accordance with these Regulations.

- (2) It is a condition of the carriage of dangerous goods on an aircraft that the operator of the aircraft complies with:
 - (a) the requirements (if any) of the Technical Instructions limiting the quantity of such goods that may be carried on the aircraft; or
 - (b) the requirements of those Instructions concerning the following matters:
 - (i) the loading of the goods;
 - (ii) the separation of the goods from passengers, animals or other cargo on board the aircraft;
 - (iii) the replacement of lost, damaged or detached labels;
 - (iv) the labelling of unit load devices (such as containers or pallets) that contain the goods;

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- (v) segregation of the goods from other dangerous goods;
- (vi) acceptance procedures for the goods;
- (vii) dealing with undeliverable consignments;
- (viii) dealing with damaged packages;
- (ix) inspection of the aircraft or the goods;
- (x) decontamination of the aircraft;
- (xi) giving information to the aircraft's crew;
- (xii) action to be taken by the crew in an emergency;
- (xiii) giving information to an emergency service such as a fire service or police service;
- (xiv) documentation;
- (xv) providing notices and information.

Note This regulation creates a defence to the offences created by subsections 23 (2) and (2A) of the Act. A defendant charged with either of those offences bears an evidential burden in relation to the matters set out in this regulation — see subsection 13.3 (3) of the *Criminal Code*.

92.030 Compliance with Technical Instructions — passengers and crew

- (1) This regulation makes provision, for the purposes of subsections 23 (1), (2) and (2A) of the Act, about the carriage of dangerous goods on an aircraft by a person, whether a passenger or a member of the aircraft's crew.

Note Under subsections 23 (1), (2) and (2A) of the Act, dangerous goods must not be carried on an aircraft except in accordance with these Regulations.

- (2) Subject to subregulation (3), it is a condition of the carriage of dangerous goods on an aircraft by a person that the person complies with the requirements (if any) of the Technical Instructions:
- (a) concerning the type of dangerous goods that a person may carry on board an aircraft; or
 - (b) as to whether the dangerous goods may be carried in the person's carry-on baggage or in checked baggage; or
 - (c) limiting the quantity of such goods that may be carried on the aircraft, or in checked or carry-on baggage; or

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- (d) requiring the aircraft operator's approval before the goods are carried.

Note The relevant provisions of the Technical Instructions are set out at the end of this regulation.

- (3) A person who is a passenger is taken not to contravene the condition in subregulation (2) if the person carries dangerous goods in contravention of that condition, or carries such goods in a way that would, but for this subregulation, contravene that condition, if:
 - (a) the person carries the goods, or carries the goods in that way, in reliance on a statement, made by the operator or an employee of the operator, to the effect that the carriage of the goods, or the carriage of goods in that way, is permissible or does not contravene the Technical Instructions; and
 - (b) it is reasonable for the person to rely on that statement.

Note 1 This regulation creates a defence to the offences created by subsections 23 (2) and (2A) of the Act. A defendant charged with either of those offences bears an evidential burden in relation to the matters set out in this regulation — see subsection 13.3 (3) of the *Criminal Code*.

Note 2 Section 1.1 of the Technical Instructions, regarding dangerous goods carried by passengers or crew, is as follows:

1.1 DANGEROUS GOODS CARRIED BY PASSENGERS OR CREW

1.1.1 Except as otherwise provided in 1.1.2 below, dangerous goods must not be carried by passengers or crew members, either as or in carry-on baggage or checked baggage or on their person. Security type equipment such as attaché cases, cash boxes, cash bags, etc. incorporating dangerous goods, for example lithium batteries or pyrotechnic material, are totally forbidden; see entry in Table 3-1.

1.1.2 The provisions of these Instructions do not apply to the following when carried by passengers or crew members or in baggage, transported by the operator, that has been separated from its owner during transit (e.g. lost baggage or improperly routed baggage):

- a) when in retail packagings, alcoholic beverages containing more than 24 per cent but not more than 70 per cent alcohol by volume, in receptacles not exceeding 5 L, with a total net quantity per person of 5 L for such beverages;
Note.— Alcoholic beverages containing not more than 24 per cent alcohol by volume are not subject to any restrictions.
- b) non-radioactive medicinal or toilet articles (including aerosols). Also aerosols in Division 2.2, with no subsidiary risk, for sporting or home use in checked baggage only. The total net quantity of all such articles

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carried by each person must not exceed 2 kg or 2 L and the net quantity of each single article must not exceed 0.5 kg or 0.5 L. The term “medicinal or toilet articles (including aerosols)” is intended to include such items as hair sprays, perfumes, colognes and medicines containing alcohols;

- c) with the approval of the operator(s), small gaseous oxygen or air cylinders required for medical use;
- d) small carbon dioxide gas cylinders worn for the operation of mechanical limbs, also spare cylinders of a similar size if required to ensure an adequate supply for the duration of the journey;
- e) with the approval of the operator(s), as checked baggage only, securely boxed cartridges for sporting purposes, in Division 1.4S, in quantities not exceeding 5 kg gross mass per person for that person’s own use, excluding ammunition with explosive or incendiary projectiles. Allowances for more than one person must not be combined into one or more packages;
- f) dry ice in quantities not exceeding 2 kg per person, when used to pack perishables not subject to these Instructions, provided the package permits the release of carbon dioxide gas:
 - in carry-on baggage; or
 - with the approval of the operator(s), in checked baggage;
- g) safety matches or a lighter intended for use by an individual when carried on the person. However, lighters containing unabsorbed liquid fuel (other than liquefied gas), lighter fuel and lighter refills are not permitted on one’s person or in checked or carry-on baggage;
Note.— “Strike anywhere” matches are forbidden for air transport.
- h) radioisotopic cardiac pacemakers or other devices, including those powered by lithium batteries, implanted into a person, or radio-pharmaceuticals contained within the body of a person as the result of medical treatment;
- i) with the approval of the operator(s), wheelchairs or other battery-powered mobility aids with non-spillable batteries (see Packing Instruction 806 and Special Provision A67), as checked baggage provided the battery terminals are protected from short circuits and the battery is securely attached to the wheelchair or mobility aid;
- j) with the approval of the operator(s), wheelchairs or other battery-powered mobility aids with spillable batteries as checked baggage, provided that the wheelchair or mobility aid can be loaded, stowed, secured and unloaded always in an upright position and that the battery is disconnected, the battery terminals are protected from short circuits and the battery is securely attached to the wheelchair or mobility aid. If the wheelchair or mobility aid cannot be loaded, stowed, secured and unloaded always in an upright position, the battery must be removed and the wheelchair or mobility aid may then be carried as checked baggage without restriction. The removed battery must be carried in strong, rigid packagings as follows:

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these packagings must be leaktight, impervious to battery fluid and be protected against upset by securing to pallets or by securing them in cargo compartments using appropriate means of securement (other than by bracing with freight or baggage) such as by use of restraining straps, brackets or holders;

batteries must be protected against short circuits, secured upright in these packagings and surrounded by compatible absorbent material sufficient to absorb their total liquid contents; and

these packagings must be marked "Battery, wet, with wheelchair" or "Battery, wet, with mobility aid" and be labelled with a "Corrosive" label (Figure 5-21) and with a package orientation label (Figure 5-25).

The pilot-in-command must be informed of the location of a wheelchair or mobility aid with an installed battery or the location of a packed battery.

It is recommended that passengers make advance arrangements with each operator; also unless batteries are non-spillable they should be fitted, where feasible, with spill-resistant vent caps;

- k) hair curlers containing hydrocarbon gas, no more than one per person, provided that the safety cover is securely fitted over the heating element. Gas refills for such curlers must not be carried;
- l) with the approval of the operator(s), as carry-on baggage only, a mercurial barometer or mercurial thermometer carried by a representative of a government weather bureau or similar official agency. The barometer or thermometer must be packed in a strong outer packaging, having a sealed inner liner or a bag of strong leak-proof and puncture-resistant material impervious to mercury, which will prevent the escape of mercury from the package irrespective of its position. The pilot-in-command must be informed of the barometer or thermometer;
- m) with the approval of the operator(s), no more than two small carbon dioxide cylinders of carbon dioxide or another suitable gas in Division 2.2 per person fitted into a self-inflating life-jacket for inflation purposes, plus no more than two spare cartridges;
- n) with the approval of the operator(s), heat producing articles (i.e. battery-operated equipment such as underwater torches and soldering equipment which, if accidentally activated, will generate extreme heat and can cause fire) may be carried in carry-on baggage only. The heat producing component, or the energy source, must be removed so as to prevent unintentional functioning during transport;
- o) one small medical or clinical thermometer which contains mercury, for personal use, when in its protective case;
- p) with the approval of the operator(s), one avalanche rescue backpack per person equipped with a pyrotechnic trigger mechanism containing not more than 200 mg net of Division 1.4S and not more than 250 mg of compressed gas in Division 2.2. The backpack must be packed in such a

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manner that it cannot be accidentally activated. The airbags within the backpack must be fitted with pressure relief valves; and

- q) consumer electronic devices (watches, calculating machines, cameras, cellular phones, laptop computers, camcorders, etc.) containing lithium or lithium ion cells or batteries when carried by passengers or crew for personal use. Spare batteries must be individually protected so as to prevent short circuits and carried in carry-on baggage only. In addition, each spare battery must not exceed the following quantities:
 - for lithium metal or lithium alloy batteries, a lithium content of not more than 2 grams; or
 - for lithium ion batteries, an aggregate equivalent lithium content of not more than 8 grams.

Lithium ion batteries with an aggregate equivalent lithium content of more than 8 grams but not more than 25 grams may be carried in carry-on baggage if they are individually protected so as to prevent short circuits and are limited to two spare batteries per person.

92.035 Compliance with Technical Instructions — persons who consign dangerous goods

- (1) This regulation makes provision, for the purposes of subsections 23 (1), (2) and (2A) of the Act, about the consignment for carriage of dangerous goods on an aircraft.

Note Under subsections 23 (1), (2) and (2A) of the Act, dangerous goods must not be consigned for carriage on an aircraft except in accordance with these Regulations.

- (2) It is a condition of the consignment for carriage of dangerous goods on an aircraft that the consignor of the goods complies with the requirements of the Technical Instructions:
 - (a) concerning the classification of the goods; and
 - (b) limiting the quantity of such goods that may be carried in the one consignment; and
 - (c) concerning:
 - (i) the packing of the goods; and
 - (ii) the marking of the goods; and
 - (iii) the labelling of the goods; and
 - (iv) segregation of the goods from other dangerous goods; and
 - (v) the documentation for the goods; and
 - (vi) the provision of information about the goods; and

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- (vii) empty packaging.

Note This regulation creates a defence to the offences created by subsections 23 (2) and (2A) of the Act. A defendant charged with either of those offences bears an evidential burden in relation to the matters set out in this regulation — see subsection 13.3 (3) of the *Criminal Code*.

**92.040 Commercial Australian aircraft operators —
conditions for carriage of dangerous goods —
dangerous goods manual**

- (1) This regulation sets out, for the purposes of subsections 23 (1), (2) and (2A) of the Act, a condition of the carriage of dangerous goods on an aircraft.

Note Under subsections 23 (1), (2) and (2A) of the Act, dangerous goods must not be carried on an aircraft except in accordance with these Regulations.

- (2) A commercial Australian aircraft operator may carry dangerous goods (other than dangerous goods to which subregulation (3) applies) on an Australian aircraft operated by the operator, or permit such goods to be carried on such an aircraft, only if the operator:
- (a) has a dangerous goods manual in accordance with regulation 92.045; and
 - (b) complies with regulation 92.055.

Note This regulation creates a defence to the offences created by subsections 23 (2) and (2A) of the Act. A defendant charged with either of those offences bears an evidential burden in relation to the matters set out in this regulation — see subsection 13.3 (3) of the *Criminal Code*.

- (3) This subregulation applies to:
- (a) dangerous goods required to be carried on board the aircraft by a law in force in Australia (including the Civil Aviation Orders); and
 - (b) dangerous goods carried on board the aircraft for use or sale on the aircraft during a flight;
- but does not apply to any of the following kinds of dangerous goods:
- (c) goods of the operator intended as replacements for dangerous goods referred to in paragraph (a) or (b); or

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- (d) the operator's goods, of a kind referred to in paragraph (a) or (b), that have been removed for replacement;
- (e) dangerous goods permitted, under these Regulations, to be carried in passengers' checked baggage or carry-on baggage;
- (f) goods intended to be used to provide, during flight:
 - (i) medical aid to a patient; or
 - (ii) veterinary aid or a humane killer for an animal; or
 - (iii) aid in connection with search and rescue operations;
- (g) goods for dropping in connection with forestry, horticultural, or pollution-control activities.

92.045 Dangerous goods manual — Australian aircraft operators

- (1) An Australian aircraft operator's dangerous goods manual must:
 - (a) set out the procedures and instructions for the handling and carriage of dangerous goods on the operator's aircraft; or
 - (b) specify where those procedures and instructions can be found.
- (2) The operator must have, and must use, an appropriate amendment system to keep all the copies of the manual up-to-date.

92.050 Commercial foreign aircraft operators — conditions to which carriage of dangerous goods is subject

- (1) This regulation sets out, for the purposes of subsections 23 (1), (2) and (2A) of the Act, a condition of the carriage of dangerous goods on an aircraft.

Note Under subsections 23 (1), (2) and (2A) of the Act, dangerous goods must not be carried on an aircraft except in accordance with these Regulations.

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- (2) A commercial foreign aircraft operator may carry dangerous goods (other than goods required to be carried on board the aircraft by the law of the Contracting State in which the aircraft is registered, or goods carried on board the aircraft for use or sale during flight) on a foreign aircraft operated by the operator, or permit such goods to be carried on such an aircraft, only if the operator:
- (a) has a dangerous goods manual in accordance with:
 - (i) the Technical Instructions; or
 - (ii) if the law of the Contracting State in which the aircraft is registered imposes requirements about a dangerous goods manual — that law; and
 - (b) complies with regulation 92.055.

Note This regulation creates a defence to the offences created by subsections 23 (2) and (2A) of the Act. A defendant charged with either of those offences bears an evidential burden in relation to the matters set out in this regulation — see subsection 13.3 (3) of the *Criminal Code*.

92.055 Dangerous goods manual — requirements applicable to all operators

- (1) An operator's dangerous goods manual may be incorporated in the operator's operations manual or any other manual maintained by the operator that deals with the handling or carriage of cargo.
- (2) Subregulations (3), (4) and (5) set out, for the purposes of subsections 23 (1), (2) and (2A) of the Act, conditions of the carriage of dangerous goods on an aircraft.

Note Under subsections 23 (1), (2) and (2A) of the Act, dangerous goods must not be carried on an aircraft except in accordance with these Regulations.

- (3) An operator must make a copy of its dangerous goods manual available, in a readily accessible place:
 - (a) in the case of an Australian operator — to each of the operator's employees whose duties and responsibilities are related to the handling or carriage of cargo; or

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- (b) in any other case — to:
 - (i) any of the operator's employees in Australia whose duties and responsibilities are related to the handling or carriage of cargo; and
 - (ii) any employees of its ground handling agent in Australia whose duties and responsibilities are related to the handling or carriage of cargo.
- (4) An operator must take all reasonable steps to ensure that the handling and carriage of dangerous goods is in accordance with the procedures and instructions in, or referred to in, its dangerous goods manual.
- (5) An operator must take all reasonable steps to ensure that each of the operator's employees is made aware of the contents of the operator's dangerous goods manual so far as it is applicable and relevant to the employee's duties before the employee first performs those duties.

92.060 Directions relating to dangerous goods manuals

- (1) CASA may issue, to an operator that is required to have a dangerous goods manual, a written direction in relation to the contents, distribution or revision of the manual.
- (2) The operator must comply with the direction.

Maximum penalty: 10 penalty units.

92.065 Commercial operators — reporting of dangerous goods incidents

- (1) Subregulation (2) sets out, for the purposes of subsections 23 (1), (2) and (2A) of the Act, a condition of the carriage of dangerous goods on an aircraft.

Note Under subsections 23 (1), (2) and (2A) of the Act, dangerous goods must not be carried on an aircraft except in accordance with these Regulations.

- (2) Subject to subregulation (3), the carriage of dangerous goods by an aircraft operated by a commercial operator is subject to the condition that, if a dangerous goods incident occurs, the

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operator must report the incident to CASA in writing within 2 working days after the incident occurs.

Note An accident or serious incident involving dangerous goods carried on an aircraft must also be reported to the Australian Transport Safety Bureau under section 19BA of the *Air Navigation Act 1920*.

- (3) Subregulation (2) does not require an operator to report a dangerous goods incident involving dangerous goods that have not been accepted by the operator for carriage by air.

92.070 Dangerous goods statement (Act s 23A)

- (1) A person who, in the circumstances specified in subregulation (3), consigns cargo for carriage on board an aircraft (including a freight forwarder that does so in the course of business as a freight forwarder) must make and sign a written statement that:
- (a) is to the effect that the cargo does not contain dangerous goods; or
 - (b) describes the contents of the cargo.

Note Consigning cargo without making the required statement is an offence — see the Act, subsection 23A (2). Knowingly making a false or misleading statement is also an offence — see the *Criminal Code*, section 137.1.

- (2) The reference in subregulation (1) to consigning cargo for carriage on board an aircraft includes consigning cargo in circumstances such that there is a possibility that the cargo may, during its journey, be carried on an aircraft.
- (3) For subsection 23A (1) of the Act and subregulation (1), all circumstances other than those mentioned in subregulation (4) are specified.
- (4) The circumstances in which subregulation (1) does not apply are the following:
- (a) the cargo was consigned from a place outside Australia;
 - (b) the cargo is checked baggage that is to be carried on the same aircraft as the person who checked the baggage;

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- (c) the cargo is:
 - (i) a postal article (within the meaning of the *Australian Postal Corporation Act 1989*) that is in the course of carriage by air; or
 - (ii) a document being sent between service centres of a document exchange service (within the meaning given by that Act);and:
 - (iii) weighs no more than 500 grams; and
 - (iv) is no more than 20 millimetres thick; and
 - (v) is no longer than 360 millimetres; and
 - (vi) is no wider than 260 millimetres;
- (d) the cargo is dangerous goods that have been marked and documented in accordance with this Part;
- (e) CASA has granted to the person who consigns the cargo an exclusion under regulation 92.080.

- (5) Subregulation (6) sets out, for the purposes of subsections 23 (1), (2) and (2A) of the Act, a condition of the carriage of dangerous goods on an aircraft.

Note Under subsections 23 (1), (2) and (2A) of the Act, an aircraft must not carry dangerous goods except in accordance with these Regulations.

- (6) Except in the circumstances mentioned in subregulation (4), the operator of an aircraft must not allow an item of cargo to be placed on board the aircraft unless the operator has been given a statement about the item in accordance with subregulation (1).

92.075 Dangerous goods statement in reliance on statement already made

- (1) If, in the course of cargo being consigned for carriage on an aircraft, a person delivers the cargo to the Australian Postal Corporation or a freight forwarder and gives to the Corporation or the forwarder a signed written statement that acknowledges that the cargo will or may be carried by air, and:
 - (a) is to the effect that the cargo does not contain dangerous goods; or

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(b) describes the contents of the cargo;
the Corporation or the forwarder may, in making a statement to the operator of the kind required by regulation 92.070, rely on the person's statement.

- (2) If an aircraft operator hands cargo to another operator for carriage on an aircraft operated by the second operator, and a statement of the kind required by regulation 92.070 was given to the first operator, the first operator may, in making a statement to the second operator of the kind required by that regulation, rely on the statement given to the first operator.

92.080 Exclusions from requirement about dangerous goods statement

- (1) CASA may, by notice in writing, exclude a person or a class of persons from the obligation to comply with regulation 92.070.
- (2) Before granting an exclusion to a person or class of persons, CASA must take into account any relevant considerations relating to the safe carriage, or consignment for carriage, of dangerous goods on an aircraft.
- (3) An exclusion is subject to the person, or each person in the class, complying with any conditions that CASA specifies in the instrument of exclusion as being necessary in the interests of safety.
- (4) If a person applies for exclusion under subregulation (1), and CASA decides not to grant the exclusion, CASA must, as soon as practicable after making the decision, tell the person, in writing, of the decision and must include in the notice a statement of the reasons for the decision.

Subpart 92.C Training

92.085 Definitions for Subpart 92.C

- (1) In this Subpart:
cargo does not include carry-on baggage or checked baggage.

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deemed employee means a person who, although not employed by an aircraft operator, ground handling agent, freight forwarder, screening authority or shipper of dangerous goods, performs for the operator, ground handling agent, freight forwarder, screening authority or shipper any of the following services:

- (a) accepting cargo consigned for transport on an aircraft, or supervising someone whose duties include accepting such cargo at any time after it leaves the custody of the original consignor;
- (b) acting as a member of an aircraft's flight crew or as a load planner;
- (c) acting as a member of an aircraft's cabin crew;
- (d) handling cargo consigned for transport on an aircraft at any time after it leaves the custody of the original consignor, or supervising someone whose duties include handling such cargo;
- (e) handling passengers' checked or carry-on baggage, or supervising someone whose duties include handling such baggage;
- (f) packing dangerous goods, or supervising someone whose duties include packing such goods, in the course of the goods' being consigned for carriage on an aircraft.

group A employee means:

- (a) an employee whose duties include accepting, or supervising someone whose duties include accepting, cargo known or believed to contain dangerous goods consigned for transport on an aircraft at any time after it leaves the custody of the original consignor; or
- (b) a deemed employee whose function includes those duties.

group B employee means:

- (a) an employee whose duties include accepting, or supervising someone whose duties include accepting, cargo consigned for transport on an aircraft (other than cargo known or believed to contain dangerous goods) at any time after it leaves the custody of the original consignor; or
- (b) a deemed employee whose function includes those duties.

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group C employee means:

- (a) an employee who is a member of an aircraft's flight crew or a load planner; or
- (b) a deemed employee whose function includes performing the duties of a member of an aircraft's flight crew or a load planner

group D employee means:

- (a) an employee who is a member of an aircraft's cabin crew; or
- (b) a deemed employee whose function includes performing the duties of a member of an aircraft's cabin crew.

group E employee means:

- (a) any employee of an operator, ground handling agent, freight forwarder or screening authority who is not a group A, B, C or D employee and whose duties involve handling:
 - (i) cargo consigned for transport on an aircraft at any time after it leaves the custody of the original consignor; or
 - (ii) passengers' checked or carry-on baggage; or
- (b) a deemed employee whose function includes those duties.

group F employee means:

- (a) an employee of a shipper of goods whose duties include packing dangerous goods, or supervising someone else whose duties include packing dangerous goods, in the course of the goods being consigned for transport on an aircraft; or
- (b) a deemed employee whose function includes those duties.

load planner, in relation to dangerous goods, means a person nominated by an operator to be responsible for any 1 or more of the following:

- (a) specifying where dangerous goods may be stowed on an aircraft;
- (b) specifying the necessary segregation of the goods from other dangerous goods, other cargo, or passengers on the aircraft;
- (c) preparing information for the use of the pilot-in-command;

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- (d) providing dangerous goods emergency response information for the pilot-in command.

Note A person who performs those functions is known by many different titles: for example, *load controller*. Not all the functions are necessarily performed by the same person. Some or all of the functions may be the responsibility of the pilot-in-command or another crew member.

screening authority has the same meaning as in the *Air Navigation Act 1920*.

- (2) For the definitions of **deemed employee** and **group F employee** in subregulation (1), a person **packs** dangerous goods if he or she does any of the following in relation to the goods:
 - (a) enclosing the goods in packaging;
 - (b) marking or labelling the package or consignment;
 - (c) preparing a dangerous goods transport document for the consignment.

92.090 Extended meaning of every 2 years for this Subpart

For the purposes of this Subpart, if an employee completes a training course within 3 months before the second anniversary of the day on which he or she last completed, or is taken under a previous application of this regulation to have completed, a similar training course, he or she is taken to have completed the later course on that second anniversary.

Example

Suppose John Smith and Mary Jones each complete a course on 1 July 2003. Under the other provisions of this Subpart, each needs to complete the course again on 1 July 2005.

Suppose John completes the course again on 1 May 2005 (that is, less than 3 months before the second anniversary of the last time he did so). He is taken to have done so on 1 July 2005, and needs to complete the course again on 1 July 2007. However, Mary completes the course again on 15 March 2005 (that is, more than 3 months before the second anniversary of the last time she did so). She would need to complete the course yet again on 15 March 2007.

Suppose John completes the course again on 1 May 2007. He is taken to have done so on 1 July 2007, and needs to complete the course again on 1 July 2009. However, if Mary were to complete the course again on 15 January 2007, she would need to complete the course again on 15 March 2009.

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92.095 Training — certain employees of Australian aircraft operators

- (1) This regulation applies to a group A, B, C, D or E employee in Australia of an Australian aircraft operator, and to a group C or D employee outside Australia of an Australian operator, but not to such an employee who is engaged only in 1 or more of the following:
 - (a) private operations;
 - (b) agricultural (including horticultural), forestry, or pollution-control operations;
 - (c) search and rescue operations;
 - (d) balloon operations;
 - (e) scenic or joy-flight operations;
 - (f) flying training operations.
- (2) An Australian aircraft operator that has not been granted an exclusion under regulation 92.155 must ensure that each of its employees to whom this regulation applies undertakes training in accordance with regulation 92.110:
 - (a) before the employee first performs the relevant duties; and
 - (b) every 2 years while the employee continues to have those duties.

Maximum penalty: 30 penalty units.

- (3) An offence against subregulation (2) is an offence of strict liability.

Note For **strict liability**, see section 6.1 of the *Criminal Code*.

92.100 Training — certain employees of Australian ground handling agents

- (1) A ground handling agent that has not been granted an exclusion under regulation 92.155 must ensure that each of its employees in Australia who is a group A, B, C or E employee undertakes training in accordance with regulation 92.110:
 - (a) before the employee first performs the relevant duties; and

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- (b) every 2 years while the employee continues to have those duties.

Maximum penalty: 30 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.

Note For **strict liability**, see section 6.1 of the *Criminal Code*.

92.105 Training — certain employees of Australian freight forwarders

- (1) Subject to subregulation (3), a freight forwarder that has not been granted an exclusion under regulation 92.155 must ensure that each of its employees in Australia who is a group A, B or E employee undertakes training in accordance with regulation 92.110:
 - (a) before the employee first performs the relevant duties; and
 - (b) every 2 years while the employee continues to have those duties.

Maximum penalty: 30 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.

Note For **strict liability**, see section 6.1 of the *Criminal Code*.

- (3) Subregulation (1) does not apply to a freight forwarder's employee who handles or accepts only cargo of the kind mentioned in paragraph 92.070 (4) (c).

92.110 Required standard of training for regulations 92.095, 92.100 and 92.105

The training that an employee to whom regulation 92.095, 92.100 or 92.105 applies must undertake is a training course that meets the relevant requirements of regulation 92.135 and:

- (a) for a group A employee — is approved by CASA as being appropriate for group A employees; and
- (b) for a group B employee — is approved by CASA as being appropriate for group B employees; and

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- (c) for a group C employee — is approved by CASA as being appropriate for group C employees; and
- (d) for a group D employee — is approved by CASA as being appropriate for group D employees; and
- (e) for a group E employee — is appropriate for group E employees.

Note A training course for group E employees does not require approval by CASA.

92.115 Training — certain employees of screening authorities

- (1) This regulation applies to an employee in Australia of a screening authority that has not been granted an exclusion under regulation 92.155, if the employee's duties include handling, or supervising anyone who handles, checked baggage or carry-on baggage.
- (2) The screening authority must ensure that each of its employees to whom this regulation applies undertakes training in accordance with subregulation (4):
 - (a) before the employee first performs the relevant duties; and
 - (b) every 2 years while the employee continues to have those duties.

Maximum penalty: 30 penalty units.

- (3) An offence against subregulation (2) is an offence of strict liability.

Note For **strict liability**, see section 6.1 of the *Criminal Code*.

- (4) The training that such an employee must undertake is a training course appropriate for such employees that meets the requirements of regulation 92.135.

Note A training course for employees of screening authorities does not require approval by CASA.

92.120 Training — certain employees of shippers of dangerous goods

- (1) Subject to subregulation (2), a person who ships dangerous goods, and has not been granted an exclusion under regulation 92.155, must ensure that each of its group F employees undertakes training in accordance with subregulation (4):
 - (a) before the employee first performs the relevant duties; and
 - (b) every 2 years while the employee continues to have those duties.

Maximum penalty: 30 penalty units.

- (2) Subregulation (1) does not apply to an individual who consigns dangerous goods within Australian territory for his or her own private, non-commercial purposes.
- (3) An offence against subregulation (1) is an offence of strict liability.

Note For **strict liability**, see section 6.1 of the *Criminal Code*.
- (4) The training that such an employee must undertake is a training course approved by CASA as being appropriate for group F employees and as meeting the requirements of regulation 92.135.

92.125 Training — certain employees of non-Australian operators

- (1) This regulation applies to a group A, B, C, D or E employee in Australia of an aircraft operator that is not an Australian operator, and has not been granted an exclusion under regulation 92.155.
- (2) The operator must ensure that each of its employees to whom this regulation applies undertakes training in accordance with:
 - (a) the requirements of the law of the place in which the operator's aircraft are registered; or
 - (b) if there are no such requirements, or the operator's aircraft are registered in more than 1 country, the requirements of the Technical Instructions;

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before the employee first performs the relevant duties, and as often as that law or the Technical Instructions require while the employee continues to carry out those duties.

Maximum penalty: 30 penalty units.

- (3) The operator must ensure that the records about that training required by that law or the Technical Instructions are kept.

Maximum penalty: 30 penalty units.

- (4) An offence against subregulation (2) or (3) is an offence of strict liability.

Note For **strict liability**, see section 6.1 of the *Criminal Code*.

92.130 Training — Australian operators' employees outside Australia

- (1) This regulation applies to a group A, B or E employee of an Australian operator who performs duties outside Australia if the operator has not been granted an exclusion under regulation 92.155.

- (2) The operator must ensure that each employee to whom this regulation applies undertakes training in accordance with:

- (a) the requirements of the law of the place in which he or she carries out those duties; or
- (b) if there are no such requirements, the requirements of the Technical Instructions;

before the employee first performs the relevant duties, and as often as that law or the Technical Instructions require while the employee continues to carry out those duties.

Maximum penalty: 30 penalty units.

- (3) The operator must ensure that the records about that training required by that law or the Technical Instructions are kept.

Maximum penalty: 30 penalty units.

- (4) The operator must also ensure that the training is evaluated at least every second year and the evaluation process is included in the operator's audit program.

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Maximum penalty: 10 penalty units.

- (5) The operator must also ensure that if a deemed employee's services are provided to the operator under a contract, the contract contains provisions for the necessary resources, competence, procedures and management systems, to ensure that the service to the operator is a safe one.

Maximum penalty: 10 penalty units.

- (6) An offence against subregulation (2), (3), (4) or (5) is an offence of strict liability.

Note For **strict liability**, see section 6.1 of the *Criminal Code*.

92.135 Requirements for training course

- (1) A dangerous goods training course that is required to be approved by CASA must include training in:
- (a) the subject mentioned in item 20 of Table 92.135-1; and
 - (b) each of the other subjects mentioned in that table that is relevant to the employee's duties and responsibilities in relation to the handling, carriage or consignment of cargo on an aircraft.

Note Tables 92.135-1 and 92.135-2 follow this regulation.

- (2) A dangerous goods training course that is not required to be so approved must include training in:
- (a) the subject mentioned in item 12 of Table 92.135-2; and
 - (b) each of the other subjects mentioned in that table that is relevant to the employee's duties and responsibilities in relation to the handling, carriage or consignment of cargo on an aircraft.
- (3) A dangerous goods training course must provide for a test of the employee's knowledge of the relevant subjects based on the training.
- (4) A dangerous goods training course must be of a standard that will enable the employee, on completing it satisfactorily, to carry out those duties and responsibilities effectively.

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- (5) A dangerous goods training course must provide for the issue, to each person who successfully completes the course, of a certificate stating that he or she has done so.

Table 92.135-1 Syllabus for training courses requiring approval

Item	Subject
1	The requirements of the Act and these Regulations relating to consignment and carriage of dangerous goods
2	If the course is to be undertaken by an operator's employee or deemed employee, the purpose, contents and distribution requirements of the operator's dangerous goods manual
3	Parts 7;1.4, 7;5 and 7;6 of the Technical Instructions (<i>Cargo/passenger acceptance procedures — the kinds of cargo/passenger's baggage that are likely to be, or contain, dangerous goods</i>)
4	Methods used to identify cargo containing dangerous goods
5	The manner in which dangerous goods in each class of dangerous goods mentioned in the Technical Instructions could jeopardise the safety of an aircraft or anyone in it
6	The matters in the Foreword to the Technical Instructions
7	Part 1;2.1 of the Technical Instructions (<i>Dangerous goods forbidden for transport by air under any circumstance</i>)
8	Parts 1;1.1 and 1;1.2 of the Technical Instructions (<i>General applicability and General transport requirements</i>)
9	Part 1;2.2 of the Technical Instructions (<i>Exceptions for dangerous goods of the operator</i>)
10	Part 1;2.3 of the Technical Instructions (<i>Dangerous goods in air mail</i>)
11	Part 1;2.4 of the Technical Instructions (<i>Dangerous goods in excepted quantities</i>)
12	Part 3;4 of the Technical Instructions (<i>Dangerous goods in limited quantities</i>)
13	Part 1;3.1 of the Technical Instructions (<i>Definitions</i>)
14	Part 2 of the Technical Instructions (<i>Classification of dangerous goods</i>)

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Item	Subject
15	Parts 3;1 and 3;2, Table 3-1 and Part 3;3 of the Technical Instructions (respectively <i>General</i> , <i>Arrangement of the Dangerous Goods List</i> , <i>The Dangerous Goods List</i> and <i>Special Provisions</i>)
16	Part 4 of the Technical Instructions (<i>Packing instructions</i>)
17	Part 5 of the Technical Instructions (<i>Shipper's responsibilities</i>)
18	Part 7 of the Technical Instructions (<i>Operator's responsibilities</i>)
19	Part 6 of the Technical Instructions (<i>Packaging nomenclature, marking requirements and tests</i>)
20	Part 8 of the Technical Instructions (<i>Provisions concerning passengers and crew</i>)
21	Attachment 1 to the Technical Instructions (<i>Lists of proper shipping names</i>)
22	Attachment 3 to the Technical Instructions (<i>Notified variations from the Instructions</i>)

Table 92.135-2 Syllabus for training courses not requiring approval

Item	Subject
1	The requirements of the Act and these Regulations relating to consignment and carriage of dangerous goods
2	If the course is to be undertaken by an operator's employee or deemed employee, the purpose, contents and distribution requirements of the operator's dangerous goods manual
3	Parts 7;1.4, 7;5 and 7;6 of the Technical Instructions (<i>The kinds of cargo/passenger's baggage that are likely to be, or contain, dangerous goods</i>)
4	Methods used to identify cargo containing dangerous goods
5	The manner in which the dangerous goods in each class of dangerous goods mentioned in the Technical Instructions could jeopardise the safety of an aircraft or anyone in it
6	The matters in the Foreword to the Technical Instructions
7	Part 1;2.2 of the Technical Instructions (<i>Exceptions for dangerous goods of the operator</i>)
8	Part 1;3.1 of the Technical Instructions (<i>Definitions</i>)

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Item	Subject
9	Part 2 of the Technical Instructions (<i>Classification of dangerous goods</i>)
10	Part 5;3 of the Technical Instructions (<i>Labelling</i>)
11	Part 7;2 of the Technical Instructions (<i>Storage and loading</i>)
12	Part 8 of the Technical Instructions (<i>Provisions concerning passengers and crew</i>)
13	Attachment 3 to the Technical Instructions (<i>Notified variations from the Instructions</i>)

92.140 Who may conduct training

- (1) In this regulation:

approved training course means a training course required under this Part that is required to be approved by CASA.

- (2) A person must not give, or offer to give, instruction that purports to be, or to form part of, a training course that is required to be approved by CASA if the course is not approved.

Maximum penalty: 10 penalty units.

- (3) A person must not give instruction that is part of an approved training course if he or she is not approved for that purpose.

Maximum penalty: 10 penalty units.

- (4) If an approved training course is conducted by distance education methods (including correspondence, video or computer network) a person must not:

- (a) prepare material for; or
(b) supervise;

the course if he or she is not approved for that purpose.

Maximum penalty: 10 penalty units.

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- (5) Unless granted an exclusion under regulation 92.155, a person must not:
- (a) give instruction that is part of a training course for group E employees, or employees of a screening authority, required under this Part; or
 - (b) prepare material for such a training course that is, or is to be, given by a distance education method (including by correspondence, video or computer network); or
 - (c) supervise such a training course that is, or is to be, given by such a method;
- if the person has not, within the previous 2 years, undertaken an approved training course for group A or B employees.
- Maximum penalty: 5 penalty units.
- (6) For paragraph (5) (a), strict liability applies to the circumstance that a training course is required under this Part.
- (7) For this regulation, strict liability applies to the circumstance that a training course is required to be approved under this Part.

92.145 Records about training — Australian operators etc

- (1) This regulation applies to:
- (a) an Australian aircraft operator that has not been granted an exclusion under regulation 92.155, and that has any group A, B, C, D or E employees in Australia; and
 - (b) an Australian aircraft operator that has not been granted an exclusion under regulation 92.155, and that has any group C or D employees outside Australia; and
 - (c) a person in Australia who ships dangerous goods for carriage by aircraft, has not been granted an exclusion under that regulation and has any group F employees in Australia; and
 - (d) a ground handling agent or a freight forwarder that has not been granted an exclusion under that regulation and has any group A, B, C or E employees in Australia; and
 - (e) a screening authority that has not been granted an exclusion under that regulation.

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- (2) A person or organisation to whom or to which this regulation applies must maintain an up-to-date record of:
- (a) the name of each employee who has undertaken dangerous goods training in accordance with this Subpart; and
 - (b) for each such employee:
 - (i) the names of the person and the organisation providing the training and the date on which the training was undertaken; and
 - (ii) a reference (for example, by CASA approval number) to the training material used to meet the training requirements.

Maximum penalty: 30 penalty units.

- (3) A person or organisation to whom or to which this regulation applies must:
- (a) keep a copy of any certificate issued to an employee on the completion of a course of training required by this Part; and
 - (b) give a copy of any such certificate to CASA if CASA so requests.

Maximum penalty: 30 penalty units.

- (4) A reference in this regulation to an employee includes a deemed employee only if the deemed employee:
- (a) is self-employed; or
 - (b) is employed by an employer that is not required to keep records under this regulation.

92.150 Training undertaken before 1 January 2004

- (1) A group A or B employee who has undertaken a training course in accordance with subregulation 262P (1) or 262R (1) of CAR on or after 1 January 2002 is taken, for 2 years after undertaking that training, to have undertaken training in accordance with this Subpart.
- (2) A group C employee who is a flight crew member, and who has undertaken a training course in accordance with subregulation 262P (3) of CAR on or after 1 January 2002, is

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taken, for 2 years after undertaking that training, to have undertaken training in accordance with this Subpart.

- (3) A group C employee (other than a flight crew member) who has undertaken a training course in accordance with subregulation 262P (1) or (3) of CAR on or after 1 January 2002 is taken, for 2 years after undertaking that training, to have undertaken training in accordance with this Subpart.
- (4) A group D employee who is a cabin attendant, and has undertaken a training course in accordance with subregulation 262P (3) or paragraph 262P (4) (a) of CAR on or after 1 January 2002 is taken, for 2 years after undertaking that training, to have undertaken training in accordance with this Subpart.
- (5) A group E employee who has undertaken a training course in accordance with subregulation 262P (2) or 262R (2) of CAR on or after 1 January 2001 is taken, for 3 years after undertaking that training, to have undertaken training in accordance with this Subpart.
- (6) A screening authority employee who has undertaken a training course in accordance with paragraph 262P (4) (b) of CAR on or after 1 January 2002 is taken, for 2 years after undertaking that training, to have undertaken training in accordance with this Subpart.
- (7) A group F employee who has undertaken a training course in accordance with subregulation 262P (1), regulation 262Q or subregulation 262R (1) of CAR on or after 1 July 2002 is taken, for 2 years after undertaking that training, to have undertaken training in accordance with this Subpart.
- (8) This regulation ceases to have effect on 31 December 2006.

92.155 Exclusions from training requirements

- (1) CASA may, by notice in writing, exclude a person or a class of persons from the obligation to comply with any of regulations 92.095, 92.100, 92.105, 92.115, 92.120, 92.125, 92.130 and 92.140 that apply to the person or class.

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- (2) Before excluding a person or class of persons from that obligation, CASA must take into account any relevant considerations relating to the safe carriage, or consignment for carriage, of dangerous goods on an aircraft.
- (3) An exclusion is subject to the person, or each person in the class, complying with any conditions that CASA specifies in the instrument of exclusion as being necessary in the interests of safety.
- (4) If a person applies for exclusion under subregulation (1), and CASA decides not to grant the exclusion, CASA must, as soon as practicable after making the decision, tell the person, in writing, of the decision and must include in the notice a statement of the reasons for the decision.

**Subpart 92.D Limitations on application of
Subparts 92.B and 92.C**

92.160 Aircraft operated by law enforcement authorities

- (1) Regulations 92.020, 92.025, 92.030 and 92.035 do not apply to the carriage of dangerous goods by an Australian aircraft, or by a person on an Australian aircraft, operated by an Australian law enforcement authority if:
 - (a) the aircraft is performing an operation solely for law enforcement purposes within Australian territory; and
 - (b) the goods are not of a kind that is forbidden for transport by air under any circumstances by the Technical Instructions; and
 - (c) the goods are in a proper condition for carriage by air and are stowed and secured safely in the aircraft, and the aircraft's pilot-in-command is told before the flight what the goods are and where they are on board the aircraft; and
 - (d) the authority has a dangerous goods manual that complies with regulation 92.055, has established safety and emergency procedures for the goods, and that manual or the authority's operations manual contains detailed instructions in relation to those procedures; and

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- (e) only persons essential to the operation are carried on the aircraft while the goods are on board the aircraft.
- (2) For subregulation (1), the Australian law enforcement authorities are the following:
 - (a) the Australian Federal Police;
 - (b) the Australian Customs Service;
 - (c) the Australian Quarantine and Inspection Service;
 - (d) the police force or police service of a State or the Northern Territory.

Note This regulation creates a defence to the offences created by subsections 23 (2) and (2A) of the Act. A defendant charged with either of those offences bears an evidential burden in relation to the matters set out in this regulation — see subsection 13.3 (3) of the *Criminal Code*.

92.165 Helicopter-slung loads

Regulations 92.020, 92.025, 92.030 and 92.035 do not apply to the carriage of dangerous goods by an Australian aircraft that is a helicopter if:

- (a) the helicopter is operating in Australian territory; and
- (b) the goods:
 - (i) are carried as a slung load; and
 - (ii) are in a proper condition for carriage by air; and
 - (iii) are segregated in accordance with the Technical Instructions, or, if they are likely to react dangerously with one another, are not carried in the same load; and
 - (iv) are not of a kind that the Technical Instructions forbid the transport of by air under any circumstances; and
 - (v) are packed and stowed to prevent leakage or damage during the flight; and
 - (vi) are not fireworks, pyrotechnics or other explosives intended to be activated during the flight; and
- (c) only operating crew and persons associated with the goods are carried on board the helicopter; and

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- (d) the helicopter's pilot-in-command is told before the load is carried what the goods are and the quantity of them in the load; and
- (e) the helicopter is operated in accordance with section 29.6 of the Civil Aviation Orders.

Note This regulation creates a defence to the offences created by subsections 23 (2) and (2A) of the Act. A defendant charged with either of those offences bears an evidential burden in relation to the matters set out in this regulation — see subsection 13.3 (3) of the *Criminal Code*.

92.170 Cargo carried in main deck cargo compartments

- (1) In this regulation:

Class B cargo compartment and ***Class C cargo compartment*** have the same respective meanings as in ICAO Document 9481, *Emergency Response Guidance for Aircraft Incidents Involving Dangerous Goods*, as in force on 1 January 2004.

UN followed by a 4-digit number is the number assigned by the United Nations Committee of Experts on the Transport of Dangerous Goods to identify a substance or group of substances.

Note The numbers are set out in the UN Classification, which is available as a PDF file from:

<http://www.unece.org/trans/danger/publi/unrec/English/part3.pdf>.

UN Classification means Part 3 of the *United Nations Model Regulations on the Transport of Dangerous Goods*, published by the United Nations Economic Commission for Europe, as adapted by the International Civil Aviation Organization and set out in the Technical Instructions.

- (2) Subregulations 92.020 (6) and (7) and subparagraph 92.025 (2)
 - (b) (i) do not apply to the carriage of dangerous goods in the main deck cargo compartment of an aircraft if:
 - (a) the aircraft:
 - (i) is operating in Australian territory; and
 - (ii) does not have an underfloor cargo compartment; and
 - (b) in the case of an aircraft engaged in passenger-carrying operations, the compartment is not a class B or class C cargo compartment; and

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- (c) the cargo compartment is separated from the passenger cabin by a bulkhead or other barrier that will prevent fire and hazardous quantities of smoke or toxic gases from entering the passenger cabin or crew compartment; and
- (d) the goods meet all of the packing, labelling, marking, documentation, stowage and segregation requirements of the Technical Instructions; and
- (e) the goods do not have a subsidiary risk; and
- (f) either:
 - (i) the proper shipping name for the goods given by the UN Classification does not include the letters 'n.o.s'; or
 - (ii) the labelling rules set out in the UN Classification do not require the technical name of the goods to be used as well as the proper shipping name; and
- (g) the goods are of any of the following kinds:
 - (i) goods classified in Division 1.4 and compatibility group S (certain explosives);
 - (ii) aerosols that contain gases classified in Division 2.1 (flammable gases);
 - (iii) gases classified in Division 2.2 (non-flammable and non-toxic gases) (except UN 2037, UN 2073 and UN 2857);
 - (iv) flammable liquids (Class 3) in Packing Group III in combination packagings (except UN 1112, UN 2047, UN 2059, UN 2332, UN 3054 and UN 3269);
 - (v) flammable solids (Division 4.1) in Packing Group III (except UN 1309, UN 1313, UN 1314, UN 1318, UN 1324, UN 1330, UN 1338, UN 1353, UN 1869, UN 2000, UN 2213, UN 2714, UN 2715, UN 2878, UN 3089 and UN 3241);
 - (vi) oxidizing substances (Division 5.1) in Packing Group III (except UN 1458, UN 1459, UN 1467, UN 1481, UN 1482, UN 1483, UN 2427, UN 2428, UN 2429, UN 2469, UN 2726, UN 2984, UN 3210, UN 3211, UN 3213, UN 3215, UN 3216, UN 3218 and UN 3219);

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- (vii) toxic substances (Division 6.1) in Packing Group III in combination packagings (except UN 1549, UN 1550, UN 1551, UN 1556, UN 1557, UN 1593, UN 1599, UN 1655, UN 1686, UN 1690, UN 1710, UN 1812, UN 1887, UN 1888, UN 1897, UN 1935, UN 2024, UN 2025, UN 2074, UN 2077, UN 2233, UN 2501, UN 2505, UN 2515, UN 2609, UN 2655, UN 2656, UN 2674, UN 2713, UN 2747, UN 2785, UN 2788, UN 2821, UN 2831, UN 2853, UN 2854, UN 2855, UN 2856, UN 2871, UN 2874, UN 3141, UN 3144, UN 3146, UN 3286 and UN 3293);
- (viii) infectious substances (Division 6.2);
- (ix) diagnostic specimens (UN 3373) packed in accordance with Packing Instruction 650 of the Technical Instructions;
- (x) radioactive material (Class 7) but only excepted packages and packages assigned category I – White only;
- (xi) corrosives (Class 8) in Packing Group III in combination packagings (except UN 1731, UN 1740, UN 1755, UN 1757, UN 1783, UN 1787, UN 1788, UN 1789, UN 1814, UN 1819, UN 1824, UN 1908, UN 2430, UN 2496, UN 2508, UN 2564, UN 2578, UN 2585, UN 2586, UN 2672, UN 2677, UN 2679, UN 2681, UN 2693, UN 2790, UN 2803, UN 2809, UN 2837, UN 2869, UN 3145, UN 3253 and UN 3320);
- (xii) dangerous goods classified in Class 9 (except UN 1931, UN 1941, UN 1990, UN 2211, UN 2590, UN 3268, UN 3314, UN 3316, UN 3363 and UN 8000);
- (xiii) dangerous goods permitted by the Technical Instructions to be carried in excepted quantities.

Note This regulation creates a defence to the offences created by subsections 23 (2) and (2A) of the Act. A defendant charged with either of those offences bears an evidential burden in relation to the matters set out in this regulation — see subsection 13.3 (3) of the *Criminal Code*.

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- (3) Subregulations 92.020 (6) and (7) and subparagraph 92.025 (2) (b) (i) do not apply in relation to the carriage of UN 1072 (oxygen, compressed) in the main deck cargo compartment of an aircraft if the carriage is in accordance with paragraphs (2) (a) to (d).
- (4) Subregulations 92.020 (6) and (7) and subparagraph 92.025 (2) (b) (i) do not apply in relation to the carriage of UN 1993 (flammable liquid, n.o.s.) in the main deck cargo compartment of an aircraft if the carriage is in accordance with paragraphs (2) (a) to (d).

92.175 Goods carried by private operators

Subparts 92.B and 92.C do not apply to the carriage of dangerous goods by an aircraft operated by an operator engaged in private (non-commercial) operations if:

- (a) the aircraft is operating in Australian territory and:
 - (i) is unpressurised; and
 - (ii) has an approved passenger seat configuration of less than 10 seats; and
- (b) the goods:
 - (i) are in a proper condition for carriage by air; and
 - (ii) are identified by class in accordance with the Technical Instructions; and
 - (iii) are permitted by the Technical Instructions to be carried on a passenger or cargo aircraft; and
 - (iv) are stowed and secured on the aircraft to prevent movement and damage, and segregated in accordance with the requirements of the Technical Instructions if they are likely to react dangerously with one another; and
- (c) the pilot-in-command of the aircraft ensures that every person on board the aircraft knows, before boarding the aircraft, that the dangerous goods are on board.

Note This regulation creates a defence to the offences created by subsections 23 (2) and (2A) of the Act. A defendant charged with either of those offences bears an evidential burden in relation to the matters set out in this regulation — see subsection 13.3 (3) of the *Criminal Code*.

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92.180 Goods carried for parachute operations

Regulations 92.020, 92.025, 92.030 and 92.035 do not apply to the carriage, on an aircraft, of dangerous goods classified in Division 1.4 if:

- (a) the aircraft is operating in Australian territory; and
- (b) the person carrying the goods intends to jump from the aircraft by parachute, and to use the goods during the parachute descent; and
- (c) the goods are not used until after the person jumps from the aircraft; and
- (d) the pilot-in-command of the aircraft:
 - (i) knows what the goods are; and
 - (ii) before the flight begins, briefs everybody intending to board the aircraft on what to do if any of the goods are activated during the flight; and
- (e) where the flight is being undertaken by a commercial operator — the operator establishes safety and emergency procedures for the operation and sets out those procedures in the operator's dangerous goods manual.

Note This regulation creates a defence to the offences created by subsections 23 (2) and (2A) of the Act. A defendant charged with either of those offences bears an evidential burden in relation to the matters set out in this regulation — see subsection 13.3 (3) of the *Criminal Code*.

92.185 Carriage of fuel in large containers

Regulations 92.020, 92.025, 92.030 and 92.035 do not apply to the consignment for carriage, or to the carriage, on a cargo aircraft in Australian territory of:

- (a) petrol (whether called petrol, gasoline or motor spirit) (UN 1203) of packing group II; or
- (b) aviation turbine fuel (UN 1863) of packing group II;
if the petrol or aviation turbine fuel:
- (c) is documented, labelled, stowed and segregated on the aircraft in accordance with the Technical Instructions; and
- (d) is contained in 1A1 non-removable-head steel drums or 1B1 non-removable-head aluminium drums with a capacity of no more than 220 litres.

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Note This regulation creates a defence to the offences created by subsections 23 (2) and (2A) of the Act. A defendant charged with either of those offences bears an evidential burden in relation to the matters set out in this regulation — see subsection 13.3 (3) of the *Criminal Code*.

92.190 Goods for use in emergency services

Regulations 92.020, 92.025, 92.030 and 92.035 do not apply to the consignment for carriage, or to the carriage, of dangerous goods on an aircraft if:

- (a) the aircraft:
 - (i) is unpressurised; and
 - (ii) has an approved passenger seat configuration of less than 10 seats; and
 - (iii) is operating in Australian territory; and
 - (iv) is operating for the sole purpose of carrying people engaged in emergency services work and their essential equipment (including the goods) to a place where they intend to undertake emergency service work, or of recovering them from such a place; and
- (b) where the aircraft is a helicopter — any static electric charge that it carries is discharged before the people or their equipment are loaded or unloaded; and
- (c) the goods:
 - (i) are limited to dangerous goods of the following kinds:
 - (A) goods classified in Division 1.4 (certain explosives);
 - (B) gases classified in Division 2.1 or 2.2;
 - (C) flammable liquids (Class 3);
 - (D) goods classified in Division 4.1 (flammable solids);
 - (E) goods classified in Class 9 (miscellaneous dangerous goods);
 - (F) corrosives (Class 8); and
 - (ii) are in a proper condition for carriage by air; and
 - (iii) are not used on the aircraft; and

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- (iv) if classified in Class 3:
 - (A) are packaged in accordance with the Technical Instructions; and
 - (B) are stowed and secured on the aircraft to prevent leakage or damage during the flight; and
- (d) the aircraft's pilot-in-command is told that the goods are on board, and where they are on the aircraft, and consents to them being carried on the aircraft; and
- (e) only the aircraft's crew and persons associated with the goods are carried on board the aircraft; and
- (f) the operator establishes safety and emergency procedures for the carriage of the dangerous goods; and
- (g) where the flight is being conducted by a commercial operator — the operator has a dangerous goods manual that complies with regulation 92.055, has established safety and emergency procedures for the goods, and that manual or the operator's operations manual contains detailed instructions in relation to those procedures.

Note This regulation creates a defence to the offences created by subsections 23 (2) and (2A) of the Act. A defendant charged with either of those offences bears an evidential burden in relation to the matters set out in this regulation — see subsection 13.3 (3) of the *Criminal Code*.

92.195 Carriage of ammunition by air security officers

- (1) Regulations 92.020, 92.025 and 92.030 do not apply to the carriage of dangerous goods by an air security officer if:
 - (a) the officer is an officer mentioned in paragraph (a) of the definition of *air security officer*; and
 - (b) the officer is on duty in an aircraft engaged in regular public transport operations; and
 - (c) the dangerous goods:
 - (i) is an amount of ammunition that is reasonably required in the performance of that duty; and
 - (ii) is issued by the Australian Federal Police to the officer; and
 - (iii) is for use by the officer.

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- (2) Regulations 92.020, 92.025 and 92.030 do not apply to the carriage of dangerous goods by an air security officer if:
- (a) the officer is an officer mentioned in paragraph (b) of the definition of *air security officer*; and
 - (b) the officer is on duty in an aircraft engaged in regular public transport operations; and
 - (c) the dangerous goods:
 - (i) is an amount of ammunition that is reasonably required in the performance of that duty; and
 - (ii) is issued by a responsible foreign government to the officer; and
 - (iii) is ammunition of the kind agreed to under an arrangement between the responsible foreign government and the Australian Government; and
 - (iv) is for use by the officer.
- (3) For subparagraphs (2) (c) (ii) and (iii):
responsible foreign government, in relation to an air security officer mentioned in paragraph (2) (a), means the foreign government referred to in the definition of *air security officer* that is a party to an arrangement with the Australian Government in relation to the officer operating.

Subpart 92.E Information to passengers

92.200 Information in passenger terminals

- (1) The owner or operator of an airport terminal must comply with the provisions of the Technical Instructions concerning information that must be given to passengers about the carriage of dangerous goods on aircraft.
- Penalty: 10 penalty units.
- (2) The information required by subregulation (1) must at least be given by means of a sufficient number of notices, prominently displayed at each of the places at an airport where tickets are issued, passengers checked in and aircraft boarding areas maintained, and at baggage collection areas.

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92.205 Information with tickets

- (1) A person (other than an aircraft operator) who issues a passenger ticket must ensure that the person to whom the ticket is issued is given information about the kinds of dangerous goods that must not be transported on an aircraft.

Penalty: 10 penalty units.

- (2) The information required by subregulation (1) must at least be given by means of information with the ticket and notices, visible to persons to whom tickets are issued, in each place where tickets are issued.

Part 99 Drug and alcohol management plans and testing

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99.005 Purposes of Part

- (1) This Part provides for:
- (a) the development, implementation and enforcement of drug and alcohol management plans covering persons who perform, or are available to perform, an applicable SSAA; and
 - (b) drug and alcohol tests for persons who perform, or are available to perform, an applicable SSAA, including the following:
 - (i) the approval of testers to conduct drug and alcohol tests;
 - (ii) the approval of devices for use in conducting drug and alcohol tests;
 - (iii) identity cards for approved testers;
 - (iv) the conduct of drug and alcohol testing;
 - (v) the variation, suspension and cancelling of civil aviation authorisations and authorisations of approved testers; and

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- (c) offences relating to drug and alcohol management plans and drug and alcohol testing.

Note 1 Under this Part, a SSAA employee may be drug or alcohol tested by his or her DAMP organisation or by CASA under Subpart 99.C.

Note 2 Under Subpart 99.C, CASA may also test persons who are performing or available to perform an applicable SSAA and who are not covered by a DAMP organisation.

- (2) Unless otherwise stated, this Part is made for the purposes of Part IV of the Act, particularly sections 34, 35 and 36.

Subpart 99.A General

99.010 Definitions for Part 99

- (1) In this Part:

accident means an occurrence that arises out of a person performing or being available to perform an applicable SSAA if either or both of the following applies:

- (a) the occurrence results in the death of, or serious harm to, a person;
- (b) the occurrence results in serious damage to an aircraft or property.

aerodrome testing area means:

- (a) any surface in a certified aerodrome or a registered aerodrome over which an aircraft is able to be moved while in contact with the surface of the aerodrome, including any parking areas; and
- (b) any part of the surface of a certified aerodrome or registered aerodrome:
 - (i) that is not covered by paragraph (a); and
 - (ii) that does not have a building on it; and
 - (iii) from which access to a surface mentioned in paragraph (a) may be had; and
- (c) a building located on a certified aerodrome or registered aerodrome that is used:
 - (i) for maintenance of an aircraft or an aeronautical product; or

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- (ii) for the manufacture of aircraft or aeronautical products; or
- (iii) by an air traffic service provider to control air traffic; or
- (iv) by the holder of an AOC for flying training; and
- (d) any part of an aircraft, aerobridge or other moveable structure in a certified aerodrome or a registered aerodrome.

airport security guard has the meaning given in section 9 of the *Aviation Transport Security Act 2004*.

allocated number, in relation to an approved tester, means the number allocated to the tester under subregulation 99.445 (5).

applicable SSAA means a safety-sensitive aviation activity to which this Part applies under regulation 99.015.

appropriately qualified alcohol and other drug professional means a person who:

- (a) materially works as a provider of clinical drug and alcohol treatment services; and
- (b) holds a bachelor degree, or postgraduate degree, in at least 1 of the following fields:
 - (i) health sciences;
 - (ii) medical science;
 - (iii) social sciences;
 - (iv) behavioural sciences.

approved breathalyser means a breathalyser approved by CASA under paragraph 99.130 (a) for alcohol testing.

approved drug testing device means a device approved by CASA under paragraph 99.130 (b) for testing for testable drugs.

approved laboratory means a person authorised under subregulation 99.450 (3) to conduct confirmatory drug tests for Subpart 99.C.

approved person, in relation to an approved laboratory, means a person who is authorised under the laboratory's National Association of Testing Authorities accreditation to declare the results of drug tests conducted by that laboratory.

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approved tester means a person who is authorised to:

- (a) take body samples for drug or alcohol tests under subregulation 99.450 (1); and
- (b) conduct initial drug tests or alcohol tests under subregulation 99.450 (2).

ASIC has the meaning given in the *Aviation Transport Security Regulations 2005*.

CASA medical review officer means a medical practitioner who for drug and alcohol testing under Subpart 99.C, and for Subparts 99.E and 99.H has:

- (a) been appointed by CASA under subregulation 99.390 (1) for the purposes of Subpart 99.C; and
- (b) training and competence in the field of interpreting drug and alcohol test results; and
- (c) knowledge of substance use disorders; and
- (d) knowledge of the contents of this Part.

commencement date means the date on which this Part commences.

comprehensive assessment, in relation to a person's drug or alcohol use, means an examination of the person's physiological and psychosocial indicators carried out:

- (a) by a psychiatrist; or
- (b) by a medical practitioner who is a Fellow of the Australasian Chapter of Addiction Medicine; or
- (c) jointly by:
 - (i) a person entitled to practice as a medical practitioner under a law of a State or Territory; and
 - (ii) an appropriately qualified drug and alcohol professional.

confirmatory alcohol test means an alcohol test given in respect of an initial alcohol test to determine the presence and level of alcohol in a body sample.

Note See paragraph (b) of the definition of drug or alcohol test in subsection 33 (1) of the Act.

confirmatory drug test means a drug test given in respect of an initial drug test to determine the presence and level of a testable drug in a body sample.

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Note See paragraph (b) of the definition of drug or alcohol test in subsection 33 (1) of the Act.

DAMP or **drug and alcohol management plan** means a drug and alcohol management plan that complies, or purports to comply, with the requirements of regulation 99.045.

DAMP contact officer, in relation to a DAMP organisation, means a person appointed by the DAMP organisation to liaise with CASA in relation to the organisation's responsibilities under this Part.

DAMP contractor means a person, or the employee of a person, who is:

- (a) a party to an ongoing written or ongoing oral contract with a DAMP organisation; or
- (b) a DAMP subcontractor to an ongoing written or ongoing oral contract with a DAMP organisation.

DAMP medical review officer means a medical practitioner who for drug or alcohol testing under a DAMP has:

- (a) competence in the field of interpreting drug and alcohol test results; and
- (b) knowledge of substance use disorders; and
- (c) knowledge of the contents of this Part.

DAMP organisation means a person that is required to have a DAMP under subregulation 99.030 (1).

DAMP reporting period, for a DAMP organisation, means the period of 6 months immediately before each:

- (a) 1 March; and
- (b) 1 September.

DAMP subcontractor, means a person who is a party to:

- (a) an ongoing written or oral contract with a DAMP contractor within the meaning of paragraph (a) of the definition of **DAMP contractor**; or
- (b) an ongoing written or oral contract with another DAMP subcontractor (under a previous application of this definition).

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DAMP supervisor, in relation to a DAMP organisation, means a person who:

- (a) has had relevant training to form an opinion as to whether a person may be adversely affected by a testable drug or under the influence of alcohol; and
- (b) is authorised by the organisation to do so for the purposes of paragraph 99.050 (2) (c).

donor means a person who is asked to give, or has given, a body sample to an approved tester.

drug and alcohol education program, for a DAMP organisation, means a program that includes the following components:

- (a) for SSAA employees — awareness of:
 - (i) the organisation's policy on drug and alcohol use; and
 - (ii) drug and alcohol testing in the workplace; and
 - (iii) support and assistance services for people who engage in problematic use of drugs and alcohol; and
 - (iv) information about the potential risks to aviation safety from problematic use of drugs and alcohol;
- (b) for DAMP supervisors — education and training to manage people who engage in problematic use of drugs or alcohol.

drug or alcohol intervention program, in relation to a person who has a drug or alcohol problem, means a program that includes any of the following measures for that problem:

- (a) assessment;
- (b) treatment, including any of the following:
 - (i) education;
 - (ii) counselling;
 - (iii) consultation with health care professionals;
 - (iv) pharmacotherapy;
 - (v) residential or non-residential treatment programs;
- (c) monitoring and follow-up action.

employee, in relation to a DAMP organisation, includes a DAMP contractor of the DAMP organisation.

foreign operator means:

- (a) the holder of a foreign aircraft AOC; or
- (b) the operator of an aircraft operating in Australia in accordance with a permission granted by CASA under section 26 of the Act; or
- (c) the operator of an aircraft operating under a permission granted under section 27A of the Act; or
- (d) the holder of a New Zealand AOC with ANZA privileges; or
- (e) the operator of an aircraft that is operating in Australia in accordance with section 14 of the *Air Navigation Act 1920*.

initial alcohol test means an alcohol test to determine the presence of alcohol in a body sample.

Note See paragraph (a) of the definition of drug or alcohol test in subsection 33 (1) of the Act.

initial drug test means a drug test to determine the presence of a testable drug in a body sample.

Note See paragraph (a) of the definition of drug or alcohol test in subsection 33 (1) of the Act.

nominated drug or alcohol intervention program, in relation to a person who has undergone a comprehensive assessment, means a drug or alcohol intervention program considered suitable for the person by:

- (a) if the person is an employee of a DAMP organisation — a DAMP medical review officer; or
- (b) in any other case — a CASA medical review officer.

passenger, in relation to an aircraft, means a person:

- (a) who:
 - (i) intends to travel on a particular flight on the aircraft that has not as yet boarded; or
 - (ii) is on board the aircraft for a flight; or
 - (iii) has disembarked from the aircraft following a flight; and
- (b) who is not a member of the crew of the aircraft.

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passport means an Australian passport within the meaning of the *Australian Passports Act 2005*, or a passport issued by the Government of a country other than Australia.

permitted level means:

- (a) for a testable drug — a level of the drug specified in subregulation (2A) for the purposes of this paragraph; and
- (b) for alcohol — a level of alcohol of less than 0.02 grams of alcohol in 210 litres of breath.

positive result means the following:

- (a) for an initial drug test — a test result within the meaning of paragraph (a) of the definition of positive test result in subsection 33 (1) of the Act;
- (b) for a confirmatory drug test — a test result within the meaning of paragraph (b) of the definition of positive test result in subsection 33 (1) of the Act;
- (c) for an initial alcohol test — a test result within the meaning of paragraph (a) of the definition of positive test result in subsection 33 (1) of the Act;
- (d) for a confirmatory alcohol test — a test result within the meaning of paragraph (b) of the definition of positive test result in subsection 33 (1) of the Act.

regular SSAA employee means a SSAA employee who is reasonably likely to perform an applicable SSAA at least 2 or more times every 90 days.

relevant Standard means:

- (a) AS 3547, *Breath alcohol testing devices for personal use*; and
- (b) NMI R 126, *Pattern Approval Specifications for Evidential Breath Analysers*; and
- (c) AS 4760, *Procedures for specimen collection and the detection and quantitation of drugs in oral fluid*; and
- (d) AS/NZS 4308, *Procedures for specimen collection and the detection and quantitation of drugs of abuse in urine*.

sample identifier means a number allocated to a body sample using the method specified in a legislative instrument made by CASA under regulation 99.150.

screening officer has the meaning given in the *Aviation Transport Security Act 2004*.

serious incident means an occurrence that arises out of a person performing or being available to perform an applicable SSAA if either or both of the following applies:

- (a) the occurrence gives rise to a danger of death or serious harm to a person;
- (b) the occurrence gives rise to a danger of serious damage to an aircraft or property.

SSAA means a safety-sensitive aviation activity.

SSAA employee, in relation to a DAMP organisation, means an employee of the DAMP organisation who performs or is available to perform an applicable SSAA.

substantial compliance, in relation to a drug or alcohol test, has the meaning given in subregulation 99.020 (2).

suitable test conditions has the meaning given by subregulation (3).

Note 1 A number of other expressions used in this Part have the meanings given in the Act. For example:

- aeronautical product
- AOC
- body sample
- civil aviation authorisation
- drug or alcohol test
- foreign aircraft AOC
- New Zealand AOC with ANZA privileges
- positive test result
- safety-sensitive aviation activities
- testable drug.

Note 2 **Testable drugs** are specified in a legislative instrument made by the Minister under subsection 33 (2) of the Act.

References to Standards and reports

- (2) In this Part:

AS followed by a number is a reference to the Australian Standard so numbered or identified, as in force or existing from time to time, published by Standards Australia.

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AS/NZS followed by a number is a reference to the Australian/New Zealand Standard so numbered or identified, as in force or existing from time to time, published jointly by Standards Australia and Standards New Zealand.

NMI R followed by a number is a reference to the report so numbered or identified, as in force or existing from time to time, published in that year by the National Measurement Institute, Department of Innovation, Industry, Science and Research.

Permitted level

- (2A) For paragraph (a) of the definition of ***permitted level***, the permitted level for each testable drug is specified in the following table.

Testable Drug	Concentration - ng/mL
Δ 9-tetrahydrocannabinol	10
6-Acetyl morphine	10
Amphetamine	25
Benzoylcegonine	25
Cocaine	25
Codeine	25
Ecgonine methyl ester	25
Methylamphetamine	25
Methylenedioxyamphetamine	25
Methylenedioxymethylamphetamine	25
Morphine	25

Suitable test conditions

- (3) ***Suitable test conditions*** means conditions that exist after an accident or serious incident if:
- (a) testing can be conducted within:
- (i) for drug testing — 32 hours after the accident or incident occurred; and

- (ii) for alcohol testing — 8 hours after the accident or incident occurred; and
- (b) it is practicable to conduct a test.

99.015 SSAAs to which this Part applies

- (1) This Part applies to the SSAAs specified in this regulation.
- (2) The specified SSAAs are:
 - (a) any activity undertaken by a person, other than as a passenger, in an aerodrome testing area; and
 - (b) calculation of the position of freight, baggage, passengers and fuel on aircraft; and
 - (c) the manufacture or maintenance of any of the following:
 - (i) aircraft;
 - (ii) aeronautical products;
 - (iii) aviation radionavigation products;
 - (iv) aviation telecommunication products; and
 - (d) the certification of maintenance of a kind mentioned in paragraph (c); and
 - (e) the fuelling and maintenance of vehicles that will be used to fuel aircraft on aerodrome testing areas; and
 - (f) activities undertaken by an airport security guard or a screening officer in the course of the person's duties as a guard or officer; and
 - (g) activities undertaken by a member of the crew of an aircraft in the course of the person's duties as a crew member; and
 - (h) the loading and unloading of trolleys containing baggage for loading onto aircraft and the driving of such trolleys; and
 - (i) activities undertaken by a holder of an air traffic controller licence in the course of the person's duties as a controller; and
 - (j) activities undertaken by the supervisor of a holder of an air traffic controller licence in the course of the person's duties as such a supervisor; and

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- (k) providing flight information and search and rescue alert services:
 - (i) to a pilot or operator of an aircraft immediately before the flight of the aircraft; or
 - (ii) to a pilot or operator of an aircraft, during the flight of the aircraft; or
 - (iii) as an intermediary for communications between a pilot or operator of the aircraft, and an air traffic controller; and
 - (l) providing aviation fire fighting services.
- (3) This Part applies to the safety-sensitive aviation activities specified in paragraphs (2) (b) to (l) even if those activities do not occur in an aerodrome testing area.

99.020 Substantial compliance with requirements of Part required

- (1) A reference in this Part, other than in Subpart 99.B, to a test result for a drug or alcohol test is a reference to a test result that resulted from strict or substantial compliance with the requirements of this Part, including the following:
- (a) requirements relating to the taking of a body sample for the test;
 - (b) requirements relating to the dealing with the body sample by the approved tester who took the sample;
 - (c) requirements relating to the storage of the body sample (if applicable);
 - (d) requirements relating to the conduct of the drug or alcohol test;
 - (e) requirements relating to the giving of notice in respect of a positive result;
 - (f) a requirement that a person must not interfere with the integrity of a body sample.

- (2) For subregulation (1), there is taken to be ***substantial compliance*** with the requirements of this Part in relation to a drug or alcohol test that results in a test result if there is no reasonable doubt as to the accuracy of the test result even though one or more of the requirements of this Part may not have been strictly complied with in relation to that drug or alcohol test.

Example

If an approved tester fails to initial a specimen tube containing a part of a body sample that is to be the subject of a confirmatory drug test, the test result is likely to be one that resulted from substantial compliance with the requirements of this Part as there will be no reasonable doubt as to the accuracy of the test result. However, if a person interferes with the integrity of a body sample, the test result for that sample is unlikely to be one that resulted from substantial compliance with the requirements of this Part as there will be a reasonable doubt as to the accuracy of the test result.

- (3) In this regulation, the ***requirements of this Part*** include the following:
- (a) the requirements of any legislative instruments made under this Part;
 - (b) a relevant Standard.

Subpart 99.B Drug and alcohol management plans

Division 99.B.1 Purposes of Subpart

99.025 Purposes of Subpart

This Subpart provides for the following:

- (a) the persons required to have a DAMP;
- (b) the matters required to be included in a DAMP;
- (c) the implementation of a DAMP;
- (d) requirements associated with a DAMP;
- (e) offences relating to a DAMP.

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Division 99.B.2 Persons required to have a DAMP

99.030 Who must develop and maintain a DAMP

- (1) An organisation must develop a DAMP that complies with regulation 99.045 if:
 - (a) the organisation:
 - (i) has an employee; or
 - (ii) has a contractor (including the employee of, or a subcontractor for, the contractor);who performs or is available to perform a SSAA; and
 - (b) the organisation is listed in subregulation (2).

Penalty: 50 penalty units.

- (2) For paragraph (1) (b), the organisations are as follows:
 - (a) an AOC holder;
 - (b) a person issued with a production certificate under regulation 21.134;
 - (c) the holder of an aerodrome certificate granted under regulation 139.050;
 - (d) a person approved as an ARFFS under Division 139.H.5;
 - (e) an ATS training provider within the meaning of Part 143;
 - (f) an ATS provider within the meaning of Part 172;
 - (g) the provider of any of the following services within the meaning of Part 171:
 - (i) a telecommunication service;
 - (ii) a radionavigation service;
 - (h) the operator of a registered aerodrome under regulation 139.265;
 - (i) the holder of a certificate of approval within the meaning of subregulation 2 (1) of CAR;
 - (j) a screening authority within the meaning of the *Aviation Transport Security Regulations 2005*.
- (3) The DAMP must be developed within the time required for implementation of a DAMP under subregulation 99.035 (2).

Penalty: 50 penalty units.

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- (4) A person who, under subregulation (1), is required to develop a DAMP must continue to have a DAMP that complies with regulation 99.045 for the period the person has SSAA employees performing an applicable SSAA or available to perform an applicable SSAA.

Penalty: 50 penalty units.

- (5) An offence against subregulation (1), (3) or (4) is an offence of strict liability.

99.035 DAMP must be implemented

- (1) A person who is required to develop a DAMP must implement a DAMP by:
- (a) giving effect to regulation 99.080; and
 - (b) making the DAMP available to the person's SSAA employees as required by this Subpart.

Timeframe and implementation

- (2) The DAMP must be implemented:
- (a) if the person:
 - (i) is a DAMP organisation on the commencement date; or
 - (ii) becomes a DAMP organisation within the period of 6 months after the commencement date (the *transition period*);by the end of the transition period; or
 - (b) if the person becomes a DAMP organisation after the end of the transition period — immediately upon becoming a DAMP organisation.

99.040 DAMP must be made available to SSAA employees

- (1) Subject to subregulation (2), a DAMP organisation must ensure that its DAMP is made available to each of its SSAA employees before the employee begins to perform or becomes available to perform an applicable SSAA.

Penalty: 50 penalty units.

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- (2) If a person is a SSAA employee of a DAMP organisation on the day the organisation implements its DAMP, the organisation must make the DAMP available to the employee by the end of the day the employee next performs or is available to perform an applicable SSAA for the DAMP organisation.

Penalty: 50 penalty units.

- (3) An offence against subregulation (1) or (2) is an offence of strict liability.

Division 99.B.3 Content and implementation of DAMP

Subdivision 99.B.3.1 Content of DAMP

99.045 Content of DAMP

A DAMP organisation's DAMP must:

- (a) apply to all SSAA employees of the organisation, and state each category of the organisation's SSAA employees covered by the DAMP; and
- (b) include the following:
 - (i) a drug and alcohol education program;
 - (ii) a drug and alcohol testing program, that meets the requirements specified in regulations 99.050, 99.055 and 99.060;
 - (iii) a drug and alcohol response program that meets the requirements specified in regulations 99.065, 99.070 and 99.075;and set out details of those programs; and
- (c) identify, and provide the contact details for, each person in the DAMP organisation who has any of the following roles:
 - (i) DAMP contact officer;
 - (ii) DAMP supervisor; and

- (d) be implemented as required by regulation 99.080 and set out the details of those requirements.

Note A drug and alcohol education program includes the matters set out in the definition of drug and alcohol education program in subregulation 99.010 (1).

Subdivision 99.B.3.2 Drug and alcohol testing program

99.050 Requirements for drug and alcohol testing

- (1) For subparagraph 99.045 (b) (ii), the DAMP must meet the following requirements:
 - (a) that any testing done under the organisation's DAMP will be conducted as follows:
 - (i) for breath alcohol testing — using a device that meets the Standard mentioned in paragraph (a) of the definition of relevant Standard, or a device that meets the Standard mentioned in paragraph (b) of that definition;
 - (ii) for oral fluid testing — in accordance with the Standard mentioned in paragraph (c) of the definition of relevant Standard;
 - (iii) for urine testing — in accordance with the Standard mentioned in paragraph (d) of the definition of relevant Standard;
 - (b) that drug and alcohol testing of SSAA employees under the DAMP will be conducted in the circumstances set out in subregulation (2).
- (2) For paragraph (1) (b), the circumstances in which drug and alcohol testing will be conducted on SSAA employees are as follows:
 - (a) when a person first joins the DAMP organisation, if the person will be working as a regular SSAA employee, or when an employee whose role in the organisation is to change to that of a regular SSAA employee on or after the commencement date, unless:
 - (i) the employee has been drug and alcohol tested; and

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- (ii) the tests were conducted less than 90 days before the employee is required to begin performing or being available to perform an applicable SSAA; and
 - (iii) each of the test results was not a positive result;
- (b) after an accident or serious incident involving a SSAA employee that occurs while he or she is performing, or available to perform, an applicable SSAA, if suitable test conditions exist;
- (c) if a DAMP supervisor has reasonable grounds to believe that a SSAA employee may be adversely affected by a testable drug or by alcohol while performing, or available to perform, an applicable SSAA;
- (d) if a SSAA employee is returning to work after a period during which the employee was not permitted, under paragraph 99.065 (1) (c), (d) or (e), to perform or be available to perform an applicable SSAA because of testable drug use.

Drug test results under DAMP

- (3) A positive result for a confirmatory drug test conducted on a body sample under a drug and alcohol testing program mentioned in subparagraph 99.045 (b) (ii), is taken not to be a positive result for the sample if a DAMP medical review officer has determined that the test result for the sample could be the result of legitimate therapeutic treatment or some other innocuous source.

99.055 Requirements relating to DAMP medical review officer

For subparagraph 99.045 (b) (ii), the DAMP must include the requirement that the DAMP organisation must consult a DAMP medical review officer:

- (a) if a drug test conducted under the DAMP returns a confirmatory drug test result for a SSAA employee of the organisation that is a positive result — to determine if the presence and level of a testable drug detected by the test could be the result of legitimate therapeutic treatment or some other innocuous source; and

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- (b) to review medical information concerning a person's failure to give a body sample for drug or alcohol testing because of a medical condition; and
- (c) to determine if the employee is fit to resume performing or being available to perform a SSAA.

99.060 Requirements relating to use of testing devices

For subparagraph 99.045 (b) (ii), the DAMP must include the requirement that any devices used in drug or alcohol testing done under the DAMP must be used in a way that is not inconsistent with the instructions of the manufacturer of those devices.

Subdivision 99.B.3.3 Drug and alcohol response program

99.065 Requirements relating to SSAA employees ceasing SSAAs

- (1) For subparagraph 99.045 (b) (iii), the DAMP must include the requirement that the DAMP organisation must not permit an employee to perform, or be available to perform, an applicable SSAA in any of the following circumstances:
 - (a) if the organisation is aware that a positive result for an initial drug test has been recorded for the employee and the employee has not, in respect of that test result, recorded a test result for a confirmatory drug test that is not a positive result;
 - (b) if the organisation is aware that a positive result for an initial alcohol test has been recorded for the employee and the employee has not, in respect of that test result, recorded a test result for a confirmatory alcohol test that is not a positive result;
 - (c) if the organisation is aware that:
 - (i) a positive result for a confirmatory drug test or a confirmatory alcohol test conducted under a drug and alcohol testing program mentioned in subparagraph 99.045 (b) (ii) has been recorded for the employee; and

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- (ii) a DAMP medical review officer has not determined that the result recorded could be as a result of legitimate therapeutic treatment or some other innocuous source;
- (d) if the organisation is aware that:
 - (i) a positive result for a confirmatory drug test or a confirmatory alcohol test conducted under Subpart 99.C has been recorded for the employee; and
 - (ii) a CASA medical review officer has not determined that the result recorded could be as a result of legitimate therapeutic treatment or some other innocuous source;
- (e) if the organisation is aware that a SSAA employee after having been required to take a drug or alcohol test:
 - (i) refused to take the test; or
 - (ii) interfered with the integrity of the test.
- (2) For subparagraph 99.045 (b) (iii), a DAMP must include the requirement that the DAMP organisation must not permit a SSAA employee to perform or be available to perform an applicable SSAA in the following circumstances:
 - (a) if a DAMP supervisor suspects the employee's faculties may be impaired due to the person being under the influence of a testable drug or of alcohol;
 - (b) if an accident or serious incident has occurred involving the employee while he or she is performing or available to perform an applicable SSAA and either of the following apply:
 - (i) for the period that suitable test conditions exist for conducting drug or alcohol tests on the employee — a test has not been conducted;
 - (ii) if tests have been conducted under suitable test conditions — the DAMP organisation has not been notified of the test results.

99.070 Requirements relating to returning to SSAAs

- (1) For subparagraph 99.045 (b) (iii), the DAMP must include the requirement that if:
 - (a) the DAMP organisation has not permitted a SSAA employee to perform, or be available to perform, an applicable SSAA; and
 - (b) the non-performance is a result of a circumstance mentioned in paragraph 99.065 (1) (c), (d) or (e) (a *suspension event*),
the organisation must only permit the employee to again begin performing or being available to perform an applicable SSAA if the circumstances set out in subregulation (2) apply.
- (2) For subregulation (1), the circumstances that must apply are as follows:
 - (a) the employee has undergone a comprehensive assessment for drug or alcohol use;
 - (b) if the comprehensive assessment recommended the employee commence a drug or alcohol intervention program — the employee has begun participating in a nominated drug or alcohol intervention program;
 - (c) the employee is considered fit to resume performing, or being available to perform, an applicable SSAA by:
 - (i) a DAMP medical review officer; and
 - (ii) the employee's treating clinician, if any;
 - (d) if the suspension event related to a drug test — at the time the employee was considered fit under paragraph (c), the employee receives a confirmatory drug test and records, for the test, a result that:
 - (i) was not a positive result; and
 - (ii) a DAMP medical review officer is satisfied indicates the absence of testable drug use.

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99.075 Requirements relating to intervention programs

- (1) Subject to subregulation (2), for subparagraph 99.045 (b) (iii) the DAMP must include the requirement that a DAMP organisation must permit a SSAA employee of the organisation time to attend a nominated drug or alcohol intervention program, if:
 - (a) a DAMP medical review officer has advised the DAMP organisation that the employee should attend the program; and
 - (b) the employee is returning to work after a period during which the employee was not permitted, under regulation 99.340 or 99.345, to perform or be available to perform an applicable SSAA because of testable drug use or alcohol use.
- (2) A reference to a SSAA employee in the requirement under subregulation (1) is a reference to a SSAA employee that the DAMP organisation intends to allow to continue to perform or be available to perform a SSAA.

Subdivision 99.B.3.4 Implementing a DAMP

99.080 Implementing a DAMP

- (1) For paragraph 99.045 (d), the DAMP organisation, in implementing its DAMP, must ensure the following:
 - (a) that the organisation's SSAA employees and DAMP supervisors attend the organisation's drug and alcohol education program:
 - (i) for persons who begin work for the organisation after the commencement date — before commencing duties as a SSAA employee or DAMP supervisor; or
 - (ii) for persons working for the organisation as SSAA employees or DAMP supervisors on or before the commencement date — within 6 months of the commencement date; or

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- (iii) for persons working for the organisation as SSAA employees or DAMP supervisors who, after the commencement date, have attended the program — within 30 months of the person's last attendance at the program;
 - (b) that each SSAA employee of the DAMP organisation is informed that he or she must not perform, or be available to perform, an applicable SSAA if aware that he or she is adversely affected by a testable drug or by alcohol, until the employee is no longer adversely affected;
 - (c) that each SSAA employee of the DAMP organisation is subject to drug and alcohol testing under the DAMP while performing, or available to perform, a SSAA of the DAMP organisation.
- (2) The DAMP organisation must also do the following:
- (a) encourage each of the organisation's SSAA employees to disclose if he or she has consumed a level of alcohol, or is taking any drug, that may affect his or her ability to carry out an applicable SSAA;
 - (b) inform each SSAA employee of the organisation that drug and alcohol testing under this Subpart will require a person who is to be tested to provide a body sample;
 - (c) record the policy and procedures of the organisation's DAMP using a controlled document protocol.

Division 99.B.4 Review and audit of DAMP

99.085 Review of DAMP by DAMP organisation

- (1) A DAMP organisation must review its DAMP to ensure compliance with the requirements of this Subpart:
- (a) every 5 years, beginning on the date on which the DAMP was developed; and
 - (b) at any other time CASA directs.

Penalty: 50 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.

Regulation 99.090

99.090 Audit of DAMP organisation by CASA

- (1) CASA may audit the operation of a DAMP organisation to ensure appropriate development, implementation and enforcement of a DAMP.
- (2) For the audit, CASA may require the DAMP organisation to provide to CASA:
 - (a) information and records, as specified by CASA, demonstrating that the organisation has:
 - (i) developed a DAMP; and
 - (ii) implemented the DAMP; and
 - (b) a copy of the DAMP that is being implemented; and
 - (c) any other information and records specified by CASA that are relevant to the audit.
- (3) The DAMP organisation must comply with the requirement.

Penalty: 50 penalty units.

- (4) An offence against subregulation (3) is an offence of strict liability.

99.095 CASA may direct changes to DAMP

- (1) CASA may at any time, for the purpose of ensuring compliance by a DAMP organisation with the requirements of regulation 99.045, direct the organisation to do any of the following:
 - (a) make a change specified by CASA to a provision in the organisation's DAMP;
 - (b) prepare a new DAMP that complies with the requirements of this Subpart;
 - (c) submit any proposed changes to the organisation's DAMP or submit a newly prepared DAMP, as the case may be, to CASA.
- (2) The DAMP organisation must comply with the direction.

Penalty: 50 penalty units.

- (3) An offence against subregulation (2) is an offence of strict liability.

Division 99.B.5 Provision of Information

99.100 DAMP organisation or DAMP contractor to provide information

Information to be provided to CASA

- (1) A DAMP organisation that has implemented a DAMP must provide the following information to CASA in respect of each DAMP reporting period, or part of a reporting period, during which the DAMP was implemented:
- (a) the number of the organisation's employees who performed an applicable SSAA at least 2 or more times in the 90 days preceding the end of the reporting period;
 - (b) the number of the organisation's SSAA employees who attended a drug and alcohol education program during the period, including the number of employees who attended such a program:
 - (i) for the first time; and
 - (ii) for a second or subsequent time;
 - (c) the number and type of drug or alcohol tests undergone by SSAA employees under the DAMP during the period;
 - (d) the results of the tests, including the number of positive test results that a DAMP medical review officer has determined could be as a result of legitimate therapeutic treatment or some other innocuous source;
 - (e) the date and time that the tests under the DAMP were conducted;
 - (f) the role that each SSAA employee tested was undertaking at the time of being tested;
 - (g) the applicable SSAA that each SSAA employee tested was performing or available to perform at the time that he or she was tested;

Regulation 99.100

- (h) if testing was conducted following an accident or serious incident — information about the date, time and location of:
 - (i) the accident or serious incident; and
 - (ii) the testing conducted following the accident or serious incident;
- (i) follow-up action taken by the organisation under the DAMP in respect of SSAA employees:
 - (i) who were drug or alcohol tested under this Subpart; and
 - (ii) whose test results were positive results;
- (j) follow-up action taken by the organisation under the DAMP in respect of any SSAA employees:
 - (i) who were tested under Subpart 99.C; and
 - (ii) whose test results were positive results;
- (k) follow-up action taken by the organisation under the DAMP in respect of any SSAA employees who refused to take a drug or alcohol test, or interfered with the integrity of a drug or alcohol test, under this Subpart or Subpart 99.C;
- (l) the number of SSAA employees referred to a nominated drug or alcohol intervention program;
- (m) any other information relating to the implementation of a DAMP, or a drug or alcohol test under this Part, that CASA requests of the organisation in writing.

Penalty: 50 penalty units.

- (2) The information must be given in writing within 21 days after the end of the reporting period to which it relates.
- (3) The information must not include any information, other than that listed in subregulation (1), in respect of a SSAA employee that might identify the employee.

Penalty: 50 penalty units.

Regulation 99.105

- (4) A DAMP organisation that has implemented a DAMP must provide the name and contact details of the organisation's current DAMP contact officer to CASA.

Penalty: 50 penalty units.

Information to approved testers

- (5) If a DAMP organisation or a DAMP contractor is required to provide information by an approved tester in the circumstances specified in paragraph 99.125 (2) (b), the organisation or contractor must comply with the requirement within 1 hour of being given notification by the tester of the requirement.

Penalty: 50 penalty units.

- (6) An offence against subregulation (1), (3), (4) or (5) is an offence of strict liability.

99.105 DAMP record-keeping

- (1) A DAMP organisation must keep the records used to provide information to CASA under regulation 99.100 for 5 years from the date the information was provided to CASA.

Penalty: 50 penalty units.

- (2) The records must be kept in a secure location.

Penalty: 50 penalty units.

- (3) Within 6 months after the end of the 5 year period, the organisation must destroy or delete:

- (i) the records; or
- (ii) the parts of the records that relate to the results of drug or alcohol testing.

- (4) An offence against subregulation (1) or (2) is an offence of strict liability.

Regulation 99.110

Subpart 99.C Drug and alcohol testing by CASA

Division 99.C.1 Preliminary

99.110 Purposes of Subpart

- (1) This Subpart provides for drug and alcohol testing by CASA.
- (2) The Subpart sets out the following matters:
 - (a) who may be tested (Subdivision 99.C.1.1);
 - (b) certain powers of approved testers (Subdivision 99.C.1.2);
 - (c) approved drug testing devices and breathalysers (Subdivision 99.C.1.3);
 - (d) the conduct of initial drug tests and confirmatory drug tests (Division 99.C.2);
 - (e) the conduct of initial alcohol tests and confirmatory alcohol tests (Division 99.C.3).

Subdivision 99.C.1.1 Who may be drug or alcohol tested

99.115 Who may be drug or alcohol tested

- (1) An approved tester may require a body sample for the purposes of a drug or alcohol test under this Subpart from a person who is performing or available to perform an applicable SSAA.
- (2) However, an approved tester must not, for drug or alcohol testing under this Subpart, require a body sample from a passenger.

99.120 Body samples may only be taken if person consents

An approved tester is not authorised to use force to take a body sample from a person.

Subdivision 99.C.1.2 Powers of approved testers

99.125 Powers of approved testers

- (1) In addition to any other powers set out in this Part, an approved tester has the powers specified in subregulation (2) in respect of taking a body sample from a donor for the following purposes:
 - (a) conducting an initial drug test;
 - (b) conducting an initial alcohol test or a confirmatory alcohol test (an *alcohol test*).
- (2) For subregulation (1), the powers are the following:
 - (a) the approved tester may require the donor to:
 - (i) produce identification of the kind mentioned in subregulation (3) to the tester; and
 - (ii) inform the tester of the donor's date of birth, address and telephone number;
 - (b) the tester may require from the donor's employer the donor's name, date of birth, address and telephone number if:
 - (i) on being required to produce identification, the donor is unable to produce identification of a kind set out in subregulation (3) to the tester; and
 - (ii) the donor's employer is a DAMP organisation or a DAMP contractor;
 - (c) the tester may require the donor to give a body sample for the drug or alcohol test;
 - (d) the tester may require the donor to stop performing, or stop being available to perform, an applicable SSAA, for the time it takes to take a body sample for testing and to conduct an initial drug test or alcohol test on the sample;
 - (e) the tester may require the donor to remain in the tester's presence for the time it takes to take a body sample and conduct an initial drug test or alcohol test on the sample.

Note An approved tester may also ask for a body sample for a confirmatory drug test — see regulation 99.170.

Regulation 99.130

- (3) For subregulation (2), the kinds of identification are:
- (a) identification that:
 - (i) contains a photograph of the donor and sets out the donor's name, date of birth and address; and
 - (ii) was issued by a Commonwealth, State, Territory or local government body; or
 - (b) identification that is issued by a DAMP organisation that contains a photograph of the donor and the donor's name; or
 - (c) an ASIC; or
 - (d) a passport.

Subdivision 99.C.1.3 CASA to approve testing devices

99.130 Approved drug and alcohol testing devices

For drug and alcohol testing under this Subpart, CASA may by legislative instrument approve the following:

- (a) breathalysers for use in alcohol testing;
- (b) drug testing devices for use in initial drug testing.

Note All approved breathalysers may be used for an initial alcohol test. Only some approved breathalysers may be used for a confirmatory alcohol test — see regulation 99.250.

Division 99.C.2 Drug testing

Subdivision 99.C.2.1 General

99.135 Which body samples may be drug tested

An approved tester may only take a sample of a person's oral fluid for drug testing under this Subpart.

99.140 How samples are taken and tested

An approved tester must take and prepare a body sample for drug testing in accordance with the procedures set out in a legislative instrument made by CASA for the purposes of this regulation.

99.145 Approved drug testing devices to be used for initial drug tests

- (1) If an approved tester is conducting an initial drug test under this Subpart, the tester must use an approved drug testing device to do the test.
- (2) The approved tester must ensure that the device is stored, tested, maintained and operated in accordance with the legislative instrument made by CASA for the purposes of this subregulation.

99.150 Method for determining sample identifiers

CASA must by legislative instrument specify a method for determining sample identifiers that are to be allocated to body samples that approved testers take under this Subpart and send for confirmatory drug tests.

Subdivision 99.C.2.2 Initial drug tests

99.155 Taking samples

- (1) For the purposes of obtaining a body sample for drug testing, an approved tester may require a donor to do any or all of the following:
 - (a) swallow or otherwise remove substances from his or her mouth;
 - (b) demonstrate to the tester that the donor's mouth is free from foreign substances;
 - (c) in the tester's presence, rehydrate by drinking up to 300 ml of water within 15 minutes of being required to do so by the tester.
- (2) If the approved tester has required the donor to drink water, the tester:
 - (a) must not take the body sample sooner than the period of 10 minutes after the donor finishes drinking; and
 - (b) must take the body sample as soon as practicable after the end of the period referred to in paragraph (a).

Regulation 99.160

- (3) For the purposes of obtaining the body sample, the approved tester may require the donor to:
 - (a) abstain from smoking, eating, drinking or chewing for 10 minutes prior to the taking of sample; and
 - (b) remain in the tester's presence for that period.

99.160 Initial drug test

As soon as practicable after the approved tester has taken a body sample from a donor for a drug test, the tester must conduct an initial drug test on the sample.

99.165 If initial drug test result is not positive

- (1) If the result of an initial drug test is not a positive result, the approved tester must, as soon as practicable after the result is returned:
 - (a) discard the body sample or deal with it in such a way that the sample cannot be identified as being given by the donor of it; and
 - (b) give the donor a notice that includes the information specified in subregulation 99.175 (1) in respect of the test.
- (2) As soon as practicable after giving the notice to the donor, the approved tester must give CASA a notice that includes the information given to the donor in that notice.

99.170 If initial drug test result is positive

Further body sample may be taken

- (1) If the result of an initial drug test is a positive result, the approved tester may take a further body sample from the donor for a confirmatory drug test.
- (2) The further body sample, if any, must be taken as soon as practicable after the initial body sample was taken.
- (3) The approved tester may send either the initial body sample or the further body sample for a confirmatory drug test.

Regulation 99.175

- (4) The approved tester must:
 - (a) inform the donor which body sample will be used for the confirmatory drug test; and
 - (b) discard the body sample that is not being used.

Notice to be given

- (5) If the result of an initial drug test is a positive result, the approved tester must, as soon as practicable:
 - (a) give the donor a notice that includes the information specified in subregulations 99.175 (1) and (2) in respect of the test; and
 - (b) give the approved laboratory to whom the body sample will be sent for a confirmatory drug test a notice that includes the information specified in subregulation 99.175 (3); and
 - (c) give CASA a notice that includes the information given to:
 - (i) the donor under the notice given under paragraph (a); and
 - (ii) the laboratory under paragraph (b).
- (6) The notice to the approved laboratory under paragraph (5) (b) must accompany the body sample to the laboratory.

99.175 Notices of initial drug test

Notice to donor

- (1) The notice given to the donor under paragraph 99.165 (1) (b) or 99.170 (5) (a) must contain the following:
 - (a) the donor's name, date of birth, gender, residential address and telephone number, and an indication of whether those details were provided by the donor or the donor's DAMP organisation (if any) or a DAMP contractor;
 - (b) the date and time that the donor was asked by the approved tester to stop performing or being available to perform SSAAs for the purposes of giving a body sample for a drug test;

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- (c) the applicable SSAA that the donor was performing or available to perform at the time the donor was tested;
 - (d) the date, time and location of the place that an initial drug test was conducted on the donor's body sample;
 - (e) the test result for the initial drug test;
 - (f) the initials of the tester and his or her allocated number.
- (2) If the result of the initial drug test is a positive result, the notice must also include the following:
- (a) the details of any photographic identification provided by the donor;
 - (b) the make, model and serial number of the approved drug testing device used to conduct the initial drug test;
 - (c) the sample identifier allocated to the body sample taken for a confirmatory drug test by the approved tester (see paragraph 99.180 (1) (a));
 - (d) a certification by the tester about whether the body sample has been taken and tested in accordance with the requirements of the regulations and any applicable legislative instrument made by CASA under the regulation 99.140;
 - (e) a certification by the tester about whether the device has been stored, tested, maintained and operated in accordance with the legislative instrument made by CASA under subregulation 99.145 (2).

Note If the result of the initial drug test is a positive result, subregulation 99.180 (7) may also require the notice to contain certain things.

Notice to approved laboratory

- (3) For paragraph 99.170 (5) (b), the notice must contain the following:
- (a) the sample identifier allocated to the body sample by the approved tester;
 - (b) the date time that the body sample was given;
 - (c) the results of the initial drug test;
 - (d) the list of testable drugs that the tester wants the approved laboratory to test for in the confirmatory drug test;

- (e) the name of the approved tester.

99.180 Dealing with samples for confirmatory drug test

- (1) If the result of an initial drug test is a positive result, as soon as practicable after the result is known, the approved tester must:
 - (a) allocate to the body sample a sample identifier; and
 - (b) divide the body sample into approximately equal lots to be known as Sample A and Sample B; and
 - (c) place Sample A and Sample B into separate specimen tubes; and
 - (d) place both tubes into a single container.
- (2) In allocating the sample identifier under paragraph (1) (a), the approved tester must use the method specified in a legislative instrument made by CASA under regulation 99.150.
- (3) The amount of body sample in Sample A and Sample B must be sufficient for a confirmatory drug test to be conducted.
- (4) Immediately before the body sample is placed in them, the tubes must:
 - (a) be in the packages provided by the manufacturer; and
 - (b) not have been used for any purpose; and
 - (c) be in such a condition that they do not affect the quality of the body sample taken.
- (5) As soon as practicable after placing Sample A and Sample B into separate specimen tubes, the approved tester must:
 - (a) securely seal each tube with tamper-evident seals; and
 - (b) label each tube with the following information:
 - (i) the tester's initials;
 - (ii) the sample identifier for the body sample;
 - (iii) information about whether the tube contains Sample A or Sample B.
- (6) The approved tester must ask the donor to:
 - (a) witness the tester's actions under this regulation in respect of the body sample; and
 - (b) initial the tamper-evident seals on the tubes; and

Regulation 99.185

(c) sign the notice given to the donor under regulation 99.175.

- (7) If the donor refuses a request made by the approved tester under subregulation (6), the tester must, in the notice given under paragraph 99.170 (5) (a), set out that fact.

99.185 Transporting samples

- (1) As soon as practicable after placing a body sample into specimen tubes, the approved tester must cause the tubes to be sent to an approved laboratory for confirmatory drug testing.
- (2) The approved tester must send the specimen tubes in a way that results in the tubes arriving at the approved laboratory as soon as practicable after the tester places the body sample into the tubes.

Note Under subregulation 99.170 (6), a notice from the approved tester must accompany the samples to the approved laboratory.

- (3) The specimen tubes must be stored prior to transport and transported in such a way that the integrity of the body sample is preserved.

Subdivision 99.C.2.3 Receipt and storage of samples by approved laboratories

99.190 Receipt of samples

- (1) If an approved laboratory receives a body sample divided into Sample A and Sample B for a confirmatory drug test, the laboratory must, as soon as practicable after receiving the specimen tubes:
- (a) inspect each tube for damage; and
 - (b) check that the seals on the tubes are intact.
- (2) If a seal on a specimen tube is not intact, or a specimen tube is damaged in such a way that the integrity of the body sample may have been compromised, the laboratory must:
- (a) not test the part of the body sample contained in the tube; and
 - (b) discard the contents of the tube.

Regulation 99.195

- (3) If the laboratory discards the contents of both of the specimen tubes, as soon as practicable after the day the laboratory received the tubes, the laboratory must send to CASA a dated, written notice that includes the following information:
 - (a) the date and time of receipt of the body sample at the laboratory;
 - (b) the sample identifier for the body sample;
 - (c) a statement about why both tubes were discarded.
- (4) As soon as practicable after CASA receives the notice from the laboratory, CASA must give a written notice to the donor that includes the following:
 - (a) the sample identifier for the body sample;
 - (b) a statement:
 - (i) that neither Sample A nor Sample B could be tested because the integrity of the body samples had been compromised; and
 - (ii) that both Sample A and Sample B were discarded by the laboratory.

99.195 Storage of samples

If neither Sample A nor Sample B is discarded

- (1) Subregulations (2), (3) and (4) apply if:
 - (a) an approved laboratory receives a body sample for a confirmatory drug test that is divided into Sample A and Sample B; and
 - (b) neither Sample A nor Sample B is discarded under subregulation 99.190 (2) or (3).
- (2) Sample A and Sample B must be stored in a secured refrigeration unit until Sample A is tested.
- (3) If the test result for the confirmatory drug test on Sample A is a positive result, Sample B must be:
 - (a) stored in a secure freezer; and
 - (b) kept for 100 days from the date of the positive result and then discarded.

Regulation 99.200

- (4) If the test result for Sample A is not a positive result, Sample B must be discarded.

If one of the specimen tubes is discarded

- (5) If:
- (a) an approved laboratory receives a body sample for a confirmatory drug test that is divided into Sample A and Sample B; and
 - (b) either Sample A or Sample B is discarded under subregulation 99.190 (2);
- then the remaining specimen tube must be stored in a secured refrigeration unit until it is tested.

Subdivision 99.C.2.4 Conduct of drug tests by approved laboratories

99.200 Testing Sample A

- (1) An approved laboratory must test Sample A of a body sample it receives for confirmatory drug testing if the laboratory is satisfied that Sample A retains its integrity.
- (2) If the integrity of Sample A of a body sample may have been compromised, or the Sample A is for some reason unavailable for confirmatory drug testing, the approved laboratory must deal with Sample B of the body sample as if it were Sample A.
- (3) These Regulations apply to the Sample B accordingly.
- (4) If Sample B of the body sample is to be dealt with as if it were Sample A, Sample B is to be known as Sample A from the time that Sample B, under this regulation, is required to be dealt with as Sample A.

99.205 Samples to be tested in accordance with National Association of Testing Authorities' accreditation

An approved laboratory must test body samples received under this Subpart in accordance with the laboratory's accreditation by the National Association of Testing Authorities.

99.210 Notices of Sample A results

Laboratory to CASA

- (1) As soon as practicable after a confirmatory test is conducted on Sample A of a body sample by an approved laboratory, the laboratory must send to CASA a dated, written notice that includes the following:
 - (a) the date and time of receipt of the body sample at the laboratory;
 - (b) the sample identifier for the body sample;
 - (c) a statement as to whether the tamper-evident seals on the specimen tubes containing the body sample were intact on receipt by the laboratory;
 - (d) the list of testable drugs that the approved tester of the initial drug test asked to be tested;
 - (e) the date and time that Sample A was tested;
 - (f) the method used for the testing;
 - (g) the target concentrations of the testing;
 - (h) the result of the test;
 - (i) a statement about whether the body sample has been tested in accordance with these Regulations, and any conditions attached to the laboratory's National Association of Testing Authorities accreditation;
 - (j) the name of the person who declared the results of the test.
- (2) The notice must be signed by the laboratory's approved person.

CASA to donor — oral notice

- (3) As soon as practicable after CASA receives the notice from the laboratory, CASA must give oral notice to the donor of the body sample of the confirmatory test result on Sample A.

CASA to donor — written notice

- (4) As soon as practicable after CASA gives the oral notice, CASA must give a written notice to the donor that includes the following:
 - (a) the sample identifier for Sample A and Sample B;

Regulation 99.215

- (b) the list of testable drugs that were tested for;
- (c) a statement as to whether the tamper-evident seals on the specimen tubes containing the body sample were intact on receipt by the approved laboratory that tested them;
- (d) the date and time that Sample A was tested;
- (e) the method used for the testing;
- (f) the target concentrations of the testing;
- (g) the result of the test;
- (h) a statement about whether the body sample has been tested in accordance with these Regulations and any conditions attached to the laboratory's National Association of Testing Authorities accreditation;
- (i) if the result of the test is a positive result:
 - (i) information about the donor's rights to have Sample B tested; and
 - (ii) information about how the donor gets Sample B tested and the costs associated with that testing.

99.215 Donor may request testing of Sample B

- (1) If the test result for Sample A of a body sample is a positive result, the donor of the body sample may apply to CASA to either:
 - (a) have conducted on Sample B of the body sample a further confirmatory drug test by the approved laboratory (the *original laboratory*) that tested Sample A; or
 - (b) have Sample B transferred to another approved laboratory (the *second laboratory*) for a further confirmatory drug test.

Note If the integrity of either Sample A or Sample B of a body sample has been compromised, the compromised specimen tube will have been discarded. There will not be a Sample B to be tested because, under regulation 99.200, Sample B will become known as Sample A.

- (2) The application must be made within 90 days of the date of the written notice of the test result for the confirmatory drug test on Sample A being given to the donor.

Regulation 99.220

- (3) The donor is liable to pay the costs of testing Sample B and any transportation costs associated with transporting Sample B to the second laboratory (if any).

Original laboratory to test Sample B

- (4) If the original laboratory is advised by CASA to test Sample B, it must do so.

Second laboratory to test Sample B

- (5) If the original laboratory is notified by CASA to transport Sample B to a specified second laboratory for testing, the original laboratory must package and transport Sample B as provided for in regulation 99.185 as if the original laboratory were the approved tester for the body sample.
- (6) The original laboratory must send the specimen tube in a way that results in the tube arriving at the approved laboratory as soon as practicable.
- (7) The specimen tubes must be stored prior to transport and transported in such a way that the integrity of the body sample is preserved.
- (8) CASA must notify the second laboratory of the matters specified in subregulation 99.175 (3) in respect of Sample B.
- (9) On receipt of Sample B, the second laboratory must:
- (a) test the sample in accordance with the notice; and
 - (b) deal with the sample as if it were the original laboratory and these regulations apply to that second laboratory accordingly.

99.220 Approved laboratory to keep Sample B

- (1) This regulation applies if:
- (a) an approved laboratory receives a body sample for a confirmatory drug test that is divided into Sample A and Sample B; and
 - (b) the test result for the confirmatory drug test on Sample A is a positive result; and

Regulation 99.225

- (c) there is a Sample B remaining after Sample A is tested.
- (2) The approved laboratory must keep Sample B for the 100-day period specified in paragraph 99.195 (3) (b), unless the donor:
 - (a) applies to CASA to have a confirmatory drug test conducted on Sample B; and
 - (b) applies within 90 days of the date of the written notice of the test result for the confirmatory drug test on Sample A being given to the donor.
- (3) If the donor does not apply to CASA within the 90-day period mentioned in subregulation (2), the approved laboratory must discard Sample B at the end of the 100-day period specified in paragraph 99.195 (3) (b).

99.225 Notices of Sample B results

- (1) If a confirmatory drug test is conducted on Sample B of a body sample, the notices specified in subregulation 99.210 (1) and (3) must be given in respect of that test.
- (2) The notices must be given in the form and within the timeframes required by regulation 99.210.
- (3) The written notice to the donor must contain the following:
 - (a) the sample identifier for Sample A and Sample B;
 - (b) a statement that Sample B was tested;
 - (c) a statement as to whether the tamper-evident seals on the specimen tubes containing the body sample were intact on receipt by the approved laboratory that tested them;
 - (d) the list of testable drugs that were tested for;
 - (e) the date and time that Sample B was tested;
 - (f) the method used for the testing;
 - (g) the target concentrations of the testing;
 - (h) the result of the test;
 - (i) a statement about whether the sample has been tested in accordance with these Regulations and any conditions attached to the laboratory's National Association of Testing Authorities accreditation.

99.230 Test results

- (1) If a confirmatory drug test is conducted on Sample A of a body sample and the result is not a positive result, then the test result for the body sample is taken not to be a positive result.
- (2) Subject to subregulations (4) and (5), if a confirmatory drug test is conducted on Sample A of a body sample and the result is a positive result, then the test result for the body sample is taken to be a positive result.
- (3) Subject to subregulation (5), if:
 - (a) a confirmatory drug test is conducted on Sample A of a body sample and the result is a positive result; and
 - (b) the donor applies to CASA to have a confirmatory drug test conducted on Sample B of a body sample before the expiry of the period mentioned in subregulation 99.215 (2); and
 - (c) the result of the test on Sample B is a positive result;then the test result for the body sample is taken to be a positive result.
- (4) If:
 - (a) a confirmatory drug test is conducted on Sample A of a body sample and the result is a positive result; and
 - (b) the donor applies to CASA to have a confirmatory drug test conducted on Sample B of the sample before the expiry of the period mentioned in subregulation 99.215 (2); and
 - (c) the result of the test on Sample B is not a positive result, or Sample B is not available to be tested;then, despite the positive result for Sample A, the test result for the body sample is taken not to be a positive result.

Note Under regulation 99.200, Sample B may have been dealt with as if it were Sample A. In that case, there will not be a Sample B to test.
- (5) A positive result for a confirmatory drug test on either Sample A or Sample B of a body sample is taken not to be a positive result for the sample if a CASA medical review officer has determined that the test result for the sample could be the result of legitimate therapeutic treatment or some other innocuous source.

Regulation 99.235

Subdivision 99.C.2.5 Record-keeping

99.235 Approved laboratory to keep records

- (1) An approved laboratory must keep a copy of a notice sent under regulation 99.210 for 7 years from the date the notice was sent.

Penalty: 50 penalty units.

- (2) The laboratory must keep the copy in a secure location.

Penalty: 50 penalty units.

- (3) During the 7-year period, the laboratory must provide a copy of the notice to CASA if required to.

Penalty: 50 penalty units.

- (4) An offence against subregulation (1), (2) or (3) is an offence of strict liability.

- (5) Subject to any requirement in any other Commonwealth, State or Territory law, the copy must be destroyed at the end of the 7-year period.

Division 99.C.3 Alcohol testing

99.240 Which body samples may be alcohol tested

An approved tester conducting an alcohol test under this Subpart may only take a sample of a person's breath for testing.

99.245 How samples are taken and tested

An approved tester must take body samples for alcohol testing in accordance with the procedures set out in a legislative instrument made by CASA for the purposes of this regulation.

Regulation 99.255

99.250 Approved breathalysers to be used in alcohol tests

- (1) If an approved tester is conducting an initial alcohol test under this Subpart, the tester must only use an approved breathalyser to conduct the test.
- (2) If the approved tester is conducting a confirmatory alcohol test under this Subpart, the tester must only use a breathalyser that:
 - (a) is an approved breathalyser; and
 - (b) meets the requirements of NMI R 126, *Pattern Approval Specifications for Evidential Breath Analysers*.
- (3) The approved tester must ensure that the breathalyser is stored, tested, maintained and operated in accordance with a legislative instrument made for the purposes of this subregulation.

99.255 Alcohol tests

- (1) To conduct an initial alcohol test, an approved tester must take a breath sample.
- (2) If the result of the initial alcohol test is not a positive result, the approved tester must give the donor a notice that includes the information specified in regulation 99.265 in respect of the initial alcohol test.
- (3) If the result of the initial alcohol test is a positive result, the approved tester must take a further breath sample from the donor for a confirmatory alcohol test.
- (4) The further sample must be taken as soon as practicable, but not sooner than 15 minutes, after the initial alcohol test sample was taken.
- (5) After the result of the confirmatory alcohol test is available, the approved tester must give the donor a notice that includes the information specified in regulation 99.265 in respect of the confirmatory alcohol test.

Regulation 99.260

99.260 Test results

- (1) If an initial alcohol test is conducted on a body sample and the result is not a positive result, then the test result for the body sample is taken not to be a positive result.
- (2) If:
 - (a) an initial alcohol test is conducted on a body sample and the result is a positive result; and
 - (b) a confirmatory alcohol test in respect of THE initial alcohol test is conducted on a body sample; and
 - (c) the result of the confirmatory alcohol test is a positive result;then the test result for the body sample is taken to be a positive result.
- (3) If:
 - (a) an initial alcohol test is conducted on a body sample and the result is a positive result; and
 - (b) a confirmatory alcohol test is conducted on the body sample and the result of the test is not a positive result;then, despite the positive result for the initial alcohol test, the result for the body sample is taken not to be a positive result.

99.265 Notice of alcohol test

- (1) This regulation sets out the notice requirements that apply if an approved tester is required under regulation 99.255 to give a notice to a donor.
- (2) The notice given to the donor must contain the following:
 - (a) the donor's name, date of birth, gender, residential address and telephone number, and an indication of whether those details were provided by the donor or the donor's DAMP organisation (if any);
 - (b) the date and time that the donor was asked by the approved tester to stop performing or being available to perform SSAAs for the purposes of giving a body sample for an alcohol test;
 - (c) the date, time and location of the place that the donor's body sample was taken and tested;

Regulation 99.270

- (d) the test result;
 - (e) the applicable SSAA that the donor was performing or available to perform at the time the donor was tested.
- (3) If the result of the confirmatory alcohol test is a positive result, the notice must also contain the following:
- (a) the make, model and serial number of the approved breathalyser used to conduct the testing of the body sample;
 - (b) the details of any photographic identification provided by the donor;
 - (c) a certification by the approved tester about whether the body sample has been taken and tested in accordance with the requirements of the regulations and any applicable legislative instrument made under regulation 99.245;
 - (d) a certification by the tester about whether the breathalyser has been stored, tested, maintained and operated in accordance with the legislative instrument made under subregulation 99.250 (3);
 - (e) the initials of the tester and his or her allocated number.
- (4) If the result of the confirmatory alcohol test is positive, the approved tester when giving the notice to the donor must ask the donor to sign the notice.

99.270 Notice to CASA

As soon as practicable after the giving of a notice to the donor under regulation 99.265, the approved tester must give CASA a notice that includes the information given to the donor.

Regulation 99.275

Subpart 99.D Evidentiary certificates and prescribed proceedings

Division 99.D.1 Purposes of Subpart

99.275 Purposes of Subpart

This Subpart provides for the following:

- (a) evidentiary certificates (Division 99.D.2);
- (b) prescribed proceedings for paragraph 36 (4) (d) of the Act (Division 99.D.3).

Division 99.D.2 Evidentiary certificates

99.280 Certificates by approved tester

Matters relating to samples for initial drug tests

- (1) A certificate that under subsection 36 (4) of the Act is admissible in proceedings concerning an initial drug test must:
 - (a) be signed by an approved tester; and
 - (b) be in respect of a body sample taken by the tester for an initial drug test; and
 - (c) be in respect of a body sample that the tester conducted an initial drug test on; and
 - (d) state one or more of the matters set out in subregulation (3).
- (2) Subject to regulation 99.305, if subregulation (1) is complied with, then the certificate is admissible as evidence of the matters stated in the certificate in any proceedings under the Act, these Regulations or the *Criminal Code*.

Note Regulation 99.315 prescribes proceedings under the *Criminal Code* for the purposes of paragraph 36 (4) (d) of the Act.

- (3) For paragraph (1) (d), the matters are as follows:
 - (a) the approved tester's allocated number;
 - (b) that the tester who signed the certificate was an approved tester at the time the body sample was taken;

Regulation 99.280

- (c) when the body sample was taken;
- (d) from whom the body sample was taken;
- (e) the applicable SSAA that the donor was performing or available to perform at the time the body sample was taken;
- (f) the make, model and serial number of the approved drug testing device used to conduct the test on the body sample;
- (g) a description of the method of sampling;
- (h) whether the test conducted on the body sample was an initial drug test;
- (i) the result of the test conducted;
- (j) the sample identifier, if any, for the body sample.

Matters relating to alcohol tests

- (4) A certificate that under subsection 36 (4) of the Act is admissible in proceedings concerning an alcohol test under Subpart 99.C must:
 - (a) be signed by an approved tester; and
 - (b) be in respect of a body sample taken by the tester for an alcohol test; and
 - (c) state one or more of the matters set out in subregulation (6).
- (5) Subject to regulation 99.305, if subregulation (4) is complied with, then the certificate is admissible as evidence of the matters stated in the certificate in any proceedings under the Act, these Regulations or the *Criminal Code*.

Note Regulation 99.315 prescribes proceedings under the *Criminal Code* for the purposes of paragraph 36 (4) (d) of the Act.

- (6) For paragraph (4) (c), the matters are as follows:
 - (a) the approved tester's allocated number;
 - (b) that the tester who signed the certificate was an approved tester at the time the body sample was taken;
 - (c) when the body sample was taken;
 - (d) from whom the body sample was taken;

Regulation 99.285

- (e) the applicable SSAA that the donor was performing or available to perform at the time the body sample was taken;
- (f) the make, model and serial number of the approved breathalyser used to take the body sample and conduct the test;
- (g) a description of the method of sampling;
- (h) the alcohol test conducted on the body sample;
- (i) the result of the test conducted.

99.285 Certificates by approved laboratory

- (1) A certificate that under subsection 36 (4) of the Act is admissible in proceedings concerning a confirmatory drug test must:
 - (a) be signed by an approved laboratory; and
 - (b) be in respect of a body sample on which a confirmatory drug test was conducted by the laboratory; and
 - (c) state one or more of the matters set out in subregulation (3).
- (2) Subject to regulation 99.305, if subregulation (1) is complied with, then the certificate is admissible as evidence of the matters stated in the certificate in any proceedings under the Act, these Regulations or the *Criminal Code*.

Note Regulation 99.315 prescribes proceedings under the *Criminal Code* for the purposes of paragraph 36 (4) (d) of the Act.

- (3) For paragraph (1) (c), the matters are as follows:
 - (a) the sample identifier for the body sample;
 - (b) that the person who signed the certificate was an approved laboratory or the laboratory's approved person at the time the certificate was signed;
 - (c) when the body sample was received;
 - (d) what, if any, labels or other means of identifying the body sample accompanied the body sample when it was received;
 - (e) what container or containers the body sample was contained in when it was received;

Regulation 99.300

- (f) the state of the seals on the container or containers when the body sample was received;
- (g) the state of the container or containers when the body sample was received;
- (h) when the body sample was tested;
- (i) a description of the way in which the body sample was stored by the laboratory;
- (j) a description of the method of testing;
- (k) the testable drugs tested for;
- (l) the result of the test conducted.

99.290 Document taken to be a certificate unless contrary intention established

For the purposes of this Subpart, a document purporting to be a certificate referred to in regulation 99.280 or 99.285 is, unless the contrary intention is established, taken to be such a certificate and to have been duly given.

99.295 Certificate not to be admitted unless copy given

A certificate must not be admitted in evidence under regulation 99.280 or 99.285 in any proceedings under the Act, these Regulations or the *Criminal Code* unless:

- (a) the person charged with the offence; or
- (b) a barrister or solicitor who has appears for the person in those proceedings;

has, at least 14 days before the certificate is sought to be so admitted, been given a copy of the certificate together with reasonable notice of the intention to produce the certificate as evidence in the proceedings.

99.300 Person signing the certificate may be called to give evidence

- (1) Subject to subregulation (2), if, under regulation 99.280 or 99.285, a certificate is admitted in evidence in proceedings, the person charged with the offence may require the person who signed the certificate to be called as a witness for the

Regulation 99.305

prosecution and cross-examined as if he or she had given evidence of the matters stated in the certificate.

- (2) Subregulation (1) does not entitle the person charged to require the person who signed the certificate to be called as a witness for the prosecution unless:
 - (a) the prosecutor has been given at least 4 days notice of the person's intention to require the person who signed the certificate to be so called; or
 - (b) the Court, by order, grants the person's application to require the calling of the witness.

99.305 Rebuttal evidence

- (1) Any evidence given in support, or in rebuttal, of a matter stated in a certificate given under regulation 99.280 or 99.285 must be considered on its merits, and the credibility and probative value of such evidence must be neither increased nor diminished because of this Subpart.
- (2) The evidential burden in rebutting a matter stated in a certificate given under regulation 99.280 or 99.285 is on the balance of probabilities.

99.310 CASA may ask for full certificate

- (1) CASA may, by notice in writing, ask:
 - (a) an approved tester to provide a certificate, under subregulation 99.280 (1) or (4); or
 - (b) an approved laboratory to provide a certificate, under regulation 99.285;that contains all of the matters listed in the particular provision.
- (2) The approved tester or approved laboratory must comply with the notice within 7 days of receiving it.

Penalty: 50 penalty units.

- (3) An offence against subregulation (2) is an offence of strict liability.

Division 99.D.3 Prescribed proceedings

99.315 Prescribed proceedings

For paragraph 36 (4) (d) of the Act, proceedings under the *Criminal Code* are prescribed.

Subpart 99.E Offences for Subpart 99.C

Division 99.E.1 Purposes of Subpart

99.320 Purposes of Subpart

This Subpart provides for the following:

- (a) offences relating to Subpart 99.C (Division 99.E.2);
- (b) CASA medical review officers (Division 99.E.3).

Division 99.E.2 Offences

Subdivision 99.E.2.1 Offences relating to giving a body sample

99.325 Failing to carry identification whilst undertaking applicable SSAA

- (1) If:
 - (a) a person is performing or available to perform an applicable SSAA; and
 - (b) as part of the process of taking a body sample for a drug or alcohol test under Subpart 99.C, an approved tester requires the person to produce identification of a kind set out in subregulation (2);the person must either:
 - (c) immediately produce to the tester the identification; or
 - (d) produce to the tester the identification within 1 hour after being required to do so.

Penalty: 10 penalty units.

Regulation 99.330

- (2) For subregulation (1), the kinds of identification are as follows:
 - (a) identification that:
 - (i) contains a photograph of the person and sets out the person's name, date of birth and address; and
 - (ii) was issued by a Commonwealth, State, Territory or local government body;
 - (b) identification that is issued by a DAMP organisation that contains a photograph of the person and the person's name;
 - (c) an ASIC;
 - (d) a passport.
- (3) An offence against subregulation (1) is an offence of strict liability.

99.330 Refusing or failing to give a body sample

- (1) A person must not refuse or fail to give a body sample to an approved tester for a drug or alcohol test under Subpart 99.C if:
 - (a) the person is performing or available to perform an applicable SSAA; and
 - (b) at the time the person is performing or available to perform the applicable SSAA, the person is required to give a body sample for a drug or alcohol test by the approved tester; and
 - (c) the approved tester, in requiring and taking or seeking to take the body sample, complies with the requirements of this Part or any legislative instrument made under this Part.
- Penalty: 50 penalty units.
- (2) It is a defence to subregulation (1) if a person failed to give a body sample because the person had a medical condition that rendered the person unable to give the body sample.
 - (3) An offence against subregulation (1) is an offence of strict liability.

99.335 Continuing to perform applicable SSAA after refusing a drug or alcohol test or failing to give a body sample

- (1) This regulation applies if:
 - (a) a person is performing or available to perform an applicable SSAA; and
 - (b) the person is required by an approved tester to provide a body sample for a drug or alcohol test under Subpart 99.C; and
 - (c) the person:
 - (i) refuses to provide a body sample to be tested; or
 - (ii) fails to provide a body sample to be tested.
- (2) The person must not again perform or be available to perform an applicable SSAA until the person is drug or alcohol tested under this Part.

Penalty: 50 penalty units.

Note 1 If the person receives a confirmatory drug test and the result is a positive result, the person may be liable to an offence if the person contravenes regulation 99.380.

Note 2 It is an offence for the person to contravene regulation 99.345 or 99.380 in respect of the drug test.

- (3) An offence against subregulation (2) is an offence of strict liability.

99.340 Failing to stop performing an applicable SSAA

- (1) If an approved tester requires a person to stop performing or being available to perform an applicable SSAA for the time it takes for the tester to take a body sample from the person and conduct a drug or alcohol test under Subpart 99.C on the body sample, the person must comply with the requirement.

Penalty: 50 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.

Regulation 99.345

99.345 Failing to remain in approved tester's presence

- (1) If an approved tester requires a person to remain in the tester's presence for the time it takes for the tester to take a body sample from the person and conduct a drug or alcohol test under Subpart 99.C on the body sample, the person must comply with the requirement.

Penalty: 50 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.

99.350 Person must not interfere with integrity of body sample

- (1) If a person is giving, or has given, a body sample for a drug or alcohol test under this Part, a person must not interfere with the integrity of that sample.

Penalty: 50 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.

Subdivision 99.E.2.2 Offences occurring after positive test result

99.355 Continuing to perform applicable SSAA between having initial drug test and confirmatory drug test

- (1) This regulation applies if:
- (a) a person is performing or available to perform an applicable SSAA; and
 - (b) the person receives an initial drug test; and
 - (c) the result of the initial drug test is a positive result; and
 - (d) the person's body sample in respect of the initial drug test is being subjected to confirmatory drug testing by an approved laboratory.

Regulation 99.360

- (2) The person must not again perform or become available to perform an applicable SSAA until the person has received a confirmatory drug test in respect of the initial drug test.

Penalty: 50 penalty units

Note Regulation 99.360 provides an offence for performing or being available to perform an applicable SSAA after a confirmatory drug test has been given and before the results of that confirmatory drug test are returned.

- (3) An offence against subregulation (2) is an offence of strict liability.
- (4) It is not an offence against subregulation (2) for a person to perform or become available to perform an applicable SSAA if the person's body sample cannot be subjected to confirmatory drug testing by an approved laboratory.

99.360 Continuing to perform applicable SSAA after having confirmatory drug test and before result returned

- (1) This regulation applies if:
- (a) a person is performing or available to perform an applicable SSAA; and
 - (b) the person receives an initial drug test; and
 - (c) the result of the initial drug test is a positive result; and
 - (d) the person receives a confirmatory drug test in respect of the initial drug test; and
 - (e) the test result for the confirmatory drug test has not been returned to the person.
- (2) The person must not again perform or be available to perform an applicable SSAA until the result of the confirmatory drug test has been returned to the person.

Penalty: 50 penalty units.

Note If the returned test result is a positive result, then the person may be liable to an offence if the person contravenes regulation 99.380.

- (3) An offence against subregulation (2) is an offence of strict liability.

Regulation 99.365

- (4) It is not an offence against subregulation (2) for a person to perform or become available to perform an applicable SSAA if a test result for the confirmatory drug test cannot be returned to the person because it was not possible to conduct the confirmatory drug test.

99.365 Continuing to perform applicable SSAA before confirmatory alcohol test result returned

- (1) This regulation applies if:
- (a) a person is performing or available to perform an applicable SSAA; and
 - (b) the person receives an initial alcohol test; and
 - (c) the initial alcohol test result is a positive result.
- (2) The person must not again perform or be available to perform an applicable SSAA until the person has:
- (a) received a confirmatory alcohol test in respect of the initial alcohol test; and
 - (b) the test result for the confirmatory alcohol test has been returned to the person.

Penalty: 50 penalty units

Note If the returned test result is a positive result, then the person may be liable to an offence if the person contravenes regulation 99.385.

- (3) An offence against subregulation (2) is an offence of strict liability.

99.370 Performing applicable SSAA showing positive result for testable drug

- (1) A person must not perform or be available to perform an applicable SSAA if:
- (a) while the person is performing or available to perform an applicable SSAA, the person gives a body sample for an initial drug test under Subpart 99.C; and
 - (b) a confirmatory drug test in respect of the initial drug test is conducted on Sample A of the person's body sample; and

Regulation 99.375

- (c) the result of the confirmatory drug test on Sample A is a positive result.

Penalty: 50 penalty units.

Note Regulation 99.230 deals with how you determine the results of confirmatory drug tests.

- (2) It is a defence to subregulation (1) if Sample B of the person's body sample is tested within the period specified in subregulation 99.215 (2) and returns a result that is not positive.
- (3) Subregulation (1) applies to create an offence in respect only of the applicable SSAA that the person was performing or available to perform at the time that the body sample for the initial drug test was taken.
- (4) An offence against subregulation (1) is an offence of strict liability.

99.375 Performing applicable SSAA while showing positive result for a confirmatory alcohol test

- (1) A person must not perform or be available to perform an applicable SSAA if:
 - (a) while the person is performing or available to perform an applicable SSAA, the person gives a body sample for an initial alcohol test under Subpart 99.C; and
 - (b) the person gives a body sample for a confirmatory alcohol test in respect of the initial alcohol test; and
 - (c) the result of the confirmatory alcohol test is a positive result.

Penalty: 50 penalty units.

Note Regulation 99.260 deals with how you determine the results of alcohol tests.

- (2) Subregulation (1) applies to create an offence in respect only of the applicable SSAA that the person was performing or available to perform at the time that the body sample for the initial alcohol test was taken.

Regulation 99.380

- (3) An offence against subregulation (1) is an offence of strict liability.

Subdivision 99.E.2.3 Offences relating to returning to SSAAs after positive test result

99.380 Continuing to perform applicable SSAA after having confirmatory drug test

- (1) This regulation applies if:
- (a) a person is performing or available to perform an applicable SSAA; and
 - (b) the person receives an initial drug test; and
 - (c) the initial drug test result is a positive result; and
 - (d) the person receives a confirmatory drug test in respect of the initial drug test; and
 - (e) the test result for the confirmatory drug test is a positive result.
- (2) The person must not again perform or be available to perform an applicable SSAA until all of the following have occurred:
- (a) the person has undergone a comprehensive assessment;
 - (b) if the comprehensive assessment recommended the person commence a drug or alcohol intervention program — the person has begun participating in a nominated drug or alcohol intervention program;
 - (c) the person is considered fit to resume performing, or being available to perform, an applicable SSAA by:
 - (i) if the person is an employee of a DAMP and the DAMP was notified of the test result for the confirmatory drug test by CASA — a DAMP medical review officer; or
 - (ii) in any other case — a CASA medical review officer;
 - (d) the person is considered fit to resume performing, or being available to perform, an applicable SSAA by the person's treating clinician, if any;

Regulation 99.385

- (e) at the time the person was considered fit under paragraphs (c) and (d), the person receives a confirmatory drug test and records, for the test, a result that was not a positive result.

Penalty: 50 penalty units.

Note Regulation 99.230 deals with test results for body samples that are drug tested.

- (3) An offence against subregulation (2) is an offence of strict liability.

99.385 Continuing to perform applicable SSAA after confirmatory alcohol test

- (1) This regulation applies if:
 - (a) a person was performing or available to perform an applicable SSAA; and
 - (b) the person has had an initial alcohol test; and
 - (c) the test result for the initial alcohol test was a positive result; and
 - (d) the person has had a confirmatory alcohol test in respect of the initial alcohol test; and
 - (e) the test result for the confirmatory alcohol test was again a positive result.
- (2) The person must not again perform or become available to perform an applicable SSAA until all of the following have occurred:
 - (a) the person has undergone a comprehensive assessment;
 - (b) if the comprehensive assessment recommended the person commence a drug or alcohol intervention program — the person has begun participating in a nominated drug or alcohol intervention program;
 - (c) the person is considered fit to resume performing, or being available to perform, an applicable SSAA by:
 - (i) if the person is an employee of a DAMP and the DAMP was notified of the test result for the confirmatory drug test by CASA — a DAMP medical review officer; or

Regulation 99.390

- (ii) in any other case — a CASA medical review officer;
- (d) the person is considered fit to resume performing, or being available to perform, an applicable SSAA by the person's treating clinician, if any.

Penalty: 50 penalty units.

Note Regulation 99.260 deals with test results for body samples that are alcohol tested.

- (3) An offence against subregulation (2) is an offence of strict liability.

Division 99.E.3 CASA medical review officers

99.390 CASA medical review officers

- (1) CASA may, in writing, appoint a person entitled to practice as a medical practitioner under a law of a State or Territory to be a CASA medical review officer for the purposes of Subpart 99.C.
- (2) A CASA medical review officer must review:
 - (a) a positive result for a drug or alcohol test; and
 - (b) medical information concerning a person's failure to give a body sample for drug or alcohol testing because of a medical condition;before the result or failure is referred for action for an offence under this Subpart, or for other action under the Act or these Regulations.
- (3) CASA must take into account the results of a review carried out by a CASA medical review officer under subregulation (2) before it makes a decision to refer a positive result for action for an offence under this Subpart or for other action under the Act or these Regulations.

Subpart 99.F Provision of information

Division 99.F.1 Purposes of Subpart

99.395 Purposes of Subpart

This Subpart provides for the exchange of information about drug and alcohol tests between CASA and DAMP organisations, and CASA and foreign operators.

Division 99.F.2 Information

99.400 Drug or alcohol test information given or required by CASA

- (1) If:
- (a) a drug or alcohol test is conducted on a person under Subpart 99.C; and
 - (b) the person is a SSAA employee of a DAMP organisation or an employee of a foreign operator; and
 - (c) the result of the test is a positive result;
- CASA may notify the organisation or foreign operator of the matters set out in a notice given to the person under Subpart 99.C.

If CASA notifies a DAMP organisation

- (2) If CASA notifies a DAMP organisation under subregulation (1) of the results of the test, CASA may require the organisation, by notice in writing, to provide CASA with the information set out in subregulation (3) in respect of the employee.
- (3) CASA may require:
- (a) information about what, if any, action was taken by the DAMP organisation under its DAMP in respect of the employee and the test result; and
 - (b) information about when, after the result of the test became known, the employee again performed or became available to perform a SSAA; and

Regulation 99.405

- (c) if the employee ceases to be a SSAA employee of the organisation — information about whether the employee so ceased:
 - (i) before the employee had completed attending a nominated drug or alcohol intervention program; or
 - (ii) before the employee had been approved by the organisation to again perform or be available to perform a SSAA.

If CASA notifies foreign operator

- (4) If CASA notifies the foreign operator under subregulation (1) of the results of the test, CASA may require the operator, by notice in writing, to provide CASA with the information relating to the test result specified in the notice.

99.405 Information that must be given to CASA following drug or alcohol test

- (1) This regulation applies if:
 - (a) CASA notifies a DAMP organisation of a person's test results in accordance with subregulation 99.400 (1); and
 - (b) the person is a SSAA employee of the DAMP; and
 - (c) the person ceases to be a SSAA employee of the DAMP organisation for any reason; and
 - (d) the cessation occurs after the test and before the employee:
 - (i) resumes performing or being available to perform an applicable SSAA with the organisation; or
 - (ii) satisfactorily completes a nominated drug or alcohol intervention program.
- (2) The DAMP organisation must, in writing, provide CASA with the information set out in subregulation (3) in respect of the employee.
- (3) The information is the following:
 - (a) the employee's name and address;
 - (b) the employee's ARN, if any;
 - (c) the date the employee ceased to work for the DAMP organisation.

Subpart 99.G CASA's powers in relation to civil aviation authorisations

Division 99.G.1 Purposes of Subpart

99.410 Purposes of Subpart

This Subpart provides for CASA to vary, suspend or cancel a person's civil aviation authorisation in certain circumstances.

Note CAR 269 allows CASA to vary, suspend or cancel a licence, certificate or authority, but under that regulation CASA must give the holder of the licence, certificate or authority notice and allow the holder an opportunity to show cause why the licence, certificate or authority should not be varied, suspended or cancelled.

99.415 When CASA may vary, suspend or cancel a civil aviation authorisation

- (1) CASA may, in writing, vary, suspend or cancel a person's civil aviation authorisation in the interests of aviation safety in the following circumstances:
 - (a) if:
 - (i) the person gives a body sample for drug or alcohol testing under Subpart 99.C; and
 - (ii) a confirmatory alcohol test or confirmatory drug test is conducted on the sample; and
 - (iii) the test result is a positive result;
 - (b) if a person refuses to give a body sample for drug or alcohol testing under Subpart 99.C.
- (2) If CASA determines that a person has contravened the requirements of a regulation in Division 99.E.2 (other than subregulation 99.325 (1)), CASA may, in writing, vary, suspend or cancel the person's civil aviation authorisation in the interests of aviation safety.

Regulation 99.420

99.420 When variation, suspension or cancellation takes effect

A variation, suspension or cancellation of a civil aviation authorisation under regulation 99.415 takes effect from the date and time (if any) specified in the variation, suspension or cancellation.

99.425 Notice

- (1) If CASA varies, suspends or cancels a person's civil aviation authorisation under regulation 99.415, CASA must, as soon as practicable after the variation, suspension or cancellation, give the person a notice of the variation, suspension or cancellation that contains the following information:
 - (a) whether the person's authorisation is varied, suspended or cancelled;
 - (b) the authorisation that is so varied, suspended or cancelled;
 - (c) the reason for the variation, suspension or cancellation;
 - (d) the time (if any) and date that the variation, suspension or cancellation takes effect.
- (2) If the notice given under subregulation (1) is not a written notice, CASA must, within 48 hours after giving the notice under that subregulation, give the person a written notice of the matters specified in that subregulation.

99.430 Effect of effluxion of time in relation to the suspension of civil aviation authorisation

- (1) If a civil aviation authorisation is suspended under this Subpart, the authorisation has no force or effect for the duration of the suspension, but the period of currency of the authorisation continues to run.
- (2) If the period for which the authorisation is suspended is a period expiring after the expiration of the current period of the authorisation, the holder of the authorisation is not eligible for renewal of the authorisation until the period of suspension has expired.

99.435 Effect of suspension of civil aviation authorisation

If CASA suspends a civil aviation authorisation under this Subpart, its holder is taken not to be the holder of the authorisation during the period of the suspension.

**Subpart 99.H Approved testers and
authorisations to conduct drug
and alcohol tests**

Division 99.H.1 Purposes of Subpart

99.440 Purposes of Subpart

This Subpart provides for the following:

- (a) approvals and authorisations of persons to take body samples and conduct drug and alcohol tests (Division 99.H.2);
- (b) obligations on approved testers, and protection of approved testers from liability in certain cases (Division 99.H.3);
- (c) powers of approved testers (Division 99.H.4);
- (d) identity cards for approved testers (Division 99.H.5);
- (e) notices for approved testers (Division 99.H.6).

Division 99.H.2 Approvals and authorisations

**99.445 CASA may approve persons to take body samples
and conduct tests**

- (1) CASA may approve a person to take body samples for the purposes of Part IV of the Act.
- (2) CASA may approve a person to conduct alcohol tests and initial drug tests for the purposes of Part IV of the Act.

Regulation 99.450

- (3) CASA may approve a person to conduct confirmatory drug tests for the purposes of Part IV of the Act if the National Association of Testing Authorities accredits the person:
 - (a) to AS 4760, *Procedures for specimen collection and the detection and quantitation of drugs in oral fluid*; or
 - (b) another Standard that is declared by CASA in a legislative instrument made for the purposes of this paragraph.
- (4) An approval may be given subject to a condition.
- (5) If CASA approves a person under subregulation (1) or (2), CASA must allocate to the person a unique identifying number (an ***allocated number***) for the purposes of this Subpart.
- (6) The allocation must be in accordance with a method approved by CASA for the purposes of this subregulation.
- (7) The allocated number may include a numeral, letter or other character.

99.450 Persons authorised to take body samples and conduct tests

- (1) For subsection 36 (2) of the Act, a person is authorised to take body samples for drug or alcohol tests under Subpart 99.C if the person is approved by CASA to do so under subregulation 99.445 (1).
- (2) For subsection 36 (3) of the Act, a person is authorised to conduct alcohol tests or initial drug tests under Subpart 99.C if the person is approved by CASA to do that under subregulation 99.445 (2).
- (3) For subsection 36 (3) of the Act, a person is authorised to conduct confirmatory drug tests under Subpart 99.C if the person is approved by CASA to do that under subregulation 99.445 (3).

**Division 99.H.3 Obligations on approved testers and
protection from liability**

99.455 Obligations on approved testers

- (1) An approved tester who wants to take a body sample from a donor must comply with the requirements of this Part in requiring, taking and dealing with the body sample.
- (2) Before taking a body sample from a donor, an approved tester must give the donor notice, in relation to any information about the donor that is collected by the tester, that meets the requirements of Information Privacy Principle 2 of the *Privacy Act 1988*.
- (3) The tester must ensure that he or she does not delay the donor for longer than is necessary to take the body sample and to conduct the test.

99.460 Approved testers not liable in certain cases

An approved tester is not liable to an action, suit or proceeding for or in relation to an act done or omitted to be done, in good faith in the performance or exercise, or the purported performance or exercise, of a function or power conferred by this Part.

Division 99.H.4 Powers of approved testers

99.465 Approved testers' powers to access premises

- (1) Subject to any aviation security requirements, an approved tester must, at all reasonable times, have access to any place to which access is necessary for the purposes of carrying out any of the approved tester's powers and functions under this Part.
- (2) A person must not prevent, or hinder, access by an approved tester to any place to which access is necessary for the purposes of carrying out any of the approved tester's powers or functions under this Part.

Penalty: 50 penalty units.

Regulation 99.470

- (3) An offence against subregulation (2) is an offence of strict liability.
- (4) An approved tester must produce his or her identity card for inspection if asked to do so by the occupier or person in charge, or apparently in charge, of the place to which the tester seeks access.
- (5) If an approved tester:
 - (a) is acting as an approved tester; and
 - (b) seeks or is allowed access to a place specified in subregulation (1); and
 - (c) fails to produce his or her identity card for inspection when asked to do so;the tester is not authorised to access the place under that subregulation and, if access has been given to the tester, the tester must leave the place.

Division 99.H.5 Identity cards**99.470 Identity cards**

- (1) CASA must issue an approved tester with an identity card for the purposes of this Part.
- (2) The identity card is valid for the period that the person has been approved under regulation 99.445, or until that approval is suspended or revoked.
- (3) The card must:
 - (a) contain a recent photograph of the person; and
 - (b) specify whether the person is authorised to take body samples for drug or alcohol tests, or both; and
 - (c) specify that the person is authorised to conduct alcohol tests or initial drug tests, or both; and
 - (d) state the person's allocated number; and
 - (e) state the period for which the person is authorised to be an approved tester.

99.475 Return of identity card

- (1) If:
- (a) a person has been issued with an identity card; and
 - (b) either:
 - (i) the person ceases to be an approved tester; or
 - (ii) the person's approval under regulation 99.445 is suspended;

the person must return the card to CASA within 7 days of the person ceasing to be an approved tester, or of the person's approval being suspended, as the case may be.

Penalty: 10 penalty unit.

- (2) An offence against subregulation (1) is an offence of strict liability.

99.480 Display and production of identity cards

- (1) If an approved tester is performing functions or exercising powers under this Part, the tester must:
- (a) wear his or her identity card so that it can be readily seen; and
 - (b) upon request, show his or her identity card to a person from whom the approved tester intends to take a body sample for a drug or alcohol test.
- (2) A donor who has been required by an approved tester to give a body sample for a drug or alcohol test may refuse to give the body sample if:
- (a) the donor requests the tester to show the donor the tester's identity card; and
 - (b) the tester does not show the donor the card.

99.485 Suspension or revocation of authorisation

- (1) This regulation applies if an approved tester:
- (a) breaches a condition of the tester's approval given under regulation 99.445; or

Regulation 99.490

- (b) does not comply with the requirements of this Part in performing functions or exercising powers under this Part.
- (2) CASA may do any or all of the following in respect of the breach:
 - (a) impose a further condition of approval;
 - (b) suspend the approved tester's authorisation under regulation 99.450;
 - (c) revoke the tester's authorisation under regulation 99.450.
- (3) If:
 - (a) CASA takes an action mentioned in paragraph (2) (a) or (b) because of a breach of a condition (the *first breach*); and
 - (b) CASA later becomes satisfied that the approved tester is not complying with a condition of the approval under regulation 99.445;

CASA may revoke the tester's authorisation even if the period for fulfilling any condition, or the period of any suspension for the first breach, has not ended.

99.490 Notices

- (1) If CASA imposes on an approved tester a further condition of approval under paragraph 99.485 (2) (a), CASA must give the tester notice in writing of the imposition of the condition, the terms of the condition and the date from which the condition takes effect.
- (2) If CASA suspends the approved tester's authorisation under paragraph 99.485 (2) (b), CASA must give the tester notice in writing of the suspension, the date that the suspension takes effect and the period of the suspension.
- (3) If CASA revokes the approved tester's authorisation under paragraph 99.485 (2) (c), CASA must give the tester notice in writing of the revocation and the date from which the revocation takes effect.
- (4) The date under this regulation must not be a date before the day the notice is given.

Regulation 99.495

- (5) A notice under this regulation must also include a statement setting out the reason that the condition was imposed or that the authorisation was suspended or revoked, as the case may be.

Division 99.H.6 Notices to approved testers

99.495 Notice to approved testers

If a provision of these Regulations requires CASA to give a notice to an approved tester, the requirement is met if CASA gives that notice to the person who, as CASA's delegate, approved the tester as an approved tester.

Part 101 Unmanned aircraft and rockets

Note *This Part is made up as follows:*

Subpart 101.A Preliminary

- 101.005 Applicability of this Part
- 101.010 Application to rocket-powered unmanned aircraft
- 101.015 Application of registration and marking requirements
- 101.020 Exemption from certain other provisions of CAR 1988
- 101.025 Meaning of *populous area*
- 101.030 Approval of areas for operation of unmanned aircraft or rockets
- 101.035 Requirements in this Part to give information to CASA
- 101.040 Exemptions
- 101.045 Conditions imposed by CASA or another authority

Subpart 101.B General prohibition on unsafe operation

- 101.050 Applicability of this Subpart
- 101.055 Hazardous operation prohibited

Subpart 101.C Provisions applicable to unmanned aircraft generally

- 101.060 Applicability of this Subpart
- 101.065 Operation in prohibited or restricted area
- 101.070 Operation in controlled airspace
- 101.075 Operation near aerodromes
- 101.080 Permission for operation of unmanned aircraft near aerodrome
- 101.085 Maximum operating height
- 101.090 Dropping or discharging of things
- 101.095 Weather and day limitations

Subpart 101.D Tethered balloons and kites

- 101.100 Applicability of this Subpart
- 101.105 Definitions for Subpart
- 101.110 Tethered balloons and kites that may be operated outside approved areas
- 101.115 Mooring-line marking
- 101.120 Operation of tethered balloon or kite under cloud
- 101.125 Tethered balloon to be lit at night

- 101.130 Rapid deflation device required
- 101.135 What to do if tethered balloon escapes

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- 101.140 Applicability of this Subpart
- 101.145 Definitions for Subpart — free balloons
- 101.150 Definition for Subpart — *approved area*
- 101.155 Releasing small balloons
- 101.160 Light balloons that may be released outside approved areas
- 101.165 Release of medium and heavy balloons outside approved areas
- 101.170 Medium and heavy balloons not to be flown low
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- 101.180 How payload must be supported — medium and heavy balloons
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- 101.210 Obligation to stay in communication with ATC — medium and heavy balloons
- 101.215 Tracking of flight — medium and heavy balloons
- 101.220 Flight reporting — medium and heavy balloons
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101.430 Launching rocket in or over prohibited or restricted area

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Regulation 101.005

101.445	Getting permission for launch of rocket near aerodrome
101.450	High power rockets
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Subpart 101.I	Firework displays
101.475	What this Subpart does
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101.485	Meaning of <i>operate a firework display</i>
101.490	Certain projectiles prohibited in firework displays
101.495	Firework displays not permitted near aerodromes
101.500	Notice to CASA of certain firework displays

Subpart 101.A Preliminary

101.005 Applicability of this Part

- (1) This Part sets out the requirements for the operation of unmanned aircraft (including model aircraft), and (to the extent that the operation of rockets and fireworks affects or may affect the safety of air navigation) the operation of rockets and the use of certain fireworks.
- (2) Nothing in this Part applies to the operation of a manned balloon or a hot air balloon.
- (3) Subparts 101.C to 101.I do not apply to the operation of:
 - (a) a control-line model aircraft (that is, a model aircraft that is constrained to fly in a circle, and is controlled in attitude and altitude, by means of inextensible wires attached to a handle held by the person operating the model); or
 - (b) a model aircraft indoors; or
 - (c) an unmanned airship indoors; or
 - (d) a small balloon within 100 metres of a structure and not above the top of the structure; or
 - (e) an unmanned tethered balloon that remains below 400 feet above ground level; or

Regulation 101.010

- (f) a firework rocket not capable of rising more than 400 feet above ground level.

Note Subpart 101.B applies to the operation of all unmanned aircraft (including model aircraft) and rockets, including firework rockets.

- (4) For paragraph (3) (c), a flight does not take place indoors if the building in which it takes place has the roof, or 1 or more walls, removed.

101.010 Application to rocket-powered unmanned aircraft

This Part applies to a rocket-powered unmanned aircraft, and to the operation of such an aircraft, unless the contrary intention appears.

101.015 Application of registration and marking requirements

Parts 45 and 47 do not apply to an aircraft (other than a large UAV) to which this Part applies, nor to a micro UAV.

Note A large UAV is required to carry a manufacturer's data plate and an aircraft registration identification plate — see respectively regulation 21.820 and Subpart 45.D of Part 45.

101.020 Exemption from certain other provisions of CAR 1988

Parts 4, 4A, 4B, 4C, 5, 7, 9, 10, 11, 12, 13 and 14 of CAR 1988 do not apply to an aircraft to which this Part applies, nor to a micro UAV.

101.025 Meaning of *populous area*

For this Part, an area is a *populous area* in relation to the operation of an unmanned aircraft or rocket if the area has a sufficient density of population for some aspect of the operation, or some event that might happen during the operation (in particular, a fault in, or failure of, the aircraft or rocket) to pose an unreasonable risk to the life, safety or property of somebody who is in the area but is not connected with the operation.

101.030 Approval of areas for operation of unmanned aircraft or rockets

- (1) A person may apply to CASA for the approval of an area as an area for the operation of:
 - (a) unmanned aircraft generally, or a particular class of unmanned aircraft; or
 - (b) rockets.
- (2) For paragraph (1) (a), the classes of unmanned aircraft are the following:
 - (a) tethered balloons and kites;
 - (b) unmanned free balloons;
 - (c) UAVs;
 - (d) model aircraft.
- (3) In considering whether to approve an area for any of those purposes, CASA must take into account the likely effect on the safety of air navigation of the operation of unmanned aircraft in, or the launching of rockets in or over, the area.
- (4) An approval has effect from the time written notice of it is given to the applicant, or a later day or day and time stated in the approval.
- (5) An approval may be expressed to have effect for a particular period (including a period of less than 1 day), or indefinitely.
- (6) CASA may impose conditions on the approval in the interests of the safety of air navigation.
- (7) If CASA approves an area under subregulation (1), it must publish details of the approval (including any condition) in NOTAM or on an aeronautical chart.
- (8) CASA may revoke the approval of an area, or change the conditions that apply to such an approval, in the interests of the safety of air navigation, but must publish details of any revocation or change in NOTAM or on an aeronautical chart.
- (9) CASA must also give written notice of the revocation or change:
 - (a) to the person who applied for the approval of the area; or

Regulation 101.035

- (b) if that person applied for that approval as an officer of an organisation concerned with unmanned aircraft or rockets, and no longer holds that office — to the person who now holds the office.

101.035 Requirements in this Part to give information to CASA

- (1) If a provision of this Part requires a person to give information to CASA about the operation, launching or release of an unmanned aircraft or rocket, then, unless the provision says otherwise, the person may do so by giving the information to:
 - (a) if the person is an approved aviation administration organisation — the Australian NOTAM Office; or
 - (b) an appropriate approved aviation administration organisation.
- (2) However, subregulation (1) does not apply in relation to the release of small balloons, or in relation to a firework display.
- (3) The information need not be given in writing unless:
 - (a) CASA or the authority to which it is given asks for it to be given in writing in the particular case; or
 - (b) another provision of these Regulations requires it to be given in writing.
- (4) If a person gives the information to an authority mentioned in paragraph (1) (a) or (b), then, subject to subregulation (6), the person is taken, for all purposes, to have complied with the requirement to give the information.
- (5) If in a particular case CASA or the authority to which the information is given reasonably requires extra information about the operation, launching or release, CASA or the authority may ask the person for the extra information.
- (6) If CASA or an authority asks for more information under subregulation (5), the person is not taken to have complied with the requirement mentioned in subregulation (1) to give the information until the person gives to CASA or the authority the extra information.

Regulation 101.040

- (7) If a day is not a working day for the office of CASA or an authority to which notice of an event is given or an application made, that day does not count for the purpose of working out how many working days' notice of the event has been given, or how many working days before an event the application has been made.
- (8) In subregulation (7):
working day, in relation to an office of CASA or an authority, means a day on which that office is open for business.

101.040 Exemptions

- (1) CASA may do either or both of the following by instrument, in relation to a particular unmanned aircraft or rocket or type of unmanned aircraft or rocket:
- (a) exempt the aircraft or rocket, or aircraft or rockets of that type, from compliance with a specified provision of Subparts 101.C to 101.H;
 - (b) exempt a person from compliance with a specified provision of Subparts 101.C to 101.H while he or she is operating the aircraft or launching the rocket, or operating aircraft or launching rockets of that type.
- (2) Before CASA decides under subregulation (1) to exempt an aircraft, rocket or type, or a person, from compliance with a provision of any of Subparts 101.C to 101.H, CASA must take into account any relevant considerations relating to the safety of air navigation.
- (3) CASA may impose a condition necessary in the interests of the safety of air navigation on such an exemption.
- (4) A person must not contravene a condition imposed under subregulation (3).

Penalty: 50 penalty units.

- (4A) An offence against subregulation (4) is an offence of strict liability.

Note For ***strict liability***, see section 6.1 of the *Criminal Code*.

Regulation 101.045

- (5) Regulation 308 of CAR 1988 does not authorise CASA to grant exemptions from the provisions of this Part.

101.045 Conditions imposed by CASA or another authority

- (1) If a provision of this Part (other than regulation 101.030) authorises CASA or another authority to impose a condition on an approval, permission, certification or exemption, CASA or the authority must give a written statement of any condition so imposed to the person who applied for the approval, permission, certification or exemption.
- (2) Unless CASA or the authority gives the statement to the person, the person is not bound by the condition.

Subpart 101.B General prohibition on unsafe operation

101.050 Applicability of this Subpart

This Subpart applies to the operation of all unmanned aircraft and rockets that are not aircraft, whether or not any of Subparts C to I applies.

101.055 Hazardous operation prohibited

- (1) A person must not operate an unmanned aircraft in a way that creates a hazard to another aircraft, another person, or property.
Penalty: 50 penalty units.
- (2) A person must not launch a rocket that is not an aircraft in a way that creates a hazard to an aircraft.
Penalty: 50 penalty units.
- (3) A person must not launch a rocket that is not an aircraft in a way that creates a hazard to another person or to property.
Penalty: 50 penalty units.

Regulation 101.065

- (3A) An offence against subregulation (1), (2) or (3) is an offence of strict liability.

Note For **strict liability**, see section 6.1 of the *Criminal Code*.

- (4) It is not a defence to a charge of contravening subregulation (1), (2) or (3) that the relevant unmanned aircraft was being operated, or the relevant rocket was launched, in a way that complied with the operations manual of an approved aviation administration organisation.

- (5) In subregulations (2) and (3):

rocket includes a firework rocket, regardless of whether it can rise more than 400 feet above ground level or not.

Subpart 101.C Provisions applicable to unmanned aircraft generally

101.060 Applicability of this Subpart

This Subpart applies to the operation of unmanned aircraft of all kinds, except operation mentioned in subregulation 101.005 (3).

Note Rockets that are not aircraft are dealt with separately in Subpart 101.H.

101.065 Operation in prohibited or restricted area

- (1) A person may operate an unmanned aircraft in or over a prohibited area, or in or over a restricted area, only with the permission of, and in accordance with any conditions imposed by, the authority controlling the area.

Penalty: 25 penalty units.

Note For **prohibited area** and **restricted area**, see regulation 6 of the *Airspace Regulations 2007*. Details of prohibited or restricted areas are published in the AIP or a NOTAM.

- (1A) An offence against subregulation (1) is an offence of strict liability.

Note For **strict liability**, see section 6.1 of the *Criminal Code*.

Regulation 101.070

- (2) In subregulation (1):

authority controlling the area means:

- (a) in the case of a prohibited area — the Secretary to the Department of Defence; and
- (b) in the case of a restricted area — the authority mentioned in AIP (as issued from time to time) as the controlling authority for the area.

- (3) For subregulation (1):

- (a) the authority controlling the area must give a written statement of any condition so imposed to the person who applied for the permission; and
- (b) unless the authority gives the statement to the person, the person is not bound by the condition.

101.070 Operation in controlled airspace

- (1) A person may operate an unmanned aircraft above 400 feet AGL in controlled airspace only:
 - (a) in an area approved under regulation 101.030 as an area for the operation of unmanned aircraft of the same kind as the aircraft, and in accordance with any conditions of the approval; and
 - (b) in accordance with an air traffic control clearance.

Penalty: 50 penalty units.

Note AGL = above ground level (see the Dictionary).

- (2) An offence against subregulation (1) is an offence of strict liability.

Note For *strict liability*, see section 6.1 of the *Criminal Code*.

101.075 Operation near aerodromes

- (1) A person may operate an unmanned aircraft at an altitude above 400 feet AGL within 3 nautical miles of an aerodrome only if:
 - (a) the operation is permitted by another provision of this Part; or

Regulation 101.080

- (b) permission has been given for the operation under regulation 101.080.

Penalty: 25 penalty units.

Note AGL = above ground level (see the Dictionary).

- (2) A person may operate an unmanned aircraft over an area mentioned in paragraph (3) (a) or (b) only if:
 - (a) the operation is permitted by another provision of this Part; or
 - (b) permission has been given for the operation under regulation 101.080.

Penalty: 25 penalty units.

- (3) The areas for subregulation (2) are:
 - (a) a movement area or runway of an aerodrome; and
 - (b) the approach or departure path of a runway of an aerodrome.
- (4) A person must not operate an unmanned aircraft in such a manner as to create an obstruction to an aircraft taking off from, or approaching for landing at, a landing area or a runway of an aerodrome.

Penalty: 25 penalty units.

- (5) An offence against subregulation (1), (2) or (4) is an offence of strict liability.

Note For *strict liability*, see section 6.1 of the *Criminal Code*.

101.080 Permission for operation of unmanned aircraft near aerodrome

- (1) The authority from which permission must be obtained for the purposes of regulation 101.075 is:
 - (a) if the aerodrome concerned is a controlled aerodrome — the air traffic control service for the aerodrome; or
 - (b) in the case of any other aerodrome — CASA.

Regulation 101.080

- (2) A person applies for permission under this regulation by giving to the relevant authority mentioned in subregulation (1) the information required by table 101.080, so far as relevant to the proposed operation.

Table 101.080 Details of operation of unmanned aircraft to be given to CASA or ATC

Item	Information to be provided
1	<p>In all cases:</p> <ul style="list-style-type: none">(a) the name, address and telephone number of the person who will operate the aircraft or (if the aircraft concerned is an unmanned free balloon) release the balloon (or, if several people will be involved, the name, address and telephone number of the person who will coordinate the operation); and(b) the date and time the operation or release is to begin and how long it is to last; and(c) where it is to be carried out; and(d) if more than 1 unmanned aircraft is to be operated at a time, how many unmanned aircraft are to be operated at that time
2	<p>In the case of the operation of a tethered balloon or a kite:</p> <ul style="list-style-type: none">(a) a brief description of the balloon or kite, including its predominant colour; and(b) the height to which it is to be operated; and(c) its mass
3	<p>In the case of the release of a free balloon:</p> <ul style="list-style-type: none">(a) how many balloons are to be released; and(b) the estimated size and mass of the balloon's payload
4	<p>In the case of the release of a medium or heavy balloon:</p> <ul style="list-style-type: none">(a) the balloon's flight identification or its project code name; and(b) the balloon's classification, or a description of the balloon; and

Regulation 101.085

Item	Information to be provided
	(c) the balloon's SSR code or NDB frequency, and its Morse identification; and
	(d) the expected horizontal direction of the balloon's ascent, and the balloon's expected rate of climb; and
	(e) the balloon's float level (given as pressure altitude); and
	(f) when the balloon is expected to reach 60 000 feet pressure altitude, and the location over which it is expected to do so; and
	(g) when the flight is expected to end, and where the balloon and its payload are expected to fall

Note For **free balloon** and **heavy balloon**, see regulation 101.145. For **tethered balloon**, see regulation 101.105.

- (3) If more than 1 aircraft is to be operated at a time, such a requirement is a requirement to give the information about each such aircraft.
- (4) Regulation 101.035 does not authorise a person who or that applies for permission under this regulation to make the application to a body mentioned in paragraph 101.035 (1) (a) or (b).
- (5) If the authority grants the permission, it may impose conditions on the permission in the interests of the safety of air navigation.
- (6) A person must not contravene a condition imposed under subregulation (5).

Penalty: 50 penalty units.

- (7) An offence against subregulation (6) is an offence of strict liability.

Note For **strict liability**, see section 6.1 of the *Criminal Code*.

101.085 Maximum operating height

- (1) A person may operate an unmanned aircraft at above 400 feet AGL only:

Regulation 101.090

- (a) in an area approved under regulation 101.030 as an area for the operation of unmanned aircraft of the same class as the aircraft concerned, and in accordance with any conditions of the approval; or
- (b) as otherwise permitted by this Part.

Penalty: 50 penalty units.

Note AGL = above ground level (see the Dictionary).

- (2) An offence against subregulation (1) is an offence of strict liability.

Note For *strict liability*, see section 6.1 of the *Criminal Code*.

101.090 Dropping or discharging of things

- (1) A person must not cause a thing to be dropped or discharged from an unmanned aircraft in a way that creates a hazard to another aircraft, a person, or property.

Penalty: 25 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.

Note For *strict liability*, see section 6.1 of the *Criminal Code*.

101.095 Weather and day limitations

- (1) A person may operate an unmanned aircraft:
 - (a) in or into cloud; or
 - (b) at night; or
 - (c) in conditions other than VMC;only if permitted by another provision of this Part, or in accordance with an air traffic control direction.

Penalty: 25 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.

Note For *strict liability*, see section 6.1 of the *Criminal Code*.

Subpart 101.D Tethered balloons and kites

101.100 Applicability of this Subpart

This Subpart applies to the operation of tethered balloons and kites.

Note This Subpart does not apply to:

- (a) the shielded operation (that is, operation within 100 metres of a structure and not above the top of the structure) of a small balloon; or
- (b) the operation of an unmanned tethered balloon or kite below 400 feet AGL.

See subregulation 101.005 (3).

101.105 Definitions for Subpart

- (1) In this Subpart:

tethered balloon means a balloon that is attached to the ground, or an object on the ground, by a cable.

- (2) For this Subpart, the height of a tethered balloon is taken to be the height above ground level of the topmost part of its envelope.

101.110 Tethered balloons and kites that may be operated outside approved areas

- (1) A person may operate a tethered balloon or a kite above 400 feet AGL outside an area approved under regulation 101.030 as an area for the operation of unmanned balloons or kites (as the case requires) only if:
 - (a) the mass of the balloon or kite is no more than 15 kilograms; and
 - (b) the horizontal visibility at the time is at least 5 kilometres; and
 - (c) the person gives to CASA the information required by table 101.110 about the proposed operation at least 1 working day before it is due to start.

Penalty: 10 penalty units.

Regulation 101.110

Note 1 A person can comply with this requirement by telling:

- (a) if the person is an approved aviation administration organisation — the Australian NOTAM Office; or
- (b) the appropriate approved aviation administration organisation.

See regulation 101.035.

Note 2 CASA must publish details of the approval of an area (including any conditions) in NOTAM or on an aeronautical chart — see subregulation 101.030 (5).

- (1A) An offence against subregulation (1) is an offence of strict liability.

Note For **strict liability**, see section 6.1 of the *Criminal Code*.

- (2) If more than 1 tethered balloon or kite is to be operated at a time, such a requirement is a requirement to give the information about each such balloon or kite.

Table 101.110 Details of operation of tethered balloon or kite to be given to CASA

Item	Information to be provided
1	The name, address and telephone number of the person who will operate the balloon or kite (or, if several people will be involved, the name, address and telephone number of the person who will coordinate the operation)
2	The date and time the operation is to begin, and how long it is to last
3	Where it is to be carried out
4	A brief description of the balloon or kite, including its predominant colour
5	The height to which it is to be operated
6	Its mass
7	If more than 1 tethered balloon or kite is to be operated at a time, how many tethered balloons or kites are to be operated at the time

Regulation 101.125

101.115 Mooring-line marking

- (1) A person may operate a tethered balloon only if:
 - (a) each mooring line has coloured streamers attached at intervals of no more than 15 metres along it, with the first streamer no more than 150 feet above ground level; and
 - (b) the streamers would be visible in normal daylight for at least 1.5 kilometres.

Penalty: 10 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.

Note For **strict liability**, see section 6.1 of the *Criminal Code*.

101.120 Operation of tethered balloon or kite under cloud

- (1) A person may operate a tethered balloon or kite under cloud only if he or she keeps the balloon or kite at least 500 feet (measured vertically) below the cloud.

Penalty: 10 penalty units.

Note For **tethered balloon**, see regulation 101.105.

- (2) An offence against subregulation (1) is an offence of strict liability.

Note For **strict liability**, see section 6.1 of the *Criminal Code*.

101.125 Tethered balloon to be lit at night

- (1) A person may operate a tethered balloon at night at or above 400 feet AGL only if it is lit so as to be visible in VMC from at least 4 kilometres away.

Penalty: 10 penalty units.

- (1A) An offence against subregulation (1) is an offence of strict liability.

Note For **strict liability**, see section 6.1 of the *Criminal Code*.

- (2) The lighting required by subregulation (1) may be inside the balloon, on its outside, or on the ground.

Regulation 101.130

101.130 Rapid deflation device required

- (1) A person may operate a tethered balloon only if it is fitted with a device that will cause it to deflate rapidly and completely if it escapes from its mooring.

Penalty: 10 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.

Note For **strict liability**, see section 6.1 of the *Criminal Code*.

101.135 What to do if tethered balloon escapes

- (1) If a tethered balloon escapes from its mooring, and the deflation device does not cause it to deflate, the person operating it must tell Airservices Australia as soon as possible:

- (a) where the balloon was launched; and
- (b) what time it broke free; and
- (c) the direction it was headed when last seen.

Penalty: 10 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.

Note For **strict liability**, see section 6.1 of the *Criminal Code*.

Subpart 101.E Unmanned free balloons

101.140 Applicability of this Subpart

This Subpart applies to the operation of an unmanned free balloon.

101.145 Definitions for Subpart — free balloons

- (1) For this Subpart:

free balloon means an unmanned balloon that is not tethered.

- (2) There are 4 kinds of free balloon: ***small balloon***, ***light balloon***, ***medium balloon*** and ***heavy balloon***.

Regulation 101.155

(3) In this Subpart:

small balloon means a free balloon that can carry no more than 50 grams of payload.

(4) In this Subpart:

light balloon means a free balloon that:

- (a) is no more than 2 metres in diameter at any time during its flight; and
- (b) can carry no more than 4 kilograms of payload.

(5) In this Subpart:

medium balloon means a free balloon that:

- (a) may be more than 2 metres in diameter at some time in its flight; and
- (b) is capable of carrying more than 4 kilograms, but no more than 6 kilograms, of payload.

(6) In this Subpart:

heavy balloon means a free balloon capable of carrying more than 6 kilograms of payload.

101.150 Definition for Subpart — *approved area*

In this Subpart:

approved area means an area approved under regulation 101.030 as an area for the operation or release of unmanned free balloons.

Note CASA must publish details of the approval of an area (including any conditions) in NOTAM or on an aeronautical chart — see subregulation 101.030 (5).

101.155 Releasing small balloons

- (1) A person may release a small balloon only if the person has first complied with any requirements as to approval or notice set out in table 101.155-1.

Penalty: 10 penalty units.

Note For ***small balloon***, see subregulation 101.145 (3).

Regulation 101.155

- (1A) An offence against subregulation (1) is an offence of strict liability.

Note For **strict liability**, see section 6.1 of the *Criminal Code*.

- (2) Subregulation (1) does not apply if no more than 100 balloons are to be released at once.

Table 101.155-1 Requirements for release of small balloons

Item	Number of balloons to be released at once	Distance from place of release to nearest aerodrome			
		less than 3 nautical miles	3–6 nautical miles	6–12 nautical miles	over 12 nautical miles
1	101–1 000	approval required	NOTAM	no approval required	no approval required
2	1 001–10 000	approval required	approval required	NOTAM	no approval required
3	Over 10 000	approval required	approval required	approval required	NOTAM

- (3) In the table, for a combination of a number of balloons to be released and a distance to an aerodrome:

approval required means that an approval under subregulation (4) is required for the release of that number of balloons at a place within that distance from the nearest aerodrome.

no approval required means that no such approval is required for the release of that number of balloons at a place within that distance from the nearest aerodrome.

NOTAM means that CASA's approval is not required, but the person intending to release that number of balloons at a place that distance from the nearest aerodrome must give to CASA the information about the proposed release required by table 101.155-2.

Table 101.155-2 Details of release of small balloons to be given to CASA

Item	Information to be provided
1	The name, address and telephone number of the person who will release the balloons (or, if several people will be involved, the name, address and telephone number of the person who will coordinate the release)
2	The date and time the release is to begin, and how long it will take
3	Where it is to be carried out
4	How many balloons are to be released
5	The estimated size and mass of any payload

Note CASA will tell the NOTAM office about the release.

- (4) If approval is required under subregulation (1) to release small balloons, CASA must grant the approval unless the proposed release would present an unacceptable hazard to aviation.

Note CASA will tell the NOTAM office about the release.

101.160 Light balloons that may be released outside approved areas

- (1) A person may release a light balloon outside an approved area only if the person gives to CASA the information required by table 101.160 at least 1 working day before the proposed release.

Penalty: 10 penalty units.

Note 1 A person can comply with this requirement by telling:

- (a) if the person is an approved aviation administration organisation — the Australian NOTAM Office; or
- (b) the appropriate approved aviation administration organisation.

See regulation 101.035.

Note 2 CASA must publish details of the approval of an area (including any conditions) in NOTAM or on an aeronautical chart — see subregulation 101.030 (5).

Note 3 For **light balloon**, see subregulation 101.145 (4).

Regulation 101.165

- (1A) An offence against subregulation (1) is an offence of strict liability.

Note For **strict liability**, see section 6.1 of the *Criminal Code*.

- (2) If more than 1 balloon is to be released at a time, such a requirement is a requirement to give the information about each such balloon.

**Table 101.160 Details of release of light
balloon to be given to CASA**

Item	Information to be provided
1	The name, address and telephone number of the person who will release the balloon (or, if several people will be involved, the name, address and telephone number of the person who will coordinate the release)
2	The date and time the release is to begin
3	Where it is to be carried out
4	The estimated size and mass of the balloon's payload
5	If more than 1 balloon is to be released at a time, how many balloons are to be released at the time

- (3) Subregulation (1) does not require the Bureau of Meteorology to give notice of the proposed release of a light balloon if:
- (a) the release is part of the Bureau's normal meteorological procedures; and
 - (b) the release location has been notified in AIP or NOTAM.

**101.165 Release of medium and heavy balloons outside
approved areas**

- (1) Subject to subregulation (3), a person may release a medium or heavy balloon outside an approved area only if the person gives to CASA the information required by table 101.165 at least 2 working days before the proposed release.

Penalty: 10 penalty units.

Note 1 A person can comply with this requirement by telling:

- (a) if the person is an approved aviation administration organisation — the Australian NOTAM Office; or

Regulation 101.165

(b) the appropriate approved aviation administration organisation.

See regulation 101.035.

Note 2 CASA must publish details of the approval of an area (including any conditions) in NOTAM or on an aeronautical chart — see subregulation 101.030 (5).

Note 3 For **heavy balloon** and **medium balloon**, see regulation 101.145.

- (2) If more than 1 balloon is to be operated at a time, such a requirement is a requirement to give the information about each such balloon.

Table 101.165 Details of release of medium or heavy balloon to be given to CASA

Item	Information to be provided
1	The name, address and telephone number of the person who will release the balloon (or, if several people will be involved, the name, address and telephone number of the person who will coordinate the release)
2	The date and time the release is to begin
3	Where it is to be carried out
4	The estimated size and mass of the balloon's payload
5	The balloon's flight identification or the project code name
6	The balloon's classification, or a description of the balloon
7	The balloon's SSR code or NDB frequency, and its Morse identification
8	The expected horizontal direction of the balloon's ascent, and the balloon's expected rate of climb
9	The balloon's planned float level (given as pressure altitude)
10	The time the balloon is expected to reach 60 000 feet pressure altitude, and the location over which it is expected to do so

Regulation 101.165

Table 101.165 Details of release of medium or heavy balloon to be given to CASA

Item	Information to be provided
11	The time the flight is expected to end, and where the balloon and its payload are expected to fall
12	If more than 1 balloon is to be released at a time, how many balloons are to be released at the time

- (3) Subregulation (1) does not require the Bureau of Meteorology to give notice of the proposed release of a medium balloon if:
- (a) the release is part of the Bureau's normal meteorological procedures; and
 - (b) the release location has been notified in AIP or NOTAM.
- (4) Subject to subregulation (5), the person must also confirm the details of the proposed release to the air traffic control service that has responsibility for the airspace within which the balloon will be released no later than the earlier of:
- (a) 6 hours before the expected release time; or
 - (b) the time the balloon begins to be inflated.

Penalty: 10 penalty units.

- (4A) An offence against subregulation (1) or (4) is an offence of strict liability.

Note For **strict liability**, see section 6.1 of the *Criminal Code*.

- (5) Subregulation (4) does not require the Bureau of Meteorology to confirm the details of the release of a medium balloon with an air traffic control service if:
- (a) the release is part of the Bureau's normal meteorological procedures; and
 - (b) the release location has been notified in AIP or NOTAM.

Regulation 101.175

101.170 Medium and heavy balloons not to be flown low

- (1) A person who is operating a medium or heavy balloon must not allow it to go below 3 000 feet AGL while it is over a populous area.

Penalty: 10 penalty units.

Note **AGL** = above ground level (see the Dictionary). For **heavy balloon** and **medium balloon**, see regulation 101.145. For **populous area**, see regulation 101.025.

- (2) An offence against subregulation (1) is an offence of strict liability.

Note For **strict liability**, see section 6.1 of the *Criminal Code*.

101.175 Medium and heavy balloons to be flown in clear sky

- (1) Subject to subregulations (3) and (4), a person must not operate a medium or heavy balloon below 60 000 feet pressure altitude if, at the altitude at which the balloon is being operated, the horizontal visibility is less than 8 kilometres.

Penalty: 10 penalty units.

Note For **heavy balloon** and **medium balloon**, see regulation 101.145.

- (2) Subject to subregulations (3) and (4), a person who is operating a medium or heavy balloon must not allow it to remain at an altitude below 60 000 feet pressure altitude at which cloud, fog or mist obscures more than half the sky.

Penalty: 10 penalty units.

- (2A) An offence against subregulation (1) or (2) is an offence of strict liability.

Note For **strict liability**, see section 6.1 of the *Criminal Code*.

- (3) Subregulations (1) and (2) do not apply to operation outside controlled airspace if CASA approves the operation and the operation is carried out in accordance with the approval.

- (4) Those subregulations also do not apply to operation in controlled airspace in accordance with an air traffic control clearance.

Regulation 101.180

101.180 How payload must be supported — medium and heavy balloons

- (1) A person may operate a medium or heavy balloon only if the means by which the payload is attached to the balloon can support at least 10 times the mass of the payload.

Penalty: 10 penalty units.

Note For **heavy balloon** and **medium balloon**, see regulation 101.145.

- (2) An offence against subregulation (1) is an offence of strict liability.

Note For **strict liability**, see section 6.1 of the *Criminal Code*.

101.185 Equipment that must be carried — medium and heavy balloons

- (1) A person may operate a medium or heavy balloon only if:
- (a) the balloon is fitted with at least 2 independent ways (either automatic or remotely-operated) of releasing its payload; and
 - (b) if the balloon is not a zero-pressure balloon, it has at least 2 independent ways of ending the flight of the balloon envelope; and
 - (c) either:
 - (i) the balloon envelope carries a radar reflector, or radar-reflective material, that will return an echo to a surface radar operating in the frequency range 200 megahertz to 2 700 megahertz; or
 - (ii) the balloon is fitted with a device to allow it to be continuously tracked by the operator beyond the range of ground-based radar; and
 - (d) if the balloon is operated in an area in which ground-based secondary surveillance radar is in use, it is fitted with an SSR transponder (with altitude-reporting capability) that either operates continuously or can be turned on by the operator if an air traffic control service so requires.

Penalty: 50 penalty units.

Regulation 101.195

- (2) An offence against subregulation (1) is an offence of strict liability.

Note For **strict liability**, see section 6.1 of the *Criminal Code*.

101.190 Lighting — medium and heavy balloons

- (1) A person may operate a medium or heavy balloon below 60 000 feet pressure altitude at night only if both the balloon and its payload are lit (whether or not they become separated during the operation) so as to be visible, under the prevailing conditions, for at least 4 kilometres in all directions.

Penalty: 25 penalty units.

Note For **heavy balloon** and **medium balloon**, see regulation 101.145.

- (2) For subregulation (1), a balloon is being operated at night if the sun is below the balloon's horizon.
- (3) An offence against subregulation (1) is an offence of strict liability.

Note For **strict liability**, see section 6.1 of the *Criminal Code*.

101.195 Marking — free balloons generally

- (1) A person may operate a free balloon that carries a trailing antenna that requires a force of more than 230 newtons to break it only if the antenna has coloured streamers or pennants attached to it every 15 metres.

Penalty: 25 penalty units.

- (2) A person may operate a free balloon that carries a payload only if the payload has fixed to it a durable identification plate carrying sufficient information:
- (a) to identify the payload; and
 - (b) to enable somebody who finds the payload to contact the person who released the balloon.

Penalty: 10 penalty units.

Note For **free balloon**, see regulation 101.145.

Regulation 101.200

- (3) Subregulation (2) does not apply to a light or medium balloon operated by the Bureau of Meteorology.

Note For **light balloon** and **medium balloon**, see regulation 101.145.

- (4) An offence against subregulation (1) or (2) is an offence of strict liability.

Note For **strict liability**, see section 6.1 of the *Criminal Code*.

101.200 Marking by day — heavy balloons

- (1) A person may operate a heavy balloon (being a heavy balloon that has its payload suspended more than 15 metres below the envelope) above 60 000 feet pressure altitude by day only if:
- (a) the payload's suspension is coloured in alternate bands of conspicuous colours, or has coloured pennants attached to it; or
 - (b) the balloon has a conspicuous payload-recovery parachute suspended under the envelope, or the balloon is suspended beneath a conspicuous open parachute.

Penalty: 25 penalty units.

Note For **heavy balloon**, see subregulation 101.145 (6).

- (2) For subregulation (1), a balloon is being operated by day if the sun is above the balloon's horizon.
- (3) An offence against subregulation (1) is an offence of strict liability.

Note For **strict liability**, see section 6.1 of the *Criminal Code*.

101.205 Lighting by night — heavy balloons

- (1) A person may operate a heavy balloon above 60 000 feet pressure altitude at night only if it is lit so as to be visible in VMC from at least 4 kilometres away.

Penalty: 25 penalty units.

Note For **heavy balloon**, see subregulation 101.145 (6).

- (2) For subregulation (1), a balloon is being operated at night if the sun is below the balloon's horizon.

Regulation 101.215

- (3) The lighting required by subregulation (1) may be inside the balloon, on its outside, or on the ground.
- (4) An offence against subregulation (1) is an offence of strict liability.

Note For **strict liability**, see section 6.1 of the *Criminal Code*.

101.210 Obligation to stay in communication with ATC — medium and heavy balloons

- (1) The operator of a medium or heavy balloon must establish and maintain communication with the relevant air traffic control service from the time the balloon begins to be inflated until the flight ends.

Penalty: 25 penalty units.

Note For **heavy balloon** and **medium balloon**, see regulation 101.145.

- (2) The operator must tell the relevant air traffic control service at least 1 hour before the balloon is launched.

Penalty: 50 penalty units.

- (3) An offence against subregulation (1) or (2) is an offence of strict liability.

Note For **strict liability**, see section 6.1 of the *Criminal Code*.

101.215 Tracking of flight — medium and heavy balloons

- (1) The operator of a medium or heavy balloon must track its flight continuously.

Penalty: 10 penalty units.

Note For **heavy balloon** and **medium balloon**, see regulation 101.145.

- (2) While the balloon is below 60 000 feet pressure altitude, if it cannot be tracked visually from the ground or by radar, the operator must ensure that a tracking aircraft accompanies it continuously.

Penalty: 10 penalty units.

Regulation 101.220

- (3) An offence against subregulation (1) or (2) is an offence of strict liability.

Note For **strict liability**, see section 6.1 of the *Criminal Code*.

101.220 Flight reporting — medium and heavy balloons

- (1) The operator of a medium or heavy balloon must report the progress of the balloon's flight to the relevant air traffic control service as follows:
- (a) the operator must tell the service immediately when the balloon is released;
 - (b) the operator must tell the service when the balloon leaves each 10 000-foot level up to 60 000 feet (pressure altitude);
 - (c) the operator must report the balloon's position to the relevant air traffic control service periodically, as follows:
 - (i) when required to do so by the service;
 - (ii) while the balloon is below 60 000 feet pressure altitude — every 10 minutes;
 - (iii) while the balloon is at or above 60 000 feet pressure altitude — every 2 hours;
 - (d) if the operator loses the balloon's position, the operator must tell the service immediately that tracking has been lost and the balloon's last known position;
 - (e) after having re-established tracking of the balloon, the operator must tell the service immediately that tracking has been re-established and the balloon's position at that time.

Penalty: 10 penalty units.

Note For **heavy balloon** and **medium balloon**, see regulation 101.145.

- (2) If the balloon is being accompanied by a tracking aircraft, the operator must ensure that the crew of the aircraft maintains continuous 2-way communication with the relevant air traffic control service.

Penalty: 10 penalty units.

Regulation 101.225

- (2A) An offence against subregulation (1) or (2) is an offence of strict liability.

Note For **strict liability**, see section 6.1 of the *Criminal Code*.

- (3) A reference in this regulation to the relevant air traffic control service is to be read, at a particular time, as a reference to the air traffic control service that is responsible for the airspace in which the balloon is located at the time.

101.225 Ending flight and recovery — medium and heavy balloons

- (1) The operator of a medium or heavy balloon must give to the relevant air traffic control service at least 1 hour's notice of the time the flight is planned to end, and when doing so must also give to the air traffic control service the following information:
- (a) the balloon's current position and altitude;
 - (b) the estimated time at which, and the estimated location over which, the balloon will pass through 60 000 feet pressure altitude during its descent;
 - (c) the estimated time when, and place where, the payload will fall.

Penalty: 10 penalty units.

Note For **heavy balloon** and **medium balloon**, see regulation 101.145.

- (2) The operator may command the balloon to end its flight only:
- (a) in an emergency; or
 - (b) if cleared to do so by the relevant air traffic control service.

Penalty: 50 penalty units.

- (3) If the operator commands the balloon to end its flight when not cleared by air traffic control to do so, the operator must tell the relevant air traffic control service immediately, and when doing so must also give to it the following information:
- (a) the balloon's current position and altitude;

Regulation 101.230

- (b) the estimated time when and place where the payload will fall.

Penalty: 10 penalty units.

- (4) The operator must tell the relevant air traffic control service as soon as possible after the balloon's payload falls.

Penalty: 10 penalty units.

- (4A) An offence against subregulation (1), (2), (3) or (4) is an offence of strict liability.

Note For **strict liability**, see section 6.1 of the *Criminal Code*.

- (5) A reference in this regulation to the relevant air traffic control service is to be read, at a particular time, as a reference to the air traffic control service that is responsible for the airspace in which the balloon is located at the time.

101.230 Direction by ATC to end flight in certain circumstances

- (1) If a balloon is in controlled airspace and an air traffic control service considers that it poses a hazard to other aircraft, or to people or property on the ground, that service may direct the balloon's operator to end the balloon's flight immediately.
- (2) The operator must comply with the direction by ending the balloon's flight by the fastest possible method.

Penalty: 50 penalty units.

- (3) An offence against subregulation (2) is an offence of strict liability.

Note For **strict liability**, see section 6.1 of the *Criminal Code*.

Subpart 101.F UAVs

Division 101.F.1 General

101.235 Applicability of this Subpart

- (1) This Subpart applies to:
 - (a) the operation of a large UAV; and
 - (b) the operation of a small UAV for purposes other than sport or recreation.

Note 1 There is no practicable distinction between a small UAV and a model aircraft except that of use — model aircraft are flown only for the sport of flying them.

Note 2 For **large UAV** and **small UAV**, see regulation 101.240. For **model aircraft** see the Dictionary.

- (2) Nothing in this Subpart applies to the operation of a UAV if:
 - (a) while it is being operated, the person operating it keeps it in sight; and
 - (b) it is operated in a way that complies with Subpart 101.G.
- (3) This Subpart does not apply to the operation of a micro UAV.

Note 1 See subregulation 101.005 (3).

Note 2 For **micro UAV**, see regulation 101.240.

101.240 Definitions for Subpart

In this Subpart:

approved area means an area approved under regulation 101.030 as an area for the operation of UAVs.

Note CASA must publish details of the approval of an area (including any conditions) in NOTAM or on an aeronautical chart — see subregulation 101.030 (5).

certified UAV controller means a person certified under Division 101.F.3 as a controller of UAVs.

controller of a UAV means a person who performs a function that would be, if the UAV were a manned aircraft, a function of its flight crew.

Regulation 101.245

large UAV means any of the following:

- (a) an unmanned airship with an envelope capacity greater than 100 cubic metres;
- (b) an unmanned powered parachute with a launch mass greater than 150 kilograms;
- (c) an unmanned aeroplane with a launch mass greater than 150 kilograms;
- (d) an unmanned rotorcraft with a launch mass greater than 100 kilograms;
- (e) an unmanned powered lift device with a launch mass greater than 100 kilograms.

micro UAV means a UAV with a gross weight of 100 grams or less.

small UAV means a UAV that is not a large UAV nor a micro UAV.

UAV means unmanned aircraft, other than a balloon or a kite.

Division 101.F.2 Operation of UAVs generally

101.245 Operation near people

- (1) Subject to subregulations (2) and (3), a person must not operate a UAV within 30 metres of a person who is not directly associated with the operation of the UAV.

Penalty: 10 penalty units.

- (1A) An offence against subregulation (1) is an offence of strict liability.

Note For **strict liability**, see section 6.1 of the *Criminal Code*.

- (2) Subregulation (1) does not apply in relation to a person who stands behind the UAV while it is taking off.
- (3) Subregulation (1) also does not prevent the operation of a UAV airship within 30 metres of a person if the airship approaches no closer to the person than 10 metres horizontally and 30 feet vertically.

Regulation 101.255

101.250 Where small UAVs may be operated

- (1) A person may operate a small UAV outside an approved area only if:
- (a) where the UAV is operated above 400 feet AGL, the operator has CASA's approval to do so; and
 - (b) the UAV stays clear of populous areas.

Penalty: 10 penalty units.

Note 1 **AGL** = above ground level (see the Dictionary). For **populous area**, see regulation 101.025. For **small UAV**, see regulation 101.240.

Note 2 CASA must publish details of the approval of an area (including any conditions) in NOTAM or on an aeronautical chart — see subregulation 101.030 (5).

Note 3 For the kinds of UAV operation to which this Subpart does not apply, see regulation 101.235.

- (2) An offence against subregulation (1) is an offence of strict liability.

Note For **strict liability**, see section 6.1 of the *Criminal Code*.

101.255 Large UAVs —requirement for certificate

- (1) A person may operate a large UAV only if either a special certificate of airworthiness (restricted category), or an experimental certificate, has been issued for it under Subpart 21.H of Part 21.

Penalty: 50 penalty units.

Note 1 For **large UAV**, see regulation 101.240.

Note 2 A large UAV is required to carry a manufacturer's data plate and an aircraft registration identification plate — see respectively regulation 21.820 and Subpart 45.D of Part 45.

- (2) An offence against subregulation (1) is an offence of strict liability.

Note For **strict liability**, see section 6.1 of the *Criminal Code*.

Regulation 101.260

101.260 Maintenance of large UAVs

- (1) Subdivision 2 of Division 2 of Part 4A of CAR 1988 applies to large UAVs.

Note That is, a large UAV must be maintained as a Class B aircraft.

- (2) A person who carries out maintenance on a large UAV must comply with any directions given in writing by CASA in relation to the maintenance of the UAV, or the maintenance of UAVs of a class that includes the UAV.

101.265 Application of s 20AB of the Act to large UAVs

- (1) For paragraph 20AB (1) (b) of the Act, a person may act as the controller of a large UAV that is an Australian aircraft if the person is certified as a UAV controller under Division 101.F.3.

Note For the kinds of UAV operation to which this Subpart does not apply, see regulation 101.235.

- (2) For that paragraph, a person may perform any other duty that is essential to the operation of a large UAV that is an Australian aircraft even if the person does not hold the appropriate civil aviation authorisation.
- (3) For subsection 20AB (2) of the Act, and despite anything in regulation 42ZC of CAR 1988, a person may carry out maintenance on:
- (a) a large UAV that is an Australian aircraft; or
 - (b) an aircraft component for such a UAV; or
 - (c) aircraft material for such a UAV;
- if the person:
- (d) holds an airworthiness authority that authorises the maintenance; or
 - (e) carries out the maintenance under the supervision of a person who holds such an authority.

Regulation 101.275

101.270 Requirement for UAV operator's certificate

- (1) A person may operate a UAV for hire or reward only if the person holds a UAV operator's certificate that authorises the person to operate the UAV.

Penalty: 50 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.

Note For **strict liability**, see section 6.1 of the *Criminal Code*.

101.275 Approval of operation of large UAVs

- (1) A person may operate a large UAV only with CASA's approval.

Penalty: 50 penalty units.

- (2) CASA may impose conditions on an approval in the interests of the safety of air navigation.
- (3) For example, without limiting the generality of subregulation (2), CASA may impose conditions on an approval:
 - (a) prohibiting the operation of the relevant UAV at night or in conditions other than VMC; or
 - (b) restricting the extent to which the UAV may be operated at night or in conditions other than VMC; or
 - (c) requiring the UAV to stay within a specified area, or
 - (d) requiring the operator to make specified broadcasts.
- (4) The operator of a UAV must comply with a condition of the approval of its operation.

Penalty: 50 penalty units.

- (5) If the person is certificated as an operator of large UAVs, and the proposed operation would not contravene any condition of the certification, CASA must approve the proposed operation, but may impose conditions (including conditions mentioned in subregulation (3)) on the approval.

Note For certification as an operator of UAVs, see Division 101.F.4 of this Subpart.

Regulation 101.280

- (6) An offence against subregulation (1) or (4) is an offence of strict liability.

Note For **strict liability**, see section 6.1 of the *Criminal Code*.

101.280 UAVs not to be operated over populous areas

- (1) In this regulation:

certificated UAV means a UAV for which a certificate of airworthiness has been issued.

- (2) A person must not operate a UAV that is not a certificated UAV over a populous area at a height less than the height from which, if any of its components fails, it would be able to clear the area.

Penalty: 50 penalty units.

Note 1 For **populous area**, see regulation 101.025. For **UAV**, see regulation 101.240.

Note 2 For the kinds of UAV operation to which this Subpart does not apply, see regulation 101.235.

- (3) Without the approval of CASA, a person must not operate a certificated UAV over a populous area at a height less than the height from which, if any of its components fails, it would be able to clear the area.

Penalty: 50 penalty units.

- (3A) An offence against subregulation (2) or (3) is an offence of strict liability.

Note For **strict liability**, see section 6.1 of the *Criminal Code*.

- (4) In considering whether to give an approval under subregulation (3), CASA must take into account:

- (a) the degree of redundancy in the UAV's critical systems; and
- (b) any fail-safe design characteristics of the UAV; and
- (c) the security of its communications and navigation systems.

Regulation 101.285

- (5) Before giving an approval under subregulation (3), CASA must be satisfied that the person who intends to operate the UAV will take proper precautions to prevent the proposed flight being dangerous to people and property.

101.285 Use of radiotelephone

- (1) A person may control a UAV in controlled airspace only if he or she:
- (a) holds an aircraft radiotelephone operator's certificate of proficiency; and
 - (b) maintains a listening watch on a specified frequency or frequencies; and
 - (c) makes broadcasts on a specified frequency or frequencies at the specified interval giving the specified information.

Penalty: 25 penalty units.

Note This Subpart does not apply to the operation of micro UAVs — see subregulation 101.235 (3).

- (2) In subregulation (1):
- specified frequency*** for particular airspace means a frequency specified from time to time in AIP or by ATC as a frequency for use in the airspace.
- specified information*** for particular airspace means information specified from time to time in AIP or by ATC as information that must be broadcast in the airspace.
- specified interval*** for particular airspace means the interval specified from time to time in AIP or by ATC as the interval at which broadcasts must be made while in that airspace.
- (3) CASA may direct that a particular person must not control a UAV unless the person:
- (a) holds an aircraft radiotelephone operator's certificate of proficiency; and
 - (b) maintains a listening watch on a frequency or frequencies specified in the direction; and

Regulation 101.285

- (c) makes broadcasts:
 - (i) on a frequency or frequencies; and
 - (ii) at intervals; and
 - (iii) giving information —
specified in the direction.

- (4) The person must comply with the direction.

Penalty: 50 penalty units.

- (5) CASA may direct, in regard to a particular UAV or type of UAV, that a person must not control the UAV, or a UAV of that type, unless he or she:

- (a) holds an aircraft radiotelephone operator's certificate of proficiency; and
- (b) maintains a listening watch on a frequency or frequencies specified in the direction; and
- (c) makes broadcasts:
 - (i) on a frequency or frequencies; and
 - (ii) at intervals; and
 - (iii) giving information —
specified in the direction.

- (6) The person must comply with the direction.

Penalty: 50 penalty units.

- (7) For subregulations (3) and (5), CASA may specify that a frequency is to be a frequency specified under paragraph 99A (3) (b) of CAR 1988 for a particular area or aerodrome.

- (8) An offence against subregulation (1), (4) or (6) is an offence of strict liability.

Note For **strict liability**, see section 6.1 of the *Criminal Code*.

Division 101.F.3 Certification of UAV controllers

101.290 Application for certification as UAV controller

- (1) An application for certification as a UAV controller must include the following information:
 - (a) details of any flight crew licence, air traffic control licence or flight service licence that the applicant holds (including details of ratings, endorsements and qualifications);
 - (b) details of any aeronautical experience that the applicant has;
 - (c) details of any aviation theory examinations the applicant has passed (other than any examination passed in the course of gaining a licence mentioned in paragraph (a));
 - (d) if the applicant does not hold a licence mentioned in paragraph (a), details of any flight radio operator's licence or radio operator's certificate of proficiency that the applicant holds;
 - (e) details of the applicant's experience in operating UAVs;
 - (f) evidence of the completion of any training course in UAV operation that the applicant has undertaken.
- (2) If CASA reasonably needs more information about the applicant's qualifications and experience, or a document, to allow it to decide whether to certify the applicant as a UAV operator, it may ask the applicant in writing to give to it that information or a copy of that document.
- (3) CASA may refuse to consider, or cease considering, the application until the applicant gives the information or copy to it.

101.295 Eligibility for certification as UAV controller

- (1) Only an individual is eligible to be certificated as a UAV controller.
- (2) A person is eligible to be certificated as a UAV controller if he or she:
 - (a) qualifies for the issue of a radio operator's certificate of proficiency; and

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- (b) has been awarded a pass in an aviation licence theory examination (other than a flight radio operator's examination); and
 - (c) has been awarded a pass in an instrument rating theory examination; and
 - (d) has completed a training course in the operation of the type of UAV that he or she proposes to operate, conducted by the UAV's manufacturer; and
 - (e) has at least 5 hours experience in operating UAVs outside controlled airspace.
- (3) A person who holds or has held:
- (a) a flight crew licence with a command instrument rating; or
 - (b) a military qualification equivalent to a licence and rating mentioned in paragraph (a); or
 - (c) an air traffic control licence, or a military qualification equivalent to an air traffic control licence;
- is taken to satisfy the conditions in paragraphs (2) (a), (b) and (c).

101.300 Conditions on certification as UAV controller

- (1) CASA may impose a condition on the certification of a person as a UAV controller in the interests of the safety of air navigation.
- (2) For example (without limiting the generality of subregulation (1)), a condition may:
 - (a) allow the person to control UAVs of only specified kinds; or
 - (b) limit the areas where he or she may control UAVs; or
 - (c) allow him or her to control UAVs only in VMC.
- (3) It is a condition of a UAV controller's certification that he or she must not operate a UAV in controlled airspace unless he or she holds an aircraft radiotelephone operator's certificate of proficiency.

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101.305 Certification as UAV controller

- (1) If CASA certifies a person as a UAV controller, CASA may issue a certificate setting out the fact that the person is so certified.
- (2) If CASA certifies a person as a UAV controller, and imposes a condition on the certification, CASA must issue a certificate setting out the fact that the person is so certified, and the condition.

Note Section 27A of the *Administrative Appeals Tribunal Act 1975* requires a person who makes a reviewable decision to give to a person whose interests are affected by the decision notice of the decision and of the person's right to have the decision reviewed. Regulation 201.004 provides for review of decisions about approvals, authorisations, authorities, certificates and permits.

101.310 How long controller's certification remains in force

- (1) A UAV controller's certification remains in force until it is cancelled.
- (2) However, a UAV controller's certification is not in force during any period of suspension.

101.315 Notice to certified UAV controller to show cause

- (1) CASA may give a show cause notice to a certified UAV controller if there are reasonable grounds for believing that there are facts or circumstances that would justify the cancellation of the certification under regulation 101.320.
- (2) A show cause notice must:
 - (a) tell the controller of the facts and circumstances that, in CASA's opinion, would justify the cancellation of the certification under regulation 101.320; and
 - (b) invite the controller to show in writing, within a reasonable time stated in the notice, why the certification should not be cancelled.
- (3) A show cause notice may state that the certification is suspended if CASA reasonably considers that there may be a

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serious risk to the safety of air navigation if the certification were not suspended.

- (4) If a show cause notice states that the certification is suspended, the certification is suspended from when the notice is given to the holder.
- (5) CASA may at any time revoke the suspension.
- (6) If the approval is suspended and CASA has not dealt with it under regulation 101.320 within 90 days after the day it is suspended, the suspension lapses at the end of that period.

Note Regulation 201.004 provides for review of certain decisions by the Administrative Appeals Tribunal.

101.320 Cancellation of UAV controller's certification

- (1) CASA may cancel a certified UAV controller's certification by written notice to the controller, if:
 - (a) CASA has given to the controller a show cause notice under regulation 101.315 in relation to it; and
 - (b) CASA has taken into account any representations made, within the period stated in the notice, by or on behalf of the controller; and
 - (c) there are reasonable grounds for believing that the controller:
 - (i) has operated a UAV in contravention of these Regulations or of a condition of the certification; or
 - (ii) has operated the UAV negligently or carelessly; or
 - (iii) in operating the UAV, has recklessly endangered human life or property.
- (2) If CASA has given a show cause notice under regulation 101.315 to a certified UAV controller, and it decides not to cancel the approval, it:
 - (a) must tell the controller in writing of the decision; and
 - (b) must, if the controller's certification is suspended under that regulation, revoke the suspension.

Note Regulation 201.004 provides for review of certain decisions by the Administrative Appeals Tribunal.

101.325 Cancellation at request of holder

- (1) Despite anything else in this Division, CASA must cancel a certified UAV controller's certification if asked to do so in writing by the controller.
- (2) The cancellation takes effect when the request is given to CASA, or if a later day is stated in the request, on the later day.

Division 101.F.4 Certification as UAV operator

101.330 Application for certification as UAV operator

- (1) An application for certification as a UAV operator must include:
 - (a) details of:
 - (i) the applicant's structure and organisation; and
 - (ii) its staff and their qualifications and experience (including, in particular, the names, qualifications, experience, duties and functions of the persons who are to be the applicant's chief UAV controller and maintenance controller); and
 - (iii) its facilities and equipment; and
 - (iv) its practices and procedures; and
 - (b) a general description of the proposed operations, including the type or types of UAV to be used.
- (2) The application must be accompanied by a copy of each of the applicant's manuals relevant to the operation of UAVs.
- (3) If CASA reasonably needs more information about the applicant, or a document, to allow it to decide whether to certify the applicant as a UAV operator, it may ask the applicant in writing to give to it that information or a copy of that document.
- (4) CASA may refuse to consider, or cease considering, the application until the applicant gives the information or copy to it.

Regulation 101.335

101.335 Eligibility for certification as UAV operator

- (1) A person is eligible to be certificated as a UAV operator if:
 - (a) the person has an organisation and structure that is appropriate for safe operation of UAVs; and
 - (b) the person has enough qualified and experienced personnel to undertake the proposed operations safely; and
 - (c) the person has facilities and equipment appropriate to carry out the proposed operations using UAVs of the type to be used; and
 - (d) the person has suitable practices and procedures to do so; and
 - (e) if necessary, the flight crew are certified as UAV controllers and hold flight radiotelephone operators' certificates of proficiency; and
 - (f) the person has nominated suitable persons to be its chief UAV controller and maintenance controller.
- (2) A body that is not a legal person is not eligible to be certified as a UAV operator.
- (3) Two or more persons cannot be certified jointly as a UAV operator.

101.340 Conditions on certification

- (1) It is a condition of the certification of a person as a UAV operator that the person:
 - (a) maintains within its organisation a position of chief UAV controller having at least the functions and duties of a chief controller set out in Annex 3 of Advisory Circular 101.1, as issued by CASA from time to time; and
 - (b) employs as its chief UAV controller a person who is certified as a UAV controller and who is competent to carry out those duties and perform those functions; and
 - (c) either:
 - (i) maintains a position within its organisation of maintenance controller, with the functions and duties set out in that Annex; or

Regulation 101.345

- (ii) has an arrangement with another qualified and competent person to carry out those functions and duties; and
 - (d) if it maintains within its organisation a position of maintenance controller — employs as its maintenance controller a person who is competent to carry out the duties and perform the functions of a maintenance controller.
- (2) If the UAV operator operates more than 1 UAV, the chief UAV controller must carry out the duties and functions of a chief UAV controller on a full-time basis.
 - (3) CASA may impose a condition on the certification of a person as a UAV operator in the interests of the safety of air navigation.
 - (4) For example (without limiting subregulation (3)), a condition may:
 - (a) allow the person to operate UAVs of only specified kinds; or
 - (b) allow the person to operate UAVs only for specified purposes; or
 - (c) limit the areas where the person may operate UAVs; or
 - (d) allow the person to operate UAVs only in VMC.

101.345 Certification

- (1) If CASA certifies a person as an operator of UAVs, CASA may issue a certificate setting out the fact that the person is so certified.
- (2) If CASA certifies a person as an operator of UAVs, and imposes a condition on the certification, CASA must issue a certificate setting out the fact that the person is so certified, and the condition.

Note Section 27A of the *Administrative Appeals Tribunal Act 1975* requires a person who makes a reviewable decision to give to a person whose interests are affected by the decision notice of the decision and of the person's right to have the decision reviewed. Regulation 201.004 provides for review of decisions about approvals, authorisations, authorities, certificates and permits.

Regulation 101.350

101.350 How long operator's certification remains in force

- (1) An operator's certification remains in force until it is cancelled.
- (2) However, an operator's certification is not in force during any period of suspension.

101.355 Certification not transferable

Certification as a UAV operator is not transferable.

101.360 Notice to certified UAV operator to show cause

- (1) CASA may give a show cause notice to a certified UAV operator if there are reasonable grounds for believing that there are facts or circumstances that would justify the cancellation of the approval under regulation 101.365.
- (2) A show cause notice must:
 - (a) tell the holder of the facts and circumstances that, in CASA's opinion, would justify the cancellation of the certification under regulation 101.320; and
 - (b) invite the operator to show in writing, within a reasonable time stated in the notice, why the certification should not be cancelled.
- (3) A show cause notice may state that the certification is suspended if CASA reasonably considers that there may be a serious risk to the safety of air navigation if the approval were not suspended.
- (4) If a show cause notice states that the certification is suspended, the certification is suspended from when the notice is given to the holder.
- (5) CASA may at any time revoke the suspension.
- (6) If the approval is suspended and CASA has not dealt with it under regulation 101.320 within 90 days after the day it is suspended, the suspension lapses at the end of that period.

Note Regulation 201.004 provides for review of certain decisions by the Administrative Appeals Tribunal.

Regulation 101.370

101.365 Cancellation of UAV operator's certification

- (1) CASA may cancel a certified UAV operator's certification by written notice to the operator, if:
 - (a) CASA has given to the operator a show cause notice under regulation 101.315 in relation to it; and
 - (b) CASA has taken into account any representations made, within the period stated in the notice, by or on behalf of the operator; and
 - (c) there are reasonable grounds for believing that:
 - (i) the operator has operated a UAV in contravention of these Regulations or of a condition of the certification; or
 - (ii) an employee of the operator has operated a UAV negligently or carelessly; or
 - (iii) an employee of the operator, in operating a UAV, has recklessly endangered human life or property.
- (2) If CASA has given a show cause notice under regulation 101.315 to a certified UAV operator, and it decides not to cancel the approval, it:
 - (a) must tell the operator in writing of the decision; and
 - (b) must, if the operator's certification is suspended under that regulation, revoke the suspension.

Note Regulation 201.004 provides for review of certain decisions by the Administrative Appeals Tribunal.

101.370 Cancellation at request of holder

- (1) Despite anything else in this Division, CASA must cancel a certified UAV operator's certification if asked to do so in writing by the operator.
- (2) The cancellation takes effect when the request is given to CASA, or if a later day is stated in the request, on the later day.

Regulation 101.375

Subpart 101.G Model aircraft

101.375 Applicability of this Subpart

This Subpart applies to the operation of model aircraft weighing 100 grams or more (except operation mentioned in paragraph 101.005 (3) (a) or (b)).

Note 1 For **model aircraft**, see the Dictionary.

Note 2 This Subpart does not apply to:

- (a) a control-line model aircraft (that is, a model aircraft that is constrained to fly in a circle, and is controlled in attitude and altitude, by means of inextensible wires attached to a handle held by the person operating the model); or
- (b) a model aircraft flown indoors.

See subregulation 101.005 (3).

101.380 Definitions for Subpart

In this Subpart:

approved area means an area approved under regulation 101.030 as an area for the operation of model aircraft.

Note CASA must publish details of the approval of an area (including any conditions) in NOTAM or on an aeronautical chart — see subregulation 101.030 (5).

giant model aircraft means a model aircraft that has a take-off mass (excluding fuel) of more than 25 kilograms, but not more than 150 kilograms.

Note For **model aircraft**, see the Dictionary.

101.385 Visibility for operation of model aircraft

- (1) A person may operate a model aircraft only if the visibility at the time is good enough for the person operating the model to be able to see it continuously.

Penalty: 25 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.

Note For **strict liability**, see section 6.1 of the *Criminal Code*.

Regulation 101.395

101.390 Operating model aircraft at night

- (1) A person may operate a model aircraft at night only in accordance with the written procedures of an approved aviation administration organisation.

Penalty: 25 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.

Note For **strict liability**, see section 6.1 of the *Criminal Code*.

101.395 Keeping model aircraft away from people

- (1) A person must not operate a model aircraft over a populous area at a height less than the height from which, if any of its components fails, it would be able to clear the area.

Penalty: 50 penalty units.

Note For **populous area**, see regulation 101.025.

- (2) Subject to subregulations (3) and (4), somebody who is operating a powered model aircraft must ensure that, while the model aircraft is in flight, or is landing or taking off, it stays at least 30 metres away from anyone not directly associated with the operation of model aircraft.

Penalty: 50 penalty units.

- (3) Subregulation (2) is not contravened if somebody stands behind the model aircraft while it is taking off.

- (4) Subregulation (2) is also not contravened if, as part of a model flying competition, a model aircraft is flown within 30 metres of somebody who is judging the competition.

- (5) An offence against subregulation (1) or (2) is an offence of strict liability.

Note For **strict liability**, see section 6.1 of the *Criminal Code*.

Regulation 101.400

101.400 Operation of model aircraft outside approved areas

- (1) A person may operate a model aircraft outside an approved area above 400 feet AGL only if he or she:
 - (a) keeps it in sight; and
 - (b) keeps it clear of populous areas.

Penalty: 10 penalty units.

Note 1 **AGL** = above ground level (see the Dictionary). For **populous area**, see regulation 101.025.

Note 2 CASA must publish details of the approval of an area (including any conditions) in NOTAM or on an aeronautical chart — see subregulation 101.030 (5).

- (2) An offence against subregulation (1) is an offence of strict liability.

Note For **strict liability**, see section 6.1 of the *Criminal Code*.

101.405 Giant model aircraft

- (1) A person may operate a giant model aircraft only in accordance with:
 - (a) the rules and procedures of an approved aviation administration organisation; or
 - (b) an approval given by CASA.

Penalty: 50 penalty units.

Note For **giant model aircraft**, see regulation 101.380.

- (2) CASA may impose a condition on the operation of a giant model aircraft if the condition is reasonably necessary in the circumstances in the interests of aviation safety.
- (3) The operator of a giant model aircraft must comply with any condition imposed under subregulation (2).

Penalty: 50 penalty units.

- (4) An offence against subregulation (1) or (3) is an offence of strict liability.

Note For **strict liability**, see section 6.1 of the *Criminal Code*.

Regulation 101.410

101.410 Model flying displays

- (1) A person may conduct a model aircraft flying display only in compliance with subregulation (2) or (3).

Penalty: 50 penalty units.

- (1A) An offence against subregulation (1) is an offence of strict liability.

Note For **strict liability**, see section 6.1 of the *Criminal Code*.

- (2) A person complies with this subregulation if the display is conducted:
- (a) in an approved area; and
 - (b) in accordance with the rules and procedures of an approved aviation administration organisation.

Note CASA must publish details of the approval of an area (including any conditions) in NOTAM or on an aeronautical chart — see subregulation 101.030 (5).

- (3) A person complies with this subregulation if the display is conducted in accordance with the following conditions and any other conditions imposed by CASA under subregulation (4):
- (a) at least 21 days before the display, somebody is nominated as the organiser of the display;
 - (b) at least 21 days before the display, he or she gives to CASA the following information:
 - (i) his or her name, address and telephone number;
 - (ii) the proposed program of flying;
 - (iii) where the display will be held, and how big the intended flying field is;
 - (iv) how many spectators are expected, and where they will be;
 - (c) he or she ensures that:
 - (i) having regard to the events making up the display, proper precautions are taken for the safety of the participants and spectators; and
 - (ii) the operators participating in the display are competent to carry out each proposed manoeuvre safely.

Regulation 101.415

- (4) CASA may impose a condition on the conduct of a model flying display if in the circumstances the condition is reasonably necessary in the interests of aviation safety.

Subpart 101.H Rockets

101.415 Applicability of this Subpart

This Subpart applies to the operation of rockets of all kinds, except rockets mentioned in paragraph 101.005 (3) (f).

Note 1 That is, this Subpart does not apply to a firework rocket not capable of rising more than 400 feet above ground level. See paragraph 101.005 (3) (f).

Note 2 **Rocket** in this Subpart does not include a rocket-powered aircraft — see regulation 101.425.

101.420 Application of State and Territory laws about rockets

- (1) If a law of a State or Territory deals with the operation or use of rockets, and is not inconsistent with this Subpart, nothing in this Subpart affects the operation of the law.
- (2) For subregulation (1), a law of a State or Territory is not inconsistent with this Subpart if it is possible to comply with both this Subpart and the State or Territory law at once.

101.425 Definitions for Subpart

In this Subpart:

approved area means an area approved under regulation 101.030 as an area for the operation of rockets.

Note CASA must publish details of the approval of an area (including any conditions) in NOTAM or on an aeronautical chart — see subregulation 101.030 (5).

high power rocket means a rocket that is not a model rocket, and, to avoid doubt, includes:

- (a) a sounding rocket; and
(b) a sub-orbital rocket; and
(c) a launch vehicle (within the meaning given by the *Space Activities Act 1998*).

Regulation 101.430

model rocket means a rocket that:

- (a) weighs no more than 1 500 grams; and
- (b) carries no more than 125 grams of propellant; and
- (c) produces no more than 320 newton-seconds of impulse; and
- (d) is made of balsa, wood, paper or plastics or a combination of those materials, but contains no metal as structural parts.

rocket does not include a rocket-powered or rocket-assisted aircraft.

101.430 Launching rocket in or over prohibited or restricted area

- (1) A person may launch a rocket (including a model rocket) in or over a prohibited area, or in or over a restricted area, only with the permission of, and in accordance with any conditions imposed by, the authority controlling the area.

Penalty: 25 penalty units.

Note For ***prohibited area*** and ***restricted area***, see regulation 6 of the *Airspace Regulations 2007*. Details of prohibited or restricted areas are published in the AIP or a NOTAM.

- (2) In subregulation (1):

authority controlling the area means:

- (a) in the case of a prohibited area — the Secretary to the Department of Defence; and
- (b) in the case of a restricted area — the authority mentioned in AIP (as issued from time to time) as the controlling authority for the area.

- (3) An offence against subregulation (1) is an offence of strict liability.

Note For ***strict liability***, see section 6.1 of the *Criminal Code*.

Regulation 101.435

101.435 Launching rockets into controlled airspace

- (1) A person may launch a rocket (including a model rocket) to higher than 400 feet AGL in controlled airspace only:
 - (a) in an approved area; or
 - (b) in accordance with an air traffic control clearance.

Penalty: 50 penalty units.

Note 1 **AGL** = above ground level (see the Dictionary).

Note 2 CASA must publish details of the approval of an area (including any conditions) in NOTAM or on an aeronautical chart — see subregulation 101.030 (5).

- (2) An offence against subregulation (1) is an offence of strict liability.

Note For **strict liability**, see section 6.1 of the *Criminal Code*.

101.440 Launching rockets near aerodromes

- (1) A person may launch a rocket that is not a small model rocket to higher than 400 feet AGL within 3 nautical miles of an aerodrome only if:
 - (a) doing so is permitted by another provision of this Part; or
 - (b) permission has been given for the operation under regulation 101.445.

Penalty: 25 penalty units.

Note 1 **AGL** = above ground level (see the Dictionary). For **model rocket**, see regulation 101.425.

Note 2 Some special provisions apply to model rockets — see regulation 101.470.

- (2) In subregulation (1):

small model rocket means a model rocket that weighs less than 500 grams and either:

 - (a) uses no more than 25 grams of propellant; or
 - (b) produces no more than 20 newton-seconds of impulse.
- (3) A person may launch a rocket (including both a small model rocket and any other model rocket) from or over an area mentioned in paragraph (4) (a) or (b) only if:

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- (a) doing so is permitted by another provision of this Part; or
- (b) permission has been given for the operation under regulation 101.445.

Penalty: 25 penalty units.

- (4) The areas for subregulation (3) are:
 - (a) a movement area or runway of an aerodrome; and
 - (b) the approach or departure path of a runway of an aerodrome.
- (5) An offence against subregulation (1) or (3) is an offence of strict liability.

Note For **strict liability**, see section 6.1 of the *Criminal Code*.

101.445 Getting permission for launch of rocket near aerodrome

- (1) The authority that must give permission for regulation 101.440 is:
 - (a) if the aerodrome concerned is a controlled aerodrome — the air traffic control service for the aerodrome; or
 - (b) in the case of any other aerodrome — CASA.
- (2) A person applies for permission under this regulation by giving to the relevant authority mentioned in subregulation (1) the information required by table 101.445, so far as relevant to the proposed launch:

Table 101.445 **Details of launching of rocket to be given to CASA**

Item	Information to be provided
1	The name, address and telephone number of the person who will launch the rocket (or, if several people will be involved, the name, address and telephone number of the person who will coordinate the launching)
2	The date and time the rocket is to be launched
3	Where it is to be carried out
4	The size and mass of the rocket

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Item	Information to be provided
5	The estimated greatest altitude or flight level that the rocket will reach
6	If more than 1 rocket is to be launched at a time, how many rockets are to be launched at the time

- (3) If more than 1 rocket is to be launched at a time, such a requirement is a requirement to give the information about each such launch.
- (4) Regulation 101.035 does not authorise a person who or that applies for permission under this regulation to make the application to a body mentioned in paragraph 101.035 (1) (a) or (b).
- (5) An authority mentioned in subregulation (1) may impose conditions on a permission in the interests of the safety of air navigation.
- (6) A person must not contravene a condition imposed under subregulation (5).
- Penalty: 50 penalty units.
- (7) An offence against subregulation (6) is an offence of strict liability.

Note For **strict liability**, see section 6.1 of the *Criminal Code*.

101.450 High power rockets

- (1) A person may launch a high power rocket, or permit a high power rocket to be launched, only in an approved area.

Penalty: 10 penalty units.

Note 1 CASA must publish details of the approval of an area (including any conditions) in NOTAM or on an aeronautical chart— see subregulation 101.030 (5).

Note 2 For **high power rocket**, see regulation 101.425.

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- (2) A person may launch a high power rocket, or permit a high power rocket to be launched, only if the person gives the details listed in the table following subregulation 101.445 (2) to CASA at least 1 working day before the intended time of the launch.

Penalty: 10 penalty units.

Note A person can comply with this requirement by telling:

- (a) if the person is an approved aviation administration organisation — the Australian NOTAM Office; or
- (b) the appropriate approved aviation administration organisation.

See regulation 101.035.

- (3) If more than 1 rocket is to be launched at a time, such a requirement is a requirement to give the information about each such rocket.
- (4) An offence against subregulation (1) or (2) is an offence of strict liability.

Note For *strict liability*, see section 6.1 of the *Criminal Code*.

101.455 Maximum operating height of rockets

- (1) A person may launch a rocket that is not a model rocket to higher than 400 feet AGL only:
- (a) in an approved area; or
 - (b) as permitted by another provision of this Part.

Penalty: 10 penalty units.

Note 1 **AGL** = above ground level (see the Dictionary).

Note 2 CASA must publish details of the approval of an area (including any conditions) in NOTAM or on an aeronautical chart — see subregulation 101.030 (5).

- (2) An offence against subregulation (1) is an offence of strict liability.

Note For *strict liability*, see section 6.1 of the *Criminal Code*.

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101.460 Dropping or discharging of things from rockets

- (1) A person must not cause anything to be dropped or discharged from a rocket in a way that creates a hazard to an aircraft.

Penalty: 25 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.

Note For **strict liability**, see section 6.1 of the *Criminal Code*.

101.465 Weather and day limitations — rockets other than model rockets

- (1) A person may launch a rocket that is not a model rocket:

- (a) in or into cloud; or
- (b) at night; or
- (c) in conditions other than VMC;

only as permitted by another provision of this Part, or in accordance with an air traffic control clearance.

Penalty: 10 penalty units.

Note For **model rocket**, see regulation 101.425.

- (2) However, subregulation (1) does not prevent rockets being operated as part of a firework display.

- (3) An offence against subregulation (1) is an offence of strict liability.

Note For **strict liability**, see section 6.1 of the *Criminal Code*.

101.470 Model rockets

- (1) A person must not launch a model rocket into cloud.

Penalty: 10 penalty units.

Note For **model rocket**, see regulation 101.425.

- (2) A person must not launch a model rocket to higher than 400 feet AGL within 5 nautical miles of an aerodrome.

Penalty: 10 penalty units.

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- (2A) An offence against subregulation (1) or (2) is an offence of strict liability.

Note For *strict liability*, see section 6.1 of the *Criminal Code*.

- (3) Subject to subregulations (1) and (2) and Subpart 101.B, a person may launch a model rocket outside an approved area, or at night.

Subpart 101.I Firework displays

101.475 What this Subpart does

This Subpart regulates the conduct of certain firework displays, to the extent necessary to prevent them being a hazard to the safety of air navigation.

101.480 Application of State and Territory laws about fireworks

- (1) If a law of a State or Territory deals with the use of fireworks, and is not inconsistent with this Subpart, nothing in this Subpart affects the operation of the law.
- (2) For subregulation (1), a law of a State or Territory is not inconsistent with this Subpart if it is possible to comply with both this Subpart and the State or Territory law at once.

101.485 Meaning of *operate a firework display*

For this Subpart, a person *operates a firework display* if the person places the fireworks for the display, or fires them off.

101.490 Certain projectiles prohibited in firework displays

- (1) A person may use, in a firework display, a projectile that is capable of reaching more than 400 feet above ground level only if CASA so approves.

Penalty: 10 penalty units.

Regulation 101.495

- (2) An offence against subregulation (1) is an offence of strict liability.

Note For **strict liability**, see section 6.1 of the *Criminal Code*.

101.495 Firework displays not permitted near aerodromes

- (1) A person may operate a firework display in or over an area mentioned in paragraph (2) (a) or (b) only if subregulation (3) or (4) applies to the display.

Penalty: 10 penalty units.

- (1A) An offence against subregulation (1) is an offence of strict liability.

Note For **strict liability**, see section 6.1 of the *Criminal Code*.

- (2) The areas for subregulation (1) are:

- (a) a movement area or runway of an aerodrome; and
- (b) the approach or departure path of a runway of an aerodrome.

- (3) This subregulation applies to a firework display if:

- (a) permission for the display has been given by:
 - (i) if the aerodrome is a controlled aerodrome — the air traffic control service for the aerodrome; and
 - (ii) in the case of any other aerodrome — CASA; and
- (b) the person who proposes to operate the display has, before doing so, given to CASA the details required by table 101.500.

- (4) This subregulation applies to a firework display if the fireworks are set off on or near domestic premises by or for somebody who lives there.

101.500 Notice to CASA of certain firework displays

- (1) A person may operate a firework display at a place within 3 nautical miles of an aerodrome only if the person has given at least 2 working days' notice to CASA.

Penalty: 10 penalty units.

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- (2) However, subregulation (1) does not apply if:
- (a) the fireworks are set off on or near domestic premises by or for somebody who lives there; and
 - (b) either:
 - (i) if a law of a State or Territory allows fireworks to be set off in that place only on a particular day or days — the fireworks are set off on such a day; or
 - (ii) if there is no such law in that place — the fireworks are set off on a day on which fireworks are customarily set off on domestic premises in that place.
- (3) When the person tells CASA, the person must also give to CASA the information required by table 101.500.

Table 101.500 Details of firework display to be given to CASA

Item	Information to be provided
1	The name, address and telephone number of the person who will operate the display (or, if several people will be involved in its operation, the name, address and telephone number of the person who will coordinate it)
2	The date the display is to begin, the starting time, and how long it is to last
3	Where it is to be given
4	How many projectiles capable of reaching more than 400 feet above ground level are to be used in the display
5	A general description of the pyrotechnic characteristics of each such projectile
6	The estimated highest altitude that any projectile can reach
7	The maximum burst radius of the pyrotechnics in a projectile

- (4) CASA may impose a condition on the operation of a firework display if the condition is reasonably necessary in the circumstances in the interests of the safety of air navigation.

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- (5) A person operating a display must comply with any condition imposed under subregulation (4).

Penalty: 50 penalty units.

- (6) An offence against subregulation (1) or (5) is an offence of strict liability.

Note For ***strict liability***, see section 6.1 of the *Criminal Code*.

**Part 103 Sport and recreational
aviation operations**

Note This Part heading is reserved for future use.

**Part 105 Sport and recreational
parachuting from aircraft**

Note This Part heading is reserved for future use.

**Part 115 Commercial sport and
recreational aviation
operations**

Note This Part heading is reserved for future use.

**Part 119 Air operator certification —
commercial air transport**

Note This Part heading is reserved for future use.

**Part 121 Commercial air transport
operations (aeroplanes)**

Note This Part heading is reserved for future use.

**Part 129 Commercial air transport
operations (foreign operators)**

Note This Part heading is reserved for future use.

**Part 133 Commercial air transport and
aerial work operations
(rotorcraft)**

Note This Part heading is reserved for future use.

Part 137 Aerial application operations — other than rotorcraft

Note *This Part is made up as follows:*

Subpart 137.A Applicability and definitions

- 137.005 Applicability
- 137.010 Definitions

Subpart 137.B General

- 137.015 Approvals
- 137.020 Effect of other provisions
- 137.025 Aeroplane — type certificate
- 137.030 Authority of the pilot

Subpart 137.C Operator certification and supervision

- 137.035 Applicant to prepare manual
- 137.040 Standard operations manual
- 137.045 Application for an AOC or variation of an AOC
- 137.050 Decision on AOC and manual
- 137.055 Offences concerning operations manual
- 137.060 Operator's organisational structure
- 137.065 Head of flight operations
- 137.070 Head of aeroplane maintenance control
- 137.075 Replacement of holder of key personnel position
- 137.080 Amendments to operations manual by operator
- 137.085 Amendments to schedule of differences
- 137.090 Amendments to standard operations manual

Subpart 137.D Operational procedures

- 137.095 Operation to be in VMC
- 137.100 Use of weather forecasts or observations
- 137.105 Landing areas
- 137.110 Safety of persons other than crew at landing areas
- 137.115 Refuelling
- 137.120 Documents to be carried on a flight
- 137.125 Manipulation of flight controls
- 137.130 Use of seats, seatbelts and harnesses
- 137.135 Carriage of passengers

137.140	Minimum height and lateral separation for operation
137.145	Application over populous areas
137.150	In-flight fuel management
137.155	Operations near RPT flight
137.160	Aerodrome circuit requirements
137.165	Close proximity operations
137.170	Night operations
137.175	Firefighting operations
Subpart 137.E	All-weather operations
Subpart 137.H	Aeroplane performance
137.180	General
137.185	Take-off over a populous area
Subpart 137.J	Weight and balance
137.190	Weight limitations
137.195	Loading — supervision
Subpart 137.K	Instruments and equipment
137.200	Installation of instruments and equipment
137.210	Position of instruments and equipment
137.215	Instruments and equipment required
137.220	Crew intercom system
137.225	Seatbelts and harnesses
Subpart 137.M	Aeroplane maintenance
137.230	Fitting and removal of role equipment
Subpart 137.N	Pilots
137.235	Qualifications for pilots conducting application operations
137.240	Annual proficiency checks
Subpart 137.P	Manuals, logs and records
137.245	Flight manual
137.250	Checking records
137.255	Document retention periods
137.260	Maintenance record to be given to new operator
Subpart 137.Q	Flight duty time limitations and rest requirements
137.265	Application of Subpart 137.Q
137.270	Subpart not to affect subsection 1 of CAO 48.1
137.275	Limit on flying hours
137.280	Off-duty period before and after tour of duty
137.285	Tour of duty — duration

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137.290	Off-duty period each 14 days
137.295	Limit on time spent on tours of duty
137.300	Pilot to be fit for duty

Subpart 137.A Applicability and definitions

137.005 Applicability

- (1) Subject to this regulation, this Part applies to aerial application operations using aeroplanes.

Operators

- (2) This Part applies to a person who is applying for an AOC, on or after the commencing day, to authorise the person to undertake application operations.
- (3) If:
- (a) a person has applied, on or after the application day but before the commencing day, for an AOC to authorise the holder to undertake agricultural operations or purposes substantially similar to agricultural operations; and
 - (b) before the commencing day, the person has not been issued with the AOC;
- this Part applies to the person and the application as if:
- (c) the application had been made on the commencing day; and
 - (d) the application was for an authorisation to undertake application operations.
- (4) If, on the commencing day, a person holds an AOC that covers agricultural operations or purposes substantially similar to agricultural operations:
- (a) the person may, after the commencing day, prepare and submit to CASA an operations manual; and
 - (b) this Part applies to the person and the manual as if the person was applying for an AOC on or after the commencing day to authorise the person to undertake application operations.

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- (5) This Part applies on and after the day that falls 12 months after the commencing day to a person who has an AOC that authorises the person to undertake agricultural operations or purposes substantially similar to agricultural operations if:
- (a) that AOC is in effect on that day; and
 - (b) this Part does not otherwise apply to the person.

Pilots

- (6) If:
- (a) a pilot is engaged in an application operation on or after the commencing day; and
 - (b) the pilot is not employed by an operator for that operation; this Part applies to the pilot for that operation.
- (7) If:
- (a) this Part applies to an operator on a particular day; and
 - (b) a pilot employed by the operator undertakes an application operation for the operator on that day; this Part applies to the pilot for that operation.
- (8) In this regulation:
- application day*** means the day that falls 30 days before the day this Part commences.
- commencing day*** means the day this Part commences.

137.010 Definitions

In this Part:

aerial application operation (or application operation) means:

- (a) a flight that is carried out by an aeroplane to apply application material; and
- (b) a flight by an aeroplane that is for, or partly for, 1 or more of the following:
 - (i) inspection of a work area;
 - (ii) pilot training or checking relating to a flight mentioned in paragraph (a);

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- (iii) training of a crew member other than the pilot;
 - (iv) travel from a landing area to a work area and back;
 - (v) the carriage of a passenger specified in regulation 137.135 for a purpose set out in that regulation; and
- (c) preparation for any activities mentioned in paragraphs (a) and (b).

application material means fertiliser, trace elements, seeds, baits, water, pesticides or other material.

apply, in relation to application material, means to drop or spray the material onto the ground or water.

crew member includes a person who is on board an aeroplane to give, or receive, training in an aspect of application operations.

employ, in relation to a pilot, includes to engage as an independent contractor.

GPS marking system means a system that uses global positioning system equipment to show the flight path required for an aeroplane when applying application material.

head of aeroplane maintenance control, in relation to an operator, means the person who holds the position whose duties include those mentioned in regulation 137.070.

head of flight operations, in relation to an operator, means the person who holds the position whose duties include those mentioned in regulation 137.065.

key personnel position, in relation to an operator, means the positions of head of aeroplane maintenance control and head of flight operations for the operator.

landing area means a place, whether or not an aerodrome, where an aeroplane is able to take off and land.

MEL, or **minimum equipment list**, for an aeroplane, means an approved list that provides for the operation of the aeroplane with particular equipment inoperative, and sets out any special conditions for such operation.

Regulation 137.010

operations manual, in relation to an operator or an application operation carried out by an operator, means:

- (a) the manual, and the schedule of differences (if any), approved under regulation 137.050; and
- (b) any amendments approved under regulation 137.080, 137.085 or 137.090, as appropriate.

Note An operations manual may comprise a standard operations manual and a schedule of differences: see subregulation 137.035 (2).

operator, in relation to an aeroplane, means a person who holds an AOC that authorises the use of the aeroplane in application operations.

populous area, in relation to a flight by an aeroplane, means an area where, if the aeroplane's engine failed, the aeroplane would not be able to glide safely clear of any occupied building.

resting time, for a pilot, means any time during a tour of duty when the pilot:

- (a) has no duties to perform; and
- (b) has access to accommodation that is conducive to rest and includes a comfortable chair.

role equipment means equipment fitted to an aeroplane for an application operation, including booms, spreaders and mirrors.

schedule of differences, for an operator, means the schedule prepared by the operator under paragraph 137.045 (3) (c) and approved by CASA under regulation 137.050.

sleeping time, for a pilot, means any time during a tour of duty when the pilot:

- (a) has no duties to perform; and
- (b) has access to a comfortable room that:
 - (i) is subject to minimal noise levels; and
 - (ii) is well ventilated; and
 - (iii) is equipped with a method of controlling the entry of light; and
 - (iv) is equipped with a comfortable bed and chair.

standard operations manual means an operations manual approved under regulation 137.040.

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work area, in relation to an application operation, means:

- (a) the area of ground or water where application material is to be applied; and
- (b) the area over which the aeroplane concerned flies as it approaches and departs from the area mentioned in paragraph (a).

Subpart 137.B General

137.015 Approvals

If a provision of this Part provides that anything (including a document, body or activity) must be approved, CASA may approve the thing, in writing, for the provision.

137.020 Effect of other provisions

If a provision in these Regulations is inconsistent with a provision in this Part, the provision in this Part prevails to the extent of the inconsistency.

137.025 Aeroplane — type certificate

- (1) If an aeroplane does not conform to a type certificate or type acceptance certificate in the normal, restricted or utility category:
 - (a) the operator of the aeroplane must not allow it to be used for an application operation; and
 - (b) a pilot must not use it to carry out an application operation.

Penalty: 50 penalty units.

- (2) A contravention of subregulation (1) is an offence of strict liability.

Note CASA may grant an exemption from a provision of these Regulations: see Subpart 11.F.

137.030 Authority of the pilot

The operator of an aeroplane must take all reasonable measures to ensure that, if the pilot in command of the aeroplane, acting in accordance with a provision of these Regulations, directs anybody to do something, or not do something, the person complies with the direction.

Subpart 137.C Operator certification and supervision

137.035 Applicant to prepare manual

- (1) A person applying for an AOC to cover application operations must prepare a manual that:
 - (a) specifies procedures to be followed by crew members and other persons to ensure the safety of the operations that are to be covered by the AOC; and
 - (b) includes the names of the persons who are to be the CEO and holders of the key personnel positions.
- (2) The person may comply with subregulation (1) by:
 - (a) nominating a standard operations manual to apply to the person's operations; and
 - (b) preparing a schedule of differences to the standard operations manual.
- (3) The manual may:
 - (a) consist of 1 or more volumes; and
 - (b) include material prepared by someone other than the person making the application; and
 - (c) incorporate another document or documents by reference.

Note CASA approves the manual under regulation 137.050 when approving the application for the AOC.

137.040 Standard operations manual

- (1) CASA may approve, in writing, a manual prepared by a person other than an operator, as a standard operations manual.

Regulation 137.045

- (2) The manual must specify procedures to be followed by crew members of aeroplanes and other persons engaged in application operations to ensure the safety of the operations.

137.045 Application for an AOC or variation of an AOC

- (1) An application by a person for an AOC to cover application operations must be submitted to CASA at least 90 days before the date of intended operation.
- (2) The manual that, for subsection 27AB (2) of the Act, must be lodged with CASA by the person need not include landing area information.
- (3) If the person nominates a standard operations manual the application must include:
 - (a) a statement identifying the standard operations manual; and
 - (b) an undertaking to comply with the standard operations manual as in force from time to time; and
 - (c) a schedule to the standard operations manual, prepared by the applicant, showing:
 - (i) the ways (if any) in which the person's application operations are proposed to differ from those described in the standard operations manual adopted by the person under paragraph (b); and
 - (ii) the names of the persons who are proposed to be the CEO and holders of the key personnel positions.
- (4) The manual or schedule (if any) that relates to the application must be submitted to CASA at least 60 days before the date of intended operation.
- (5) An application for a variation of an AOC must be submitted to CASA at least 30 days before the date of the proposed change to the operation.

Note 1 For matters about which CASA must be satisfied before issuing an AOC: see section 28 of the Act.

Note 2 For other provisions about applications and approvals: see Part 11.

Regulation 137.055

- (6) CASA may accept an application later than required under subregulation (1) or (5), or a late submission under subregulation (4).

137.050 Decision on AOC and manual

- (1) CASA must, in writing, approve or refuse to approve:
- (a) an application for an AOC; and
 - (b) an application for a variation of an AOC.
- (2) If CASA approves an application for an AOC under subregulation (1), it is taken to have approved:
- (a) the applicant's manual; and
 - (b) if applicable — the schedule mentioned in paragraph 137.045 (3) (c).
- (3) CASA is taken to have refused an application for an AOC if it has not approved or refused the application within a period of 30 days starting on the later of the following:
- (a) the day the application is made;
 - (b) the day the applicant has complied with any notice given by CASA under section 27AC of the Act.
- (3) CASA is taken to have refused an application for a variation of an AOC if it has not approved or refused the application within a period of 30 days starting when the application is taken to have been made for subregulation 11.030 (1).

137.055 Offences concerning operations manual

- (1) An operator must conduct application operations in accordance with:
- (a) the operations manual; and
 - (b) if the operator has an exemption given by CASA under Part 11 — the exemption.

Penalty: 25 penalty units.

- (2) The operator must ensure that the manual, and information relating to any exemption, is available to crew members and

Regulation 137.060

other persons engaged in application operations for the operator.

Penalty: 25 penalty units.

- (3) A contravention of subregulation (1) or (2) is an offence of strict liability.

137.060 Operator's organisational structure

- (1) An operator must nominate an individual to be chief executive officer (*CEO*) of the operator's organisation.
- (2) The CEO must be responsible for ensuring that all application operations and aeroplane maintenance can be carried out to the standard required by these Regulations.
- (3) An operator must nominate individuals to hold the key personnel positions in the organisation.
- (4) If, having regard to the size of an operator's organisation or the nature and scope of operations authorised by the operator's AOC, it would not adversely affect the safety of the operations to do so, an operator may:
 - (a) appoint a person to a key personnel position on a part-time basis; or
 - (b) appoint a person to more than 1 key personnel position.
- (5) An operator must ensure that, at all times, a person is occupying, or acting in, each key personnel position.

137.065 Head of flight operations

- (1) Subject to subregulation (5), an operator must nominate an individual to be head of flight operations in the operator's organisation.
- (2) The duties of the head of flight operations must include being responsible for the following:
 - (a) monitoring the operator's compliance with the Act, these Regulations and the conditions to which the operator's AOC is subject, and reporting on compliance to the operator's CEO;

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- (b) monitoring the adequacy of the operator's systems and procedures to ensure safe operations under the operator's AOC, and reporting on the adequacy of the systems and procedures to the CEO;
 - (c) arranging rosters for the pilots employed to carry out application operations for the operator;
 - (d) maintaining an efficient system for recording flight and duty times for each pilot;
 - (e) maintaining up-to-date records of all licences, ratings, medical certificates and endorsements held by each pilot;
 - (f) maintaining a system that will ensure compliance with the relevant loading procedures for each type of aeroplane used in operations carried out under the operator's AOC;
 - (g) ensuring that the operator keeps any documents required by the Act, these Regulations and the conditions of the operator's AOC;
 - (h) setting and monitoring the standard of application operations, including activities on the ground, carried out under the operator's AOC;
 - (i) ensuring that the checking required by Subpart 137.N is carried out and, if a pilot fails a check, that the appropriate retraining and re-checking are carried out;
 - (j) allocating an aeroplane for use in each operation carried out under the operator's AOC.
- (3) If an operator uses only 1 aeroplane for application operations, the person occupying the position of head of flight operations must have at least 300 hours total flight time as pilot in command in application operations.
- (4) If an operator uses more than 1 aeroplane for application operations, the person occupying the position of head of flight operations must hold an agricultural pilot (aeroplane) grade 1 rating within the meaning given in Civil Aviation Order 40.6.
- (5) A person who, under Civil Aviation Order 82.0, is approved as Chief Pilot of an operator, is taken to be the head of flight operations for the operator.

Regulation 137.070

137.070 Head of aeroplane maintenance control

- (1) An operator must nominate an individual to be head of aeroplane maintenance control in the operator's organisation.
- (2) The duties of the head of aeroplane maintenance control must include ensuring that the operator complies with Subpart 137.M.

137.075 Replacement of holder of key personnel position

If an operator proposes a replacement of the holder of a key personnel position, the operator must:

- (a) notify CASA as soon as is practicable before the proposed replacement; and
- (b) if the replacement does not take effect — notify CASA accordingly.

137.080 Amendments to operations manual by operator

- (1) This regulation applies to an operator that:
 - (a) is using an operations manual prepared by the operator; and
 - (b) proposes a change to a procedure or another matter that, because of its nature, would require amendment of the manual.
- (2) The operator must:
 - (a) prepare an amendment to the manual to reflect the proposed change; and
 - (b) give the amendment to CASA as soon as practicable after preparing it and before implementing the change.
- (3) CASA must, in writing, approve or refuse to approve the proposed amendment.

137.085 Amendments to schedule of differences

- (1) This regulation applies to an operator that:
 - (a) has adopted a standard operations manual; and

Regulation 137.100

- (b) proposes a change to a procedure or another matter that, because of its nature, would require amendment of the schedule of differences.
- (2) The operator must:
 - (a) prepare an amendment to the schedule to reflect the proposed change; and
 - (b) give the amendment to CASA as soon as practicable after preparing it and before implementing the change.
- (3) CASA must, in writing, approve or refuse to approve the proposed amendment.

137.090 Amendments to standard operations manual

- (1) A person that has prepared a standard operations manual may prepare an amendment of the manual.
- (2) The person must submit the amendment to CASA.
- (3) CASA must, in writing, approve or refuse to approve the amendment.

Subpart 137.D Operational procedures

137.095 Operation to be in VMC

- (1) The pilot in command of an aeroplane may only conduct an application operation in VMC.

Penalty: 25 penalty units.
- (2) A contravention of subregulation (1) is an offence of strict liability.

137.100 Use of weather forecasts or observations

- (1) This regulation applies to the operator of the aeroplane and its pilot in command if the operator is planning an application operation that is to take place more than 50 nautical miles from the take-off aerodrome.

Regulation 137.105

- (2) The operator and pilot must:
- (a) use a weather forecast or report prepared by the Bureau of Meteorology or another approved body; or
 - (b) if the pilot is not reasonably able to obtain a weather forecast or report of a kind mentioned in paragraph (a) — satisfy subregulation (4).

Penalty: 5 penalty units.

- (3) The operator must provide any equipment necessary to obtain the forecast or report.

Penalty: 10 penalty units.

- (4) The operator and pilot satisfy this subregulation if the pilot:
- (a) uses his or her observations, or weather information from a source other than those mentioned in paragraph (2) (a); and
 - (b) the pilot reasonably believed it was safe to use the observations or information.
- (5) A contravention of subregulation (2) or (3) is an offence of strict liability.

137.105 Landing areas

Despite any other provision of these Regulations, the pilot in command of an aeroplane engaged in an application operation may use any landing area that can be used safely for take-offs and landings.

137.110 Safety of persons other than crew at landing areas

- (1) The operator of an aeroplane must, for the safety of persons during application operations at a landing area:
- (a) use appropriate procedures, including those necessary for the safe loading and unloading of aeroplanes; and
 - (b) provide appropriate equipment, including any necessary lighting.

Penalty: 25 penalty units.

Regulation 137.120

- (2) The procedures must be set out in the operations manual.
- (3) A contravention of subregulation (1) is an offence of strict liability.

137.115 Refuelling

- (1) An operator must use appropriate safety procedures for the refuelling of each of the operator's aeroplanes that is used in an application operation.

Penalty: 25 penalty units.

- (2) The operations manual must set out the procedures.
- (3) A contravention of subregulation (1) is an offence of strict liability.

137.120 Documents to be carried on a flight

- (1) The pilot in command of an aeroplane being used for an application operation must have a copy of the aeroplane's flight manual, or an approved alternative document, on board the aeroplane on every flight.

Penalty: 10 penalty units.

- (2) The pilot must also have the documents or copies mentioned in subregulations (4) and (5) on board the aeroplane on a flight if the aeroplane will be more than 1 hour's flying time (at cruise speed in still air) from the operator's principal operating base.

Penalty: 10 penalty units.

- (3) However, if:
 - (a) the aeroplane is to be based for more than 7 days at a place that is not the operator's principal operating base (a *substitute base*); and
 - (b) the aeroplane is less than 1 hour's flying time (at cruise speed in still air) from the substitute base;the documents or copies mentioned in subregulations (4) and (5) may be kept at the substitute base.

Regulation 137.125

- (4) For subregulations (2) and (3), the documents are:
 - (a) the aeroplane's flight and maintenance records; and
 - (b) each of the following documents, or copies of the documents:
 - (i) the aeroplane's certificate of registration;
 - (ii) the aeroplane's certificate of airworthiness (or, if applicable, special flight permit);
 - (iii) the current medical certificate for, and licence of, the pilot.
- (5) However, if the operations manual states that only a specified part of a document mentioned in subregulation (1) or paragraph (4) (a) must be carried during a flight, only that part need be carried.
- (6) A contravention of subregulation (1) or (2) is an offence of strict liability.

137.125 Manipulation of flight controls

- (1) While an aeroplane is engaged in an application operation its flight controls may be manipulated by a person only if the person is:
 - (a) the pilot in command of the aeroplane; or
 - (b) a pilot who is being trained in application operations; or
 - (c) a person authorised to do so by CASA.

Penalty: 25 penalty units.
- (2) If an aeroplane engaged in an application operation is on the ground with the engine running, the pilot in command must be at the controls unless:
 - (a) the pilot is refuelling the aeroplane in accordance with the operations manual; or
 - (b) the following apply:
 - (i) the pilot remains near the aeroplane;
 - (ii) the wheel brakes are locked and, if practicable, the wheels are chocked;
 - (iii) the aeroplane's power controls are friction locked and, if possible, the propeller is feathered;

Regulation 137.130

- (iv) the engine is retarded to idle and, if possible, ground idle.

Penalty: 25 penalty units.

- (3) Subregulation (4) applies if a person who is not, under these Regulations, entitled to manipulate the aeroplane's flight controls:
 - (a) occupies a control seat fitted with fully or partially functioning controls; or
 - (b) is seated in a position where he or she could interfere with the controls.
- (4) The pilot in command of the aeroplane must:
 - (a) instruct the person not to interfere with the controls; and
 - (b) be satisfied on reasonable grounds that the person has understood the instruction.

Penalty: 25 penalty units.

- (5) A contravention of subregulation (1) or (2) is an offence of strict liability.
- (6) Strict liability applies to the physical element mentioned in paragraph (4) (a).

137.130 Use of seats, seatbelts and harnesses

- (1) A person in an aeroplane engaged in an application operation must occupy a seat and wear a seatbelt or harness whenever the aeroplane is moving under its own power.

Penalty: 10 penalty units.

- (2) However, subregulation (1) does not apply to a person in the aeroplane if, during the operation:
 - (a) he or she is acting in accordance with an instruction by the pilot in command; or
 - (b) he or she is wearing an approved restraint device and either:

Regulation 137.135

- (i) has satisfactorily completed a course of training in the operation and is directly involved in the operation; or
 - (ii) is being trained in the operation.
- (3) A contravention of subregulation (1) is an offence of strict liability.

137.135 Carriage of passengers

- (1) If an aeroplane is engaged in an application operation, neither the operator nor the pilot in command may allow a passenger to be carried unless subregulation (2), (3) or (4) applies to the operation and the passenger.

Penalty: 50 penalty units.

- (2) This subregulation applies if the passenger is an officer, or delegate of CASA, who is on board the aeroplane to carry out his or her duties.
- (3) This subregulation applies if:
 - (a) the passenger is on board the aeroplane to identify the area where the application material is to be applied; and
 - (b) no application material is applied during the operation.
- (4) This subregulation applies if:
 - (a) the passenger is on board the aeroplane to carry out duties necessary for his or her employment; and
 - (b) both the operator and the pilot agree to the carriage of the passenger.

Note The operator and pilot must take precautions to ensure the safety of the passenger: see regulation 224 of CAR.

- (5) A contravention of subregulation (1) is an offence of strict liability.

137.140 Minimum height and lateral separation for operation

- (1) Subject to subregulations (2), (3) and (4) the pilot in command of an aeroplane engaged in an application operation may fly at any height while:

Regulation 137.145

- (a) over the work area; or
 - (b) travelling from the landing area used for loading the aeroplane to the work area.
- (2) In a populous area, the aeroplane must not fly closer than 100 metres, measured horizontally, from an occupied building.

Penalty: 25 penalty units.
- (3) In an area other than a populous area the aeroplane must not fly less than 350 feet AGL while closer than 100 metres, measured horizontally, from an occupied building.

Penalty: 25 penalty units.
- (4) The aeroplane may fly closer to a building and to the ground than provided for in subregulation (2) or (3) if:
 - (a) more than 48 hours before the proposed operation, the occupier of the building was notified in writing about the operation and did not object to the operator about it; or
 - (b) if it was not reasonably practicable to give written notice — the occupier was notified verbally before the operation and did not object to the operator about it.
- (5) A contravention of subregulation (2) or (3) is an offence of strict liability.

137.145 Application over populous areas

- (1) A person may conduct an application operation over a populous area only if:
 - (a) the person is an operator; and
 - (b) the procedures for the operation are set out in the operations manual; and
 - (c) the operation was requested by a person that, under a law of a State or Territory, may authorise the operation.
Penalty: 25 penalty units.
- (2) An operator must, before conducting the operation, make a plan for the operation that:

Regulation 137.150

- (a) includes consultation with the person that requested the operation; and
- (b) identifies any obstructions to flight and sets out how these will be avoided; and
- (c) identifies the most suitable emergency landing area for the operation; and
- (d) sets out any coordination with ATC that is necessary for the operation.

Penalty: 25 penalty units.

- (3) A contravention of subregulation (1) or (2) is an offence of strict liability.

137.150 In-flight fuel management

- (1) The pilot in command of an aeroplane engaged in an application operation must plan a flight for the operation so that, at all times, the aeroplane has enough fuel to complete the flight safely.

Penalty: 50 penalty units.

- (2) If an operations manual applies to the pilot, it must set out:
 - (a) the procedures that the pilot must follow to ensure that the aeroplane carries enough fuel; and
 - (b) a procedure to ensure that in-flight fuel checks and fuel management are carried out.
- (3) A contravention of subregulation (1) is an offence of strict liability.

137.155 Operations near RPT flight

- (1) The pilot in command of an aeroplane must not engage in an application operation within 5 nautical miles of an aerodrome during:
 - (a) the period commencing 10 minutes before the estimated time of arrival at the aerodrome of an aeroplane with an MTOW of more than 5 700 kg that is conducting a regular public transport operation (an ***RPT aeroplane***) and finishing when the RPT aeroplane lands; and

Regulation 137.165

- (b) the period commencing when an RPT aeroplane starts to taxi for take-off at the aerodrome and finishing when the RPT aeroplane is at an altitude that is 500 feet greater than the maximum operating altitude that is to be reached by the aeroplane during the operation.

Penalty: 50 penalty units.

- (2) Subregulation (1) does not apply if the pilot is:
 - (a) subject to instructions by ATC; or
 - (b) in radio contact with the RPT aeroplane.
- (3) A contravention of subregulation (1) is an offence of strict liability.

137.160 Aerodrome circuit requirements

- (1) The pilot in command of an aeroplane engaged in an application operation that involves a take-off from, or landing at, an aerodrome need not conform with the circuit traffic protocol specified in the AIP for the aerodrome if:
 - (a) the aeroplane is fitted with a radio; and
 - (b) the pilot:
 - (i) maintains a continuous listening watch on the aerodrome frequency; and
 - (ii) broadcasts his or her intentions in accordance with the AIP; and
 - (iii) gives priority to other traffic.
- (2) However, subregulation (1) does not apply if the flight is subject to ATC instructions.
- (3) In this regulation, **AIP** includes a document that is equivalent to the AIP.

137.165 Close proximity operations

- (1) For this regulation, 2 or more aeroplanes are engaged in a **close proximity operation** if they are flying so close to each other during an application operation as to create a collision hazard if special measures are not taken.

Regulation 137.170

- (2) A person must not operate an aeroplane in a close proximity operation if the person is not an operator.

Penalty: 25 penalty units.

- (3) The pilot in command of an aeroplane must not engage in a close proximity operation unless the operation is coordinated by:

- (a) if the operation is to be conducted by 1 operator — the operator's head of flight operations, or another person nominated by the operator; or
- (b) otherwise — a suitably qualified pilot agreed to by all pilots involved in the operation.

Penalty: 25 penalty units.

- (4) The coordinator must give, to all pilots involved in the operation, instructions about the following:

- (a) transit between the landing area and the work area;
- (b) radio communications, including loss-of-communication procedures;
- (c) refuelling arrangements;
- (d) the conduct of the operation.

Penalty: 25 penalty units.

- (5) During the operation each pilot must:

- (a) maintain safe lateral separation from the other aeroplanes by visual and radio contact; and
- (b) comply with the instructions of the person coordinating the operation.

Penalty: 25 penalty units.

- (6) A contravention of subregulation (2), (3), (4) or (5) is an offence of strict liability.

137.170 Night operations

- (1) This regulation applies to an application operation conducted at night.

Regulation 137.175

- (2) The pilot in command of the aeroplane to be used in the operation must, by inspection during daylight, be familiar with:
- (a) the work area; and
 - (b) the route between the work area and the landing area.

Penalty: 25 penalty units.

- (3) The operator of the aeroplane must plan the operation so the distance from a work area to a landing area is less than 30 minutes flying time at normal cruise power in still air, unless:
- (a) the aeroplane is equipped, and certificated under Part 21, for night VFR flight; and
 - (b) the pilot holds, in addition to any rating required for night application operations, the rating required for a VFR flight at night.

Penalty: 25 penalty units.

- (4) The operator must not allow the operation to commence unless the aeroplane is equipped with a two-way radio that enables the pilot to communicate with each person on the ground who has a role in the operation.

Penalty: 25 penalty units.

- (5) The pilot must not commence or continue the operation if horizontal visibility from the aeroplane is less than 5 km.

Penalty: 25 penalty units.

- (6) The operator must ensure that lights are placed at the work area to help the pilot with orientation.

Penalty: 25 penalty units.

- (7) A contravention of subregulation (2), (3), (4), (5) or (6) is an offence of strict liability.

137.175 Firefighting operations

- (1) A person must not operate an aeroplane for an application operation that involves firefighting unless the emergency control authority responsible for the firefighting:

Regulation 137.180

- (a) has not, when the operation commences, taken control of the fighting of the fire; or
- (b) has taken control of the firefighting and asks the person to carry out the operation.

Penalty: 50 penalty units.

- (2) A pilot is authorised to conduct an application operation that:
 - (a) involves firefighting; and
 - (b) is requested by the relevant emergency control authority; only if he or she has more than 500 hours experience as pilot in command in application operations when the operation commences.

Penalty: 50 penalty units.

- (3) A contravention of subregulation (1) or (2) is an offence of strict liability.

Subpart 137.E All-weather operations

Note Reserved for future use.

Subpart 137.H Aeroplane performance

137.180 General

- (1) The pilot in command of an aeroplane engaged in an application operation must, before take-off, take reasonable steps to satisfy himself or herself that the take-off can be safely carried out by considering the aeroplane's take-off weight and each other relevant factor.

Penalty: 50 penalty units.

- (2) Before landing, the pilot must satisfy himself or herself that the landing can be safely carried out by considering the aeroplane's landing weight and each other relevant factor.

Penalty: 50 penalty units.

Regulation 137.190

- (3) A contravention of subregulation (1) or (2) is an offence of strict liability.

137.185 Take-off over a populous area

- (1) The pilot in command of an aeroplane engaged in an application operation may commence a take off over a populous area only if the aeroplane's performance will allow it to be 200 feet or more AGL when it crosses the aerodrome boundary and climbing at 200 feet or more per minute.

Penalty: 50 penalty units.

- (2) A contravention of subregulation (1) is an offence of strict liability.

Subpart 137.J Weight and balance

137.190 Weight limitations

- (1) The pilot in command of an aeroplane engaged in an application operation must not commence a take-off if the aeroplane's gross weight exceeds:
- (a) the maximum gross weight shown in the aeroplane's flight manual; or
 - (b) any maximum gross weight that:
 - (i) has been established for that type of aeroplane by a flight test supervised by CASA; and
 - (ii) is shown on a placard, approved by CASA and displayed in the aeroplane's cockpit; or
 - (c) the maximum gross weight shown on the type certificate, or type certificate data sheet, that is issued for the aeroplane by the NAA of the State of Design (within the meaning given in Annex 8 to the Chicago Convention) of the aeroplane.

Penalty: 50 penalty units.

- (2) The pilot must calculate the take-off weight by a method that includes calculating the weight of:
- (a) the crew and any equipment carried; and

Regulation 137.195

- (b) the aeroplane's fuel and load.

Penalty: 50 penalty units.

- (3) The operator of the aeroplane must not specify a minimum load to be carried by the aeroplane that is greater than the load that the pilot reasonably considers to be safe.

Penalty: 50 penalty units.

- (4) A contravention of subregulation (1), (2) or (3) is an offence of strict liability.

137.195 Loading — supervision

- (1) The pilot in command of an aeroplane to be used in an application operation must:
 - (a) supervise the loading of the aeroplane; and
 - (b) not commence the operation unless the load is placed in a way that is consistent with the data used for the calculation of the aeroplane's weight and balance.

Penalty: 25 penalty units.

- (2) A contravention of subregulation (1) is an offence of strict liability.

Subpart 137.K Instruments and equipment

137.200 Installation of instruments and equipment

- (1) Subject to subregulation (3), the operator of an aeroplane that is to be used in an application operation must ensure that instruments and items of equipment, other than role equipment, used in the aeroplane are:
 - (a) other than items mentioned in subregulation (3) — approved; and
 - (b) properly installed so they are fit for their purpose, and do not interfere with the operation of any other equipment; and

Regulation 137.210

- (c) except as provided in the applicable MEL — serviceable.

Penalty: 50 penalty units.

- (2) For paragraph (1) (b), an instrument or equipment is ***properly installed*** if it is:
- (a) installed by a person who has been trained to do so; and
 - (b) installed so as to meet the performance standards and the operational and airworthiness requirements that apply to the instrument or item of equipment under these Regulations.

Note Instruments and equipment may be approved under an ATSO or TSO, unless CASA approves different performance standards: see regulation 21.305 and Subpart 21.O.

- (3) The following items are not required to be approved:
- (a) electric torch;
 - (b) timepiece;
 - (c) a GPS marking system;
 - (d) chart holder;
 - (e) first-aid kit;
 - (f) survival and pyrotechnic signalling equipment.
- (4) A contravention of subregulation (1) is an offence of strict liability.

137.210 Position of instruments and equipment

- (1) The operator of an aeroplane must not allow the aeroplane to be used in an application operation unless:
- (a) equipment on the aeroplane that is operated during flight by only 1 crew member is installed so that it can readily be operated from the member's station; and
 - (b) an instrument that need only be read by 1 crew member is installed:
 - (i) so the crew member can easily read the instrument from his or her station; and

Regulation 137.215

- (ii) as close as practicable to the crew member's line of vision in the direction of the flight path.

Penalty: 50 penalty units.

- (2) A contravention of subregulation (1) is an offence of strict liability.

137.215 Instruments and equipment required

- (1) The operator of an aeroplane must not allow the aeroplane to engage in an application operation unless it is fitted with the equipment mentioned in each item of Table 137.215-1.

Penalty: 50 penalty units.

Table 137.215-1 Equipment for all application operations

Item	Equipment
1	A magnetic compass
2	A timepiece showing the time in hours, minutes and seconds (unless the pilot in command carries such a timepiece)
3	A sensitive pressure altimeter that: (a) reads in feet; and (b) has a sub-scale setting, calibrated in hectopascals, that can be set to any barometric pressure that may occur during flight
4	An airspeed indicator calibrated in knots
5	A slip indicator
6	An outside air temperature indicator calibrated in degrees Celsius
7	If the aeroplane is equipped with radio — a headset, whether or not built into a helmet, with a boom microphone or an equivalent microphone
8	Any other instruments and equipment required to be fitted for type certification.

Regulation 137.220

- (2) The operator must not allow the aeroplane to engage in an application operation at night unless it is fitted with the equipment mentioned in each item of Table 137.215-2.

Penalty: 50 penalty units.

Table 137.215-2 Equipment for night application operations

Item	Equipment
1	At least 2 serviceable work lights that are suitable for the operation, installed so as to minimise glare in the cockpit
2	Navigation lights
3	An approved anti-collision lighting system
4	A system of cockpit lighting that is appropriate to the operation
5	Either: (a) a turn indicator; or (b) an attitude indicator that provides pitch and roll information at all attitudes

- (3) A contravention of subregulation (1) or (2) is an offence of strict liability.

137.220 Crew intercom system

- (1) The operator of an aeroplane that requires a crew of more than 1 person must not allow it to engage in an application operation unless it is equipped with an intercom system that:
- (a) can be used by all members of the crew; and
 - (b) includes headsets, whether or not built into a helmet, and microphones that are not of a handheld type.

Penalty: 25 penalty units.

- (2) Subregulation (1) does not apply to the operation if:
- (a) the use of any item of intercom equipment may adversely affect the safety of the operation; and
 - (b) another appropriate method of communication between the crew is arranged before the operation commences.

Regulation 137.225

- (3) A contravention of subregulation (1) is an offence of strict liability.

137.225 Seatbelts and harnesses

- (1) This regulation applies to an aeroplane, other than an aeroplane that has been certified in the normal category.
- (2) The operator of the aeroplane must not allow it to engage in an application operation unless:
- (a) the pilot's seat is equipped with a four-point restraint harness with a single point release; and
 - (b) a harness or seatbelt for any other crew member is equipped with a single point release.

Penalty: 50 penalty units.

- (3) A contravention of subregulation (2) is an offence of strict liability.

Subpart 137.M Aeroplane maintenance

137.230 Fitting and removal of role equipment

- (1) A person must not fit role equipment to, or remove role equipment from, an aeroplane that is used in an application operation.

Penalty: 25 penalty units.

- (2) Subregulation (1) does not apply to a person who:
- (a) has been trained by an operator, or an approved person, in the fitting and removal of a kind of role equipment; and
 - (b) fits or removes equipment of that kind.
- (3) A contravention of subregulation (1) is an offence of strict liability.

Subpart 137.N Pilots

137.235 Qualifications for pilots conducting application operations

- (1) An operator must not allow an aeroplane to be used for an application operation unless the pilot in command is authorised to do so.

Penalty: 50 penalty units.

Note The pilot must hold:

- (a) a commercial pilot (aeroplane) licence or an air transport pilot (aeroplane) licence issued under regulation 5.09 of CAR; and
- (b) an agricultural pilot (aeroplane) rating of grade 1 or 2, issued under regulation 5.14 of CAR; and
- (c) a single engine aeroplane class endorsement, and any special design feature endorsement required for the aeroplane, issued under regulation 5.23 of CAR.

- (2) A contravention of subregulation (1) is an offence of strict liability.

137.240 Annual proficiency checks

- (1) For this regulation, a pilot holds a *valid annual proficiency check* if:
- (a) he or she has satisfactorily completed a check that satisfies the criteria in subregulations (3), (4), (5) and (9); and
 - (b) under subregulations (7) and (8), the check is valid.
- (2) The operator of an aeroplane must not allow it to be used for an application operation, and the pilot in command of an aeroplane must not commence an application operation, unless, on the day of the operation, the pilot holds a valid annual proficiency check.

Penalty: 50 penalty units.

- (3) An annual proficiency check for a pilot who is employed by an operator must be conducted by:
- (a) the operator's head of flight operations; or

Regulation 137.240

- (b) a flight examiner or instructor qualified, under these Regulations, to conduct application operations.
- (4) An annual proficiency check for any other pilot (including an operator's head of flight operations) must be conducted by:
 - (a) an examiner or instructor mentioned in paragraph (3) (b); or
 - (b) a person who is entitled to conduct an aeroplane flight review for regulation 5.108 of CAR.
- (5) Despite subregulations (3) and (4), an annual proficiency check for a pilot who, in the 12 months immediately before the check, has completed less than 50 hours flight time in application operations must be conducted by an examiner or instructor mentioned in paragraph (3) (b).
- (6) A synthetic flight trainer may be used for a check, or part of a check, if CASA approves its use for the purpose.
- (7) A check is valid for 12 months from the day on which the check is completed.
- (8) However, if the check is completed less than 3 months before the day on which the check would otherwise expire (the ***expiry day***), the check is valid for 12 months commencing at the end of the expiry day.
- (9) To complete an annual proficiency check the pilot must demonstrate that he or she is familiar with the systems, the normal and emergency flight manoeuvres, performance, fuel consumption rates, and weight and balance requirements for an aeroplane that he or she flies.

Note A check of a pilot of a single seat aeroplane may be conducted by observation from the ground and may include review of GPS data logs, job planning and post flight records.
- (10) A pilot that satisfactorily completes an annual proficiency check under this regulation is taken to have satisfactorily completed an aeroplane flight review for regulation 5.108 of CAR.
- (11) A contravention of subregulation (2) is an offence of strict liability.

Subpart 137.P Manuals, logs and records

137.245 Flight manual

- (1) An operator must maintain a current aircraft flight manual, or another approved document, for each aeroplane used by the operator for application operations.

Penalty: 25 penalty units.

- (2) A contravention of subregulation (1) is an offence of strict liability.

137.250 Checking records

- (1) An operator must:
 - (a) make a record of the checking that is:
 - (i) required, under Subpart 137.N, for each pilot employed by the operator; and
 - (ii) completed by each pilot; and
 - (b) allow each pilot to examine and copy the records that relate to him or her.

Penalty: 10 penalty units.

- (2) A contravention of subregulation (1) is an offence of strict liability.

Note Records made for this regulation must be retained: see regulation 137.255.

137.255 Document retention periods

- (1) The operator of an aeroplane that is used for application operations must keep an aircraft maintenance record relating to the aeroplane (including a record of the time in service of each component for which that information is kept):
 - (a) for at least 90 days after the aeroplane concerned is in a condition that prevents it being flown in the future; and

Regulation 137.255

- (b) in a form that is suitable for, and allows access to, the information.

Penalty: 50 penalty units.

- (2) The operator of an aeroplane must keep each record mentioned in column 2 of an item in Table 137.255:
- (a) for at least the period mentioned in column 3 of the item; and
- (b) in a form that is suitable for, and allows access to, the information.

Penalty: 25 penalty units.

- (3) A contravention of subregulation (1) or (2) is an offence of strict liability.

Table 137.255

Item	Record	Period
1	A copy of the following that relates to each pilot employed by the operator: (a) medical certificate; (b) licence; (c) any rating, endorsement or approval that is relevant to the pilot's employment by the operator	Until the pilot ceases to be employed as a pilot by the operator
2	The 2 most recent records of any training undertaken by a pilot employed by the operator if: (a) the training is required under the operations manual; and (b) the record is not retained for item 2	Until the pilot ceases to be employed as a pilot by the operator
3	A report about an event relating to the safety of an application operation made by a pilot employed by the operator	90 days from the day on which it is made

Regulation 137.270

Item	Record	Period
4	Pilot flight, duty and rest times	15 months from the day of the most recent entry in the document
5	Pilot conversion training	36 months from the day of the most recent entry in the document
6	Pilot recurrent training and annual proficiency check for Subpart 137.N	36 months from the day of the most recent entry in the document

137.260 Maintenance record to be given to new operator

- (1) A person that ceases to be the operator of an aeroplane that is used for application operations must, if another person becomes the operator, give the aeroplane's aircraft maintenance record, or a copy of the record, to the other person.

Penalty: 25 penalty units.

- (2) A contravention of subregulation (1) is an offence of strict liability.

Subpart 137.Q Flight duty time limitations and rest requirements

137.265 Application of Subpart 137.Q

This Subpart sets out requirements about duty and rest times for a pilot who conducts application operations.

137.270 Subpart not to affect subsection 1 of CAO 48.1

This Subpart does not affect the operation of subsection 1 of Civil Aviation Order 48.1.

Regulation 137.275

137.275 Limit on flying hours

- (1) The pilot must not fly more than:
 - (a) 1 200 hours in 365 consecutive days; or
 - (b) 170 hours in 28 consecutive days.

Penalty: 25 penalty units.
- (2) A contravention of subregulation (1) is an offence of strict liability.

137.280 Off-duty period before and after tour of duty

- (1) Subject to subregulations (2) and (3), the pilot must not undertake duties relating to his or her employment by an operator, including being on call or planning less than:
 - (a) 8 hours before commencing a tour of duty; or
 - (b) 8 hours after completing a tour of duty of 10 hours or less; or
 - (c) 10 hours after completing a tour of duty of more than 10 hours.

Penalty: 25 penalty units.
- (2) No less than 8 hours after completing a tour of duty of more than 10 hours, the pilot may choose to recommence duty up to 1 hour earlier than the time required under paragraph (1) (c) if the pilot believes he or she is mentally and physically able to do so.
- (3) The pilot must not recommence duty under subregulation (2) if, in doing so, he or she would be in breach of regulation 137.275, 137.285, 137.290, 137.295 or 137.300.
- (4) A contravention of subregulation (1) is an offence of strict liability.

137.285 Tour of duty — duration

- (1) The pilot must not undertake, and a person must not require the pilot to undertake, a tour of duty that exceeds 14 hours.

Penalty: 25 penalty units.

Regulation 137.290

- (2) However, the pilot may extend a tour of duty in accordance with subregulation (3), (4) or (5) if:
 - (a) the pilot reasonably believes he or she is mentally and physically able to do so; and
 - (c) in doing so, the pilot would not be in breach of regulation 137.275, 137.280, 137.290, 137.295 or 137.300.
- (3) After the pilot has completed 14 hours of a tour of duty, he or she may extend the tour of duty by no more than 1 hour.
- (4) If, during a tour of duty, the pilot has had 3 or more consecutive hours of resting time, the pilot may extend the tour of duty by no more than the lesser of the following:
 - (a) 50% of the duration of the resting time;
 - (b) 2 hours.
- (5) If, during a tour of duty, the pilot has had 2 or more consecutive hours of sleeping time, the pilot may extend the tour of duty by no more than the lesser of the following:
 - (a) the duration of the sleeping time;
 - (b) 3 hours.
- (6) A contravention of subregulation (1) is an offence of strict liability.

137.290 Off-duty period each 14 days

- (1) In any 14 consecutive days the pilot must have a continuous period of at least 36 hours during which he or she carries out no duties for an operator.

Penalty: 25 penalty units.
- (2) A person must not require the pilot to contravene subregulation (1).

Penalty: 25 penalty units.
- (3) A contravention of subregulation (1) or (2) is an offence of strict liability.

Regulation 137.295

137.295 Limit on time spent on tours of duty

- (1) The pilot must not spend more than:
 - (a) 44 hours on tours of duty in any 3 consecutive days; or
 - (b) 98 hours on tours of duty in any 7 consecutive days.

Penalty: 25 penalty units.
- (2) However, if:
 - (a) the pilot has 1 or more periods of resting time during any of the days mentioned in subregulation (1); and
 - (b) each period is 6 or more continuous hours;

the maximum amount of time for the subregulation is increased by 50% of the duration of the resting time (or the total of those resting times).
- (3) Despite subregulation (2), the maximum time for subregulation (1) is not increased if, in doing so, the pilot would be in breach of regulation 137.275, 137.280, 137.285, 137.290 or 137.300.
- (4) A person must not require the pilot to contravene subregulation (1).

Penalty: 25 penalty units.
- (5) A contravention of subregulation (1) or (4) is an offence of strict liability.

137.300 Pilot to be fit for duty

- (1) The pilot must not commence an application operation if he or she is not fit for duty.

Penalty: 25 penalty units.
- (2) The operator of an aeroplane to be used in an application operation must not allow the pilot to commence the operation if the operator has reason to believe that the pilot is not fit for duty.

Penalty: 25 penalty units.

Regulation 137.300

(3) For subregulations (1) and (2), a pilot is *not fit for duty* if, for example:

- (a) he or she has not had adequate rest, food or drink; or
- (b) he or she is adversely affected by a medical condition or a psychoactive substance.

Note The expression *psychoactive substances* refers to alcohol, drugs and volatile solvents, but not coffee and tobacco: see clause 60 of Part 2 of the Dictionary.

(4) In paragraph (3) (b):

medical includes psychological and psychiatric.

(5) A contravention of subregulation (1) or (2) is an offence of strict liability.

Part 138 Search and rescue operations

Note This Part heading is reserved for future use.



Civil Aviation Safety Regulations 1998

Statutory Rules 1998 No. 237 as amended

made under the

Civil Aviation Act 1988

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[Note: Regulation 92.150 ceased to apply at the end of 31 December 2006, see subregulation 92.150 (8)]

The text of any of those amendments not in force
on that date is appended in the Notes section

This document has been split into three volumes
Volume 1 contains Parts 1 to 43
Volume 2 contains Parts 45 to 138
Volume 3 contains Parts 139 to 202, the Dictionary and the Notes
Each volume has its own Table of Contents

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Regulation 139.005

Subpart 139.A General

139.005 Applicability of this Part

This Part deals with the operation of aerodromes and includes rules about the following matters:

- (a) certification of aerodromes and the requirements that apply to operators of certified aerodromes;
- (b) registration of aerodromes and the requirements that apply to operators of registered aerodromes;
- (c) reporting officer and safety inspection requirements that apply to operators of certain other aerodromes used for regular public transport operations or charter operations;
- (d) obstacles and hazards at aerodromes;
- (e) obligations of aerodrome operators in relation to radio communication services and rescue and fire fighting services.

139.010 Definitions for this Part

In this Part (other than Subpart 139.H):

Manual of Standards means the document called ‘Manual of Standards (MOS) – Part 139 Aerodromes’ published by CASA, as in force from time to time.

MBZ means mandatory broadcast zone.

139.015 Standards for aerodromes

The standards for aerodromes are those set out in the Manual of Standards.

139.020 Exemptions

- (1) CASA may, by instrument, exempt an aerodrome operator from compliance with specified provisions of this Part or specified standards set out in the Manual of Standards.

- (2) Before exempting an aerodrome operator, CASA must take into account any relevant considerations relating to the interests of the safety of air navigation.
- (3) An exemption is subject to the operator complying with any conditions that CASA specifies in the instrument as being necessary in the interests of the safety of air navigation.
- (4) The operator must comply with a condition specified in the instrument.

Penalty: 10 penalty units.

139.025 Access to aerodromes

- (1) The operator of a certified aerodrome or a registered aerodrome must allow CASA to conduct tests of aerodrome facilities, equipment or operating procedures at the aerodrome for the purpose of ensuring the safety of aircraft.
- (2) The operator must allow CASA access to any part of the aerodrome or any aerodrome facilities, equipment or records for the purposes of subregulation (1).
- (3) CASA:
 - (a) must give reasonable notice of any tests to be conducted to the operator; and
 - (b) must carry out the tests at a reasonable time.
- (4) Subregulations (1) and (2) do not limit the operation of regulation 305 of CAR.

139.030 Aerodromes with non-precision approach runways to be certified or registered

- (1) A person must not operate an aerodrome to which subregulation (3) applies if the aerodrome is not a certified aerodrome or a registered aerodrome.

Penalty: 10 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.

Regulation 139.035

- (3) This subregulation applies to an aerodrome that:
- (a) is available for public use; and
 - (b) has a non-precision approach runway.

139.035 No effect on operation of Airports (Building Control) Regulations 1996 etc

Nothing in this Part affects the operation of the *Airports (Building Control) Regulations 1996*, the *Airports (Protection of Airspace) Regulations 1996* or the *Airports (Control of On-Airport Activities) Regulations 1997*.

Subpart 139.B Certified aerodromes

Division 139.B.1 Aerodrome certificate

139.040 When an aerodrome certificate is required

- (1) A person must not operate an aerodrome to which subregulation (3) applies if the aerodrome is not a certified aerodrome.

Penalty: 50 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.
- (3) This subregulation applies to an aerodrome that:
- (a) has a runway that is suitable for use by aircraft having:
 - (i) a maximum passenger seating capacity of more than 30 seats; or
 - (ii) a maximum carrying capacity of more than 3 400 kilograms; and
 - (b) is available for use in regular public transport operations or charter operations by such aircraft.

Note A person must not operate an aerodrome that is available for public use and has a non-precision approach runway if the aerodrome is not a certified aerodrome or a registered aerodrome (see regulation 139.030).

Regulation 139.060

139.045 Application for aerodrome certificate

- (1) A person may apply to CASA for an aerodrome certificate authorising the person to operate an aerodrome at the place specified in the application.
- (2) The application must be in the approved form.

Note A person who operates an aerodrome for which an aerodrome certificate is not required may apply for an aerodrome certificate.

139.050 Grant of aerodrome certificate

CASA must grant an aerodrome certificate to an applicant under regulation 139.045 if:

- (a) the aerodrome's facilities and equipment are in accordance with the standards specified in the Manual of Standards for a certified aerodrome; and
- (b) the aerodrome's operating procedures make satisfactory provision for the safety of aircraft; and
- (c) an aerodrome manual, in accordance with regulation 139.095, has been prepared for the aerodrome; and
- (d) the applicant would, if the certificate is granted, be able properly to operate and maintain the aerodrome.

139.055 Notice of refusal to grant aerodrome certificate

If CASA refuses to grant an aerodrome certificate to an applicant, CASA must give the applicant written notice of the refusal, and the reasons for it, no later than 14 days after CASA refuses to grant the certificate.

139.060 Aerodrome certificate may be subject to conditions

- (1) CASA may grant an aerodrome certificate subject to any condition that CASA considers necessary in the interests of the safety of aircraft.
- (2) If CASA decides to grant an aerodrome certificate subject to a condition, CASA must give the applicant written notice of the reasons for the decision.

Regulation 139.065

- (3) A condition must be set out on the certificate or in the notice given to the applicant under subregulation (2).
- (4) An aerodrome operator must not contravene a condition of the operator's aerodrome certificate.

Penalty: 25 penalty units.

139.065 Duration of aerodrome certificate

- (1) An aerodrome certificate remains in force unless it is cancelled.
- (2) However, the certificate is not in force during any period in which it is suspended.

139.070 Suspension or cancellation by CASA

- (1) CASA may, by written notice given to the holder of an aerodrome certificate, suspend or cancel the certificate if there are reasonable grounds for believing that:
 - (a) a condition to which the certificate is subject has been breached; or
 - (b) the aerodrome facilities, operations or maintenance are not of the standard necessary in the interests of the safety of air navigation; or
 - (c) the holder has failed to comply with regulation 139.025.
- (2) Before suspending or cancelling an aerodrome certificate, CASA must:
 - (a) give to the holder a show cause notice that:
 - (i) sets out the facts and circumstances that, in the opinion of CASA, would justify the suspension or cancellation; and
 - (ii) invites the holder to show cause, in writing, within 30 days after the date of the notice, why the certificate should not be suspended or cancelled; and
 - (b) take into account any written submissions that the holder makes to CASA within the time allowed under subparagraph (a) (ii).

139.075 Cancellation at request of holder

- (1) If the holder of an aerodrome certificate wishes the certificate to be cancelled, the holder must give CASA not less than 30 days' written notice of the date on which the holder wishes the certificate to be cancelled.
- (2) CASA must cancel the certificate on the date specified in the notice.

139.080 Aerodrome certificate not transferable

An aerodrome certificate is not transferable.

139.085 Temporary aerodrome certificate

- (1) CASA may grant a temporary aerodrome certificate to an applicant under regulation 139.045 if:
 - (a) the applicant's application is for a certificate to operate an aerodrome for which an existing aerodrome certificate is in force; and
 - (b) the holder of the existing aerodrome certificate has given CASA notice under regulation 139.075 for the certificate to be cancelled; and
 - (c) the cancellation of the existing aerodrome certificate will have effect before CASA can fully consider the applicant's application; and
 - (d) CASA is satisfied that the applicant will be able to properly operate and maintain the aerodrome for the duration of the temporary certificate.
- (2) A temporary aerodrome certificate must not be granted for a period of longer than 60 days.

Regulation 139.090

Division 139.B.2 Aerodrome manual

139.090 Preparation and location of aerodrome manual

- (1) The operator of a certified aerodrome must have an aerodrome manual, in accordance with regulation 139.095, for the aerodrome.

Penalty: 10 penalty units.

- (2) The operator must give CASA a copy of the manual and must keep another copy at the operator's principal place of business or at the aerodrome.

Penalty: 10 penalty units.

- (3) The operator must make the copy of the manual kept at the operator's principal place of business or at the aerodrome available to authorised persons during normal business hours.

Penalty: 10 penalty units.

- (4) Strict liability applies to the physical element of an offence against subregulation (1) that the operator is required to have an aerodrome manual for the aerodrome.

- (5) An offence against subregulation (2) or (3) is an offence of strict liability.

139.095 Information to be included in aerodrome manual

For subregulation 139.090 (1), the aerodrome manual must include:

- (a) the following information, to the extent that the information is applicable to the aerodrome:
- (i) the particulars of the aerodrome site mentioned in Appendix 1 to this subparagraph;
 - (ii) the particulars of the aerodrome administration and operating procedures mentioned in Appendix 1 to this subparagraph;
 - (iii) the particulars of the aerodrome to be notified in AIP-ERSA, mentioned in Appendix 1 to this subparagraph;

Regulation 139.095

- (iv) particulars of any condition to which the operator's aerodrome certificate is subject;
 - (v) particulars of any direction given to the operator by CASA under regulation 139.105; and
- (b) if particular information referred to in paragraph (a) is not included in the manual because it is not applicable to the aerodrome:
 - (i) a statement to the effect that the information is not applicable; and
 - (ii) the reasons why it is not applicable; and
- (c) if CASA gives the operator an exemption under regulation 139.020 in relation to the aerodrome:
 - (i) any identifying number given to the exemption by CASA; and
 - (ii) the date on which the exemption came into effect; and
 - (iii) any condition subject to which the exemption is granted.

Appendix 1 to subparagraph 139.095 (a) (i)
(Particulars of the aerodrome site)

Aerodrome site

For subparagraph 139.095 (a) (i), the particulars are as follows:

- (a) a plan of the aerodrome showing the main aerodrome facilities, including the wind direction indicators, for the operation of the aerodrome;
- (b) a plan of the aerodrome showing the aerodrome boundaries;
- (c) a plan showing the distance of the aerodrome from the nearest city, town or other populous area, and the location of any aerodrome facilities and equipment outside the boundaries of the aerodrome;
- (d) either:
 - (i) particulars of title of the aerodrome site; or

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- (ii) if the boundaries of the aerodrome are not defined in the documents of title — the particulars of the title to, or interests in, the property on which the aerodrome is located and a plan showing the boundaries and position of the aerodrome.

Appendix 1 to subparagraph 139.095 (a) (ii)
(Particulars of the aerodrome administration and operating procedures)

For subparagraph 139.095 (a) (ii), the particulars are as follows:

Aerodrome administration

- (a) particulars of the aerodrome administration including the following:
 - (i) the organisational structure;
 - (ii) the management positions responsible for the operation and maintenance of the aerodrome;
 - (iii) contact details of the person who is the aerodrome manual controller;
 - (iv) contact details for the main persons responsible for aerodrome operations and safety functions;

Aerodrome emergency plan

- (b) particulars of the aerodrome emergency plan, including details of the following:
 - (i) the composition of the aerodrome emergency committee and contact details for the emergency service organisations represented on the committee;
 - (ii) a description of the role of each emergency service organisation involved in the plan;
 - (iii) the activation, control and coordination of the emergency service organisations during an emergency;
 - (iv) the aerodrome's emergency facilities and arrangements for keeping them in readiness;

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- (v) the operational response to an emergency, including arrangements for aerodrome access and assembly areas;
- (vi) the response to a local stand-by call out;
- (vii) the response to a full emergency call out;
- (viii) the arrangements to return the aerodrome to operational status after an emergency;
- (ix) the arrangements for periodic review and testing of the aerodrome emergency plan;

Aerodrome lighting

- (c) particulars of the procedures for the inspection and maintenance of the aerodrome lighting (including obstacle lighting) and the supply of stand-by power (if any), including details of the following:
 - (i) the arrangements for carrying out inspections and the checklist for inspections;
 - (ii) the arrangements for recording the results of inspections and for taking follow-up action to correct deficiencies;
 - (iii) the arrangements for switching lights on and off, including back-up arrangements for pilot-activated lighting;
 - (iv) the arrangements for carrying out routine maintenance and emergency maintenance;
 - (v) the arrangements for stand-by power, if any, and, if applicable, particulars of any other method of dealing with partial or total system failure;
 - (vi) the names and roles of the persons who are responsible for the inspection and maintenance of the lighting and the telephone numbers for contacting them during and after working hours;

Aerodrome reporting

- (d) particulars of the procedures for reporting any changes to the aerodrome information set out in AIP and procedures for requesting the issue of NOTAMS, including details of the following:

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- (i) the arrangements for reporting any changes that may affect aircraft operations to AIS and local air traffic services and recording the reporting of changes during and outside the normal hours of aerodrome operation;
- (ii) the contact details for the persons and organisations to which changes are to be reported;
- (iii) the name of the reporting officer responsible for reporting the changes and the telephone numbers for contacting him or her during and after working hours;
- (iv) the arrangements for reporting changes of aerodrome information published in AIP to AIS and CASA;
- (v) the arrangements for keeping records of reports made;

Unauthorised entry to aerodrome

- (e) particulars of the procedures for preventing the unauthorised entry of persons, vehicles, equipment, plant or animals, or other things that may endanger aircraft safety, into the movement area, including details of the following:
 - (i) the arrangements for controlling airside access;
 - (ii) the names and roles of the persons who are responsible for controlling access to the movement area and the telephone numbers for contacting them during and after working hours;

Aerodrome serviceability inspections

- (f) particulars of the procedures for carrying out aerodrome serviceability inspections, including details of the following:
 - (i) the arrangements for carrying out the inspections during and after working hours;
 - (ii) details of the intervals at which the inspections are carried out and the times of the inspections;

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- (iii) the arrangements for keeping an inspection logbook and the place where the logbook is kept;
- (iv) details of the inspection checklist;
- (v) the arrangements for communicating with air traffic control during the inspections;
- (vi) the arrangements for reporting the results of the inspections and for taking prompt follow-up action to ensure correction of unsafe conditions;
- (vii) the names and roles of the persons who are responsible for carrying out the inspections and the telephone numbers for contacting them during and after working hours;

Aerodrome technical inspections

- (g) particulars of the procedures for carrying out aerodrome technical inspections, including details of the following:
 - (i) the items that need to be technically inspected and when the inspections are to be carried out;
 - (ii) the arrangements for technically qualified people to carry out the technical inspections;
 - (iii) the arrangements for recording the results of the inspections and for taking prompt follow-up action to ensure correction of defects;

Aerodrome works safety

- (h) particulars of the procedures for planning and safely carrying out aerodrome works (including works that may have to be carried out at short notice), including details of the following:
 - (i) the preparation of a method-of-working plan identifying areas of the aerodrome affected during each stage of the work and steps taken to ensure safety standards are met;
 - (ii) the distribution list for the method-of-working plan;
 - (iii) the arrangements for telling aircraft operators and other aerodrome users of the method-of-working plan and the telephone numbers for contacting those operators and users during and after working hours;

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- (iv) the arrangements for communicating with air traffic control and aircraft during the carrying out of the works;
- (v) the arrangements for carrying out time-limited works;
- (vi) the names, telephone numbers and roles of the persons and organisations responsible for planning and carrying out the works, and the arrangements for contacting those persons and organisations at all times;

Aircraft parking control

- (i) particulars of the procedures for aircraft parking control, if established, including details of the following:
 - (i) the arrangements between air traffic control and apron management;
 - (ii) the arrangements for allocating aircraft parking positions;
 - (iii) the arrangements for initiating engine start and ensuring clearances for aircraft push-back;
 - (iv) an inventory and description of the activation and deactivation of any visual docking guidance system used at the aerodrome;
 - (v) the marshalling service;
 - (vi) the leader (van) service or follow-me service;
 - (vii) the names, telephone numbers and roles of the persons responsible for planning and implementing aircraft parking control;

Airside vehicle control

- (j) if procedures have been established at the aerodrome for the control of surface vehicles operating on or near the movement area, particulars of those procedures, including details of the following:
 - (i) the applicable traffic rules (including speed limits) and the means of enforcement of the rules;

- (ii) the method of instructing and testing drivers in relation to the applicable traffic rules;
- (iii) the names, telephone numbers and roles of the persons who are responsible for airside vehicle control;

Bird and animal hazard management

- (k) particulars of the procedures to deal with danger to aircraft operations caused by the presence of birds or animals on or near the aerodrome, including details of the following:
 - (i) the arrangements for assessing any bird or animal hazard;
 - (ii) the arrangements for the removal of any bird or animal hazard;
 - (iii) the names and roles of the persons responsible for dealing with bird or animal hazards, and the telephone numbers for contacting them during and after working hours;

Obstacle control

- (l) particulars of the following:
 - (i) the procedures for monitoring the obstacle limitation surfaces and the Type A chart take-off surface for obstacles;
 - (ii) the procedures for monitoring building developments (in relation to the height of buildings and other structures) within the horizontal limits of the obstacle limitation surfaces;
 - (iii) if the aerodrome has instrument approach procedures — the procedures for monitoring for new objects or building developments in any other areas nominated by the instrument procedure designers;
 - (iv) the arrangements between CASA, local planning authorities and other relevant organisations in relation to the approval of building developments that may infringe the obstacle limitation surfaces;

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- (v) the names, telephone numbers and roles of the persons responsible for planning and implementing obstacle control;

Disabled aircraft removal

- (m) particulars of the procedures for removing an aircraft that is disabled on or near the movement area, including details of the following:
 - (i) the roles of the aerodrome operator and the holder of the aircraft's certificate of registration;
 - (ii) the arrangements for telling the holder of the certificate of registration;
 - (iii) the arrangements for liaising with air traffic control and the Australian Transport Safety Bureau;
 - (iv) the arrangements for obtaining equipment and persons to remove the aircraft;
 - (v) the names and roles of the persons who are responsible for arranging for the removal of an aircraft which is disabled, and the telephone numbers for contacting them during and after working hours;

Handling of hazardous materials

- (n) particulars of the procedures for the safe handling of hazardous materials on the aerodrome, including details of the following:
 - (i) the names, telephone numbers and roles of the persons who are to receive and handle hazardous materials;
 - (ii) the arrangements for special areas on the aerodrome to be set up for the storage of flammable liquids (including aviation fuels) and any other hazardous materials;
 - (iii) the methods to be followed for the delivery, storage, dispensing and handling of these materials;

Note 1 Hazardous materials include explosives, flammable liquids and solids, corrosive liquids, compressed gases, and magnetised or radioactive materials.

Note 2 The arrangements to deal with an accidental spillage of hazardous materials are to be set out in the aerodrome emergency plan.

Protection of radar and navigational aids

- (o) particulars of the procedures for the protection of radar and navigational aids located on the aerodrome to ensure that their performance will not be degraded, including details of the following:
 - (i) the arrangements for the control of activities near radar and navigational aid installations;
 - (ii) the arrangements, made in consultation with the provider of the navigational aid installation, for the supply and installation of signs warning of hazardous microwave radiation;
 - (iii) the arrangements for ground maintenance near these installations;

Low visibility operations

- (p) particulars of the procedures for the management of ground activities at an aerodrome where low visibility operations are conducted, including details of the following:
 - (i) the arrangements for measuring visibility along a runway and passing the information to air traffic control, if required;
 - (ii) the arrangements for minimising vehicular traffic within the movement area during periods of low visibility operations;
 - (iii) the arrangements for runway inspections during periods of low visibility operations;
 - (iv) the names and roles of the persons who are responsible for managing low visibility operations, and the telephone numbers for contacting them during and after work hours.

Regulation 139.095

Appendix 1 to subparagraph 139.095 (a) (iii)
(Particulars of the aerodrome to be notified in
AIP-ERSA)

For subparagraph 139.095 (a) (iii), the particulars are:

General information

- (a) the following general information about the aerodrome:
- (i) the name of the aerodrome;
 - (ii) the State or Territory where the aerodrome is located;
 - (iii) the geographic coordinates of the aerodrome reference point;
 - (iv) the elevation of the aerodrome, based on the Australian Height Datum;
 - (v) details of the aerodrome beacon;
 - (vi) the name of the aerodrome operator and the address and telephone numbers at which the aerodrome operator may be contacted at all times; and

Information for runways

- (b) the following information for each runway at the aerodrome:
- (i) the magnetic bearing of the runway and the runway number;
 - (ii) the runway reference code number for the approach and take-off areas that have been surveyed;
 - (iii) the length, width and slopes of the runway;
 - (iv) the length and width of the graded and overall runway strip;
 - (v) the pavement surface type and its strength rating;
 - (vi) the runway declared distances and take-off gradient;
 - (vii) the supplementary take-off distances;
 - (viii) the Aerodrome Obstacle Chart Type A, if applicable; and

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Information about visual aid systems

- (c) the following information about visual aid systems at the aerodrome:
- (i) the type of runway lighting and the stand-by power, if any, for that lighting;
 - (ii) the type of approach lighting;
 - (iii) the visual approach slope indicator system, if any;
 - (iv) a description of the visual docking guidance systems at any aprons used by aircraft conducting international operations, and the aircraft parking positions where the systems are installed; and

Local information

- (d) the following local information about the aerodrome:
- (i) the hours of operation, if applicable;
 - (ii) the available ground services;
 - (iii) any special procedures;
 - (iv) any local precautions.

139.100 Form of aerodrome manual

- (1) The operator of a certified aerodrome must keep the copies of the aerodrome manual for the aerodrome in a printed form.

Penalty: 10 penalty units.

- (2) Other copies of the manual may be kept in an electronic form.
- (3) If CASA approves, the manual may consist of more than 1 document.
- (4) The operator must keep the manual in a way that tells a person reading the manual:
- (a) when changes have been made to the information in the manual; and
 - (b) whether the manual is up-to-date.

Penalty: 10 penalty units.

Regulation 139.105

- (5) An offence against subregulation (1) or (4) is an offence of strict liability.

139.105 Amendments of aerodrome manual

- (1) The operator of a certified aerodrome must amend the aerodrome manual for the aerodrome, whenever it is necessary to do so, to maintain the accuracy of the manual.

Penalty: 10 penalty units.

- (2) To maintain the accuracy of the aerodrome manual, CASA may give written directions to the operator requiring the operator to amend the manual in accordance with the direction.

- (3) An operator must comply with a direction given to the operator under subregulation (2).

Penalty: 10 penalty units.

139.110 Notice of amendments

- (1) The operator of a certified aerodrome must tell CASA, in writing, of any amendment that the operator makes to the aerodrome manual for the aerodrome within 30 days after the amendment is made.

Penalty: 5 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.

139.115 Aerodrome manual controller

- (1) The operator of a certified aerodrome must appoint a person to be the aerodrome manual controller for the aerodrome's aerodrome manual.

Penalty: 10 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.

Regulation 139.125

- (3) The functions of the aerodrome manual controller are to ensure that:
 - (a) a record is kept of the persons who hold copies of the whole or a part of the aerodrome manual; and
 - (b) updates of information for the manual are distributed to those persons.

Division 139.B.3 Operation and maintenance of a certified aerodrome

139.120 Care and diligence in operation and maintenance

The operator of a certified aerodrome must ensure that the aerodrome is operated and maintained with a reasonable degree of care and diligence.

Penalty: 20 penalty units.

139.125 Reporting officer

- (1) The operator of a certified aerodrome must appoint 1 or more reporting officers for the aerodrome.

Penalty: 10 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.
- (3) The functions of a reporting officer are:
 - (a) to monitor the serviceability of the aerodrome; and
 - (b) to report to the NOTAM Office and air traffic control any changes in conditions, or any other occurrences, at the aerodrome that must be reported under subregulation 139.155 (1).
- (4) The operator must not appoint a person as a reporting officer if the person has not been trained, in accordance with the Manual of Standards, to perform the reporting officer's functions.

Penalty: 10 penalty units.

Regulation 139.130

139.130 Works safety officer for aerodrome works other than time-limited works

- (1) If aerodrome works (other than time-limited works) are being carried out at a certified aerodrome, the operator of the aerodrome must appoint 1 or more persons as works safety officers for the aerodrome works.

Penalty: 10 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.
- (3) The function of a works safety officer is to ensure aerodrome safety while the aerodrome works are being carried out.
- (4) The operator must not appoint a person as a works safety officer for the aerodrome works if the person has not been trained, in accordance with the Manual of Standards, to perform the works safety officer's function.

Penalty: 10 penalty units.

139.135 Works safety officer for time-limited works

If time-limited works are being carried out at a certified aerodrome, the operator of the aerodrome must ensure that a person who has been trained, in accordance with the Manual of Standards, to perform the function of a works safety officer performs that function for those works.

Penalty: 10 penalty units.

139.140 Training of aerodrome personnel

The operator of a certified aerodrome must ensure that all personnel of the operator are trained in accordance with the standards for training aerodrome personnel set out in the Manual of Standards.

Penalty: 20 penalty units.

Regulation 139.155

139.145 Aerodrome manual procedures

- (1) Subject to any directions issued under subregulation (2), the operator of a certified aerodrome must operate and maintain the aerodrome in accordance with the procedures set out in the aerodrome manual for the aerodrome.

Penalty: 25 penalty units.

- (2) CASA may direct the operator of a certified aerodrome to change the procedures set out in the aerodrome manual, if CASA considers it necessary in the interests of the safety of aircraft.
- (3) An operator must comply with a direction given to the operator under subregulation (2).

Penalty: 25 penalty units.

139.150 Notice of deviation

- (1) This regulation applies if a deviation from a procedure set out in the aerodrome manual for a certified aerodrome is made to ensure the safety of aircraft.
- (2) The operator of the aerodrome must tell CASA, in writing, of the deviation within 30 days after the deviation was made.

Penalty: 5 penalty units.

- (3) An offence against subregulation (2) is an offence of strict liability.

139.155 Notice of changes in physical condition etc of aerodrome

- (1) The operator of a certified aerodrome must, in accordance with the Manual of Standards, give notice to the NOTAM Office of:
 - (a) any temporary or permanent change in the physical condition of the aerodrome that may affect the safety of aircraft; and

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- (b) any other occurrence relating to the operation or maintenance of the aerodrome that may affect the safety of aircraft.

Penalty: 10 penalty units.

- (2) If the aerodrome is a controlled aerodrome, the notice must also be given to air traffic control.

Penalty: 10 penalty units.

139.160 Notice of changes in information published in AIP-ERSA

- (1) To maintain the accuracy of the information published in AIP-ERSA in relation to a certified aerodrome, the operator of the aerodrome must tell AIS, in writing, as soon as practicable of any change required to that information (other than a change that is published in NOTAMS).

Penalty: 5 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.

139.165 Physical characteristics of movement area

The operator of a certified aerodrome must ensure that the physical characteristics of the movement area comply with the standards set out in the Manual of Standards.

Penalty: 10 penalty units.

139.170 Aerodrome markings

- (1) The operator of a certified aerodrome must mark the following areas of the aerodrome in accordance with the standards set out in the Manual of Standards:
 - (a) the movement area;
 - (b) any unserviceable area;
 - (c) any works area on or near the movement area.

Penalty: 10 penalty units.

Regulation 139.180

- (2) The operator must ensure that all aerodrome markings are maintained in accordance with the standards set out in the Manual of Standards.

Penalty: 10 penalty units.

- (3) In this regulation:

unserviceable area means a part of the movement area that is unavailable for use by aircraft.

works area means a part of the aerodrome in which maintenance or construction works are in progress that may endanger the safety of aircraft.

139.175 Signal area

- (1) The operator of a certified aerodrome that does not have a continuous air traffic service provided by air traffic control during the day must provide a signal area in accordance with the standards set out in the Manual of Standards.

Penalty: 10 penalty units.

- (2) The operator must display an appropriate signal in the signal area in any circumstances set out in the Manual of Standards that require such a signal to be displayed.

Penalty: 10 penalty units.

- (3) The operator must ensure that the signal area and any signal displayed in it are clearly visible to any aircraft intending to use the aerodrome.

Penalty: 10 penalty units.

139.180 Wind direction indicators — general

The operator of a certified aerodrome must, in accordance with the standards for wind direction indicators set out in the Manual of Standards, install and maintain at least 1 wind direction indicator at the aerodrome.

Penalty: 10 penalty units.

Regulation 139.185

139.185 Wind direction indicators — requirement for certain runways

- (1) If a runway at a certified aerodrome is used in non-precision approach operations, the operator of the aerodrome must ensure that there is a wind direction indicator near the end or ends of the runway at which instrument non-precision approach operations can be conducted.

Penalty: 10 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.
- (3) CASA may exempt the operator under regulation 139.020 from compliance with subregulation (1) only if CASA is satisfied that surface wind information is passed to the pilots of aircraft approaching the runway by:
- (a) an automatic weather observing system that:
 - (i) is compatible with the Bureau of Meteorology's weather observing system; and
 - (ii) provides surface wind information through an aerodrome weather information broadcast; or
 - (b) an approved observer having a communication link with pilots through which timely information about surface wind can be clearly passed to pilots; or
 - (c) any other approved means of providing surface wind information.

139.190 Visual approach slope indicator system

- (1) The operator of a certified aerodrome must, in accordance with the standards for visual approach slope indicator systems set out in the Manual of Standards, provide an approved visual approach slope indicator system for the end of a runway at the aerodrome if that end is regularly used as the approach end for jet-propelled aircraft conducting regular public transport operations or charter operations.

Penalty: 10 penalty units.

Regulation 139.195

Note On 2 May 2003, the visual approach slope indicator systems approved by CASA are the systems known as T-VASIS, AT-VASIS and PAPI.

- (2) CASA may direct the operator to provide an approved visual approach slope indicator system for the approach end or ends of a runway to which subregulation (1) does not apply, if CASA considers it necessary in the interests of the safety of aircraft.
- (3) The operator must comply with a direction given to the operator under subregulation (2).

Penalty: 10 penalty units.

139.195 Lighting of movement area

- (1) If a certified aerodrome is available for an aircraft to land or take-off at night, or in less than VMC during the day, the operator of the aerodrome must provide and maintain a lighting system for the movement area of the aerodrome that is in accordance with subregulations (2) and (3).

Penalty: 20 penalty units.

- (2) The lighting system must include:
 - (a) lighting of runways, taxiways and aprons intended for use at night or in less than VMC during the day; and
 - (b) lighting of at least 1 wind direction indicator; and
 - (c) lighting of obstacles within the movement area; and
 - (d) if the aerodrome has a runway intended to serve Category I, II or III precision approach operations — approach, runway and taxiway lighting for the runway and taxiway.
- (3) The lighting system must:
 - (a) if the lighting system is of a kind for which standards are specified in the Manual of Standards — meet those standards; or
 - (b) in any other case — be, or be of a kind, approved by CASA.

Regulation 139.200

139.200 Checking of lighting systems

- (1) The operator of a certified aerodrome must not put a new lighting system of a kind mentioned in subregulation (3) into service at the aerodrome if both of the following requirements are not met:
- (a) an approved pilot has conducted a flight check of the system;
 - (b) an electrical engineer or a licensed electrician has checked the system for compliance with any applicable electrical specifications and technical standards set out in the Manual of Standards.

Penalty: 10 penalty units.

- (2) If checking compliance with a specification requires the use of survey instruments, the operator must ensure that the checking is done by:
- (a) a person with a degree, diploma or certificate in surveying or civil engineering; or
 - (b) a person with experience and competence in surveying that is acceptable to CASA.

Penalty: 10 penalty units.

- (3) For subregulation (1), the kinds of lighting systems are as follows:
- (a) an approach lighting system;
 - (b) a runway lighting system for instrument approach runways;
 - (c) a visual approach slope indicator system for jet-propelled aircraft (other than a system intended for use on a temporary basis for a period not longer than 30 days);
 - (d) a pilot-activated lighting system.

139.205 Aerodrome emergency committee

- (1) The operator of a certified aerodrome must establish an aerodrome emergency committee.

Penalty: 10 penalty units.

Regulation 139.210

- (2) An offence against subregulation (1) is an offence of strict liability.
- (3) The committee must include a representative from any fire, police or other emergency service that, having regard to the location of the aerodrome, would be likely to be asked to assist if there were an emergency at the aerodrome.

139.210 Aerodrome emergency plan

- (1) The aerodrome emergency committee for a certified aerodrome must prepare an aerodrome emergency plan.
- (2) The plan must include:
 - (a) procedures for coordinating the responses of all emergency service organisations referred to in the plan; and
 - (b) any other matters that are required to be included in the emergency plan by the Manual of Standards.
- (3) The committee must review the emergency plan at least once a year and make any changes to the plan that are necessary to ensure that it operates properly.
- (4) The review must be carried out in consultation with the emergency service organisations referred to in the emergency plan.
- (5) As soon as practicable after an emergency exercise has been carried out at the aerodrome, or if an emergency has occurred at the aerodrome, as soon as practicable after the emergency, the operator of the aerodrome must arrange for the committee to:
 - (a) review the effectiveness of the responses to the exercise or the emergency; and
 - (b) assess the adequacy of the emergency plan to deal with emergencies at the aerodrome; and
 - (c) take such corrective action as is necessary to ensure that the plan operates properly.

Regulation 139.215

- (6) The operator must ensure that:
 - (a) records of each review of the emergency plan carried out under this regulation are kept; and
 - (b) each record is retained for at least 3 years after the review to which the record relates was carried out.

Penalty: 10 penalty units.

- (7) An offence against subregulation (6) is an offence of strict liability.

139.215 Testing of aerodrome emergency plan

- (1) Subject to this regulation, the operator of a certified aerodrome must conduct an emergency exercise at least once every 2 years to test:
 - (a) the coordination of the emergency service organisations referred to in the aerodrome's emergency plan; and
 - (b) the adequacy of the procedures and facilities provided for in the plan.

Penalty: 10 penalty units.

- (2) If a real emergency occurs at the aerodrome within 6 months before an emergency exercise is due, the operator may ask CASA to extend the period within which the next emergency exercise must be conducted.
- (3) CASA must grant the request if it is satisfied that:
 - (a) all emergency service organisations referred to in the plan responded to the real emergency; and
 - (b) the real emergency adequately tested the plan.
- (4) In granting the request, CASA may extend the period until the end of 2 years after the real emergency occurred.

139.220 Aerodrome serviceability inspections

- (1) An *aerodrome serviceability inspection* is an inspection of the aerodrome to ensure that it is safe for aircraft operations.

Regulation 139.225

- (2) The inspection must include the following:
 - (a) an inspection of the movement area to check its surface condition (including for the presence of foreign objects);
 - (b) an inspection of aerodrome markings, lighting, wind direction indicators and ground signals;
 - (c) an inspection for any obstacles infringing the take-off, approach and transitional surfaces;
 - (d) an inspection for any birds or animals on or near the movement area;
 - (e) an inspection of any measures to control the inadvertent entry of persons or animals into the movement area (including aerodrome fencing);
 - (f) an empirical assessment of the bearing strength of unrated runway pavements;
 - (g) an empirical assessment of the runway strip or each runway strip where the runway concerned is not marked and the whole runway strip may be used for aircraft operations;
 - (h) an inspection of the aerodrome's frequency confirmation system (if any);
 - (i) a check of whether any NOTAMS for the aerodrome are current and accurate.
- (3) The inspection must comply with all applicable standards for aerodrome serviceability inspections set out in the Manual of Standards.

139.225 When aerodrome serviceability inspections must be conducted

- (1) The operator of a certified aerodrome must conduct an aerodrome serviceability inspection:
 - (a) on each day on which an airline service operates at the aerodrome; or
 - (b) in any other case — at least twice a week.

Penalty: 10 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.

Regulation 139.230

- (3) The operator of a certified aerodrome must also conduct an aerodrome serviceability inspection:
 - (a) after a gale, storm or other severe weather; and
 - (b) at any time that air traffic control or CASA requires the inspection.

Penalty: 10 penalty units.

139.230 Aerodrome technical inspections

- (1) An *aerodrome technical inspection* is an inspection of aerodrome facilities for an aerodrome to ensure that any deterioration that could make a facility unsafe for aircraft operations is detected.
- (2) The inspection must include the following:
 - (a) an instrument survey of the approach, take-off and transitional surfaces;
 - (b) an inspection and testing of the aerodrome lighting and electrical reticulation systems, including the visual approach slope indicator;
 - (c) an electrical testing of any earthing points at the aerodrome;
 - (d) an inspection and assessment of the movement area pavements and drainage;
 - (e) an inspection of signs on the movement area;
 - (f) an inspection of facilities at the aerodrome used for any of the following:
 - (i) aerodrome emergencies;
 - (ii) the handling of hazardous materials;
 - (iii) bird and animal hazard management;
 - (iv) stand-by and emergency aerodrome lighting;
 - (g) an inspection of airside vehicle control arrangements (if any);
 - (h) a check of the currency and accuracy of:
 - (i) aerodrome information published in AIP; and
 - (ii) aerodrome operating procedures specified in the aerodrome manual for the aerodrome.

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- (3) The inspection must comply with all applicable standards for aerodrome technical inspections set out in the Manual of Standards.

139.235 When aerodrome technical inspections must be conducted etc

- (1) The operator of a certified aerodrome must ensure that:
- (a) an aerodrome technical inspection is conducted at intervals of not more than 12 months; or
 - (b) if the operator has elected to have a part or parts of the inspection conducted at different times under subregulation (2), each facility for the aerodrome to be inspected is inspected at intervals of not more than 12 months.

Penalty: 10 penalty units.

- (2) The operator may elect to have a part or parts of an aerodrome technical inspection conducted at different times from the other parts.
- (3) If it appears from an aerodrome serviceability inspection that a particular facility at the aerodrome requires an aerodrome technical inspection, the operator must ensure that the necessary technical inspection of the facility is conducted as soon as practicable.

Penalty: 10 penalty units.

- (4) The operator:
- (a) must, if the operator has elected to have a part or parts of an aerodrome technical inspection conducted at different times under subregulation (2):
 - (i) keep records of each part of each inspection; and
 - (ii) retain each record for at least 3 years after the part of the inspection to which the record relates was conducted; or
 - (b) must, in any other case:
 - (i) keep records of each inspection; and

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- (ii) retain each record for at least 3 years after the inspection to which the record relates was conducted.

Penalty: 10 penalty units.

- (5) An offence against subregulation (1) or (4) is an offence of strict liability.

139.240 Who may conduct aerodrome technical inspections

- (1) The operator of a certified aerodrome must ensure that an aerodrome technical inspection is conducted by a person or persons with appropriate technical qualifications and experience.

Penalty: 10 penalty units.

- (2) In particular:
 - (a) the movement area, other pavements and drainage must be inspected by a person who has a recognised degree, diploma or certificate in civil engineering or appropriate technical experience; and
 - (b) the lighting and electrical facilities must be inspected by an electrical engineer or a licensed electrician; and
 - (c) the obstacle limitation surfaces must be inspected by a person who:
 - (i) is technically qualified or experienced in surveying; and
 - (ii) has a sound knowledge and understanding of the standards and survey procedures for obstacle limitation surfaces.

139.245 Planning and execution of aerodrome works

- (1) The operator of a certified aerodrome must ensure that any aerodrome works at the aerodrome are carried out in a way that does not create a hazard to aircraft, or confusion to pilots.

Penalty: 10 penalty units.

Regulation 139.260

- (2) The operator must comply with the standards set out in the Manual of Standards in relation to planning and notice requirements that must be satisfied before aerodrome works may be carried out.

Penalty: 10 penalty units.

139.250 Safety management system

- (1) This regulation applies:
- (a) to an aerodrome used by aircraft engaged in international operations — on and after 1 November 2005; and
 - (b) to any other certified aerodrome — on and after 1 January 2007.
- (2) The operator of a certified aerodrome to which this regulation applies must ensure that the aerodrome has a safety management system that complies with the standards set out in the Manual of Standards.

Penalty: 10 penalty units.

Note This regulation is based on an ICAO requirement that is to come into effect in November 2005.

Subpart 139.C Registered aerodromes

139.255 Definition for this Subpart

In this Subpart:

aerodrome register means the register established and maintained under regulation 139.275.

139.260 Application for registration of aerodrome

- (1) The operator of an aerodrome (other than a aerodrome to which regulation 139.040 applies) may apply to CASA for registration of the aerodrome.

Note A person must not operate an aerodrome that is available for public use and has a non-precision approach runway if the aerodrome is not a certified aerodrome or a registered aerodrome (see regulation 139.030).

Regulation 139.260

- (2) An application must be in the approved form and must be accompanied by:
 - (a) the information about the aerodrome required by Appendix 1 to this paragraph, including a diagram of the aerodrome in accordance with that Appendix; and
 - (b) a written statement, signed by a person approved under regulation 139.320, to the effect that:
 - (i) the person has conducted a safety inspection of the aerodrome; and
 - (ii) the aerodrome meets the applicable standards referred to in regulation 139.295 for registered aerodromes and is safe for operation; and
 - (c) the name or names of the person or persons who are to be the reporting officers for the aerodrome.
- (3) Despite paragraph (2) (b), until the end of 1 May 2006, the statement mentioned in that paragraph may be given by a person who is not approved by CASA under regulation 139.320 but is a person CASA is satisfied meets the requirements of subregulation 139.320 (2).

Appendix 1 to paragraph 139.260 (2) (a) (Diagram and information for application for registration of aerodrome)

- (1) The diagram of the aerodrome must show the following:
 - (a) the layout of runways, their designations (runway numbers) and length in metres;
 - (b) the layout of taxiways and aprons;
 - (c) the location of the aerodrome reference point;
 - (d) the location of all wind direction indicators;
 - (e) the elevation of the aerodrome at the highest point of the landing surface;
 - (f) the magnetic bearing and distance to the nearest population centre, and what that centre is.

Regulation 139.260

- (2) The information about the aerodrome must include:

Aerodrome administration

- (a) the following information about the aerodrome and its administration:
- (i) the name of the aerodrome;
 - (ii) the name of the aerodrome operator and the address and telephone numbers at which the aerodrome operator may be contacted at all times;
 - (iii) the State or Territory in which the aerodrome is located and the latitude and longitude for the location;
 - (iv) whether the aerodrome is a public or private aerodrome;
 - (v) the charges for use of the aerodrome;
 - (vi) the name and contact details for the persons who are to be the reporting officers for the aerodrome; and

Runways

- (b) the following information for each runway at the aerodrome:
- (i) the runway reference code number for the approach and take-off areas that have been surveyed;
 - (ii) runway width and slope;
 - (iii) runway strip width (grade and overall);
 - (iv) declared distances and supplementary take-off distances;
 - (v) pavement strength rating; and

Aerodrome lighting

- (c) for each runway at the aerodrome that may be used at night — the following information:
- (i) whether the runway edge lights are low, medium or high intensity lights;
 - (ii) whether approach lighting is provided;
 - (iii) whether pilot-activated lighting is provided and, if pilot-activated lighting is provided, its frequency;

Regulation 139.265

- (iv) whether T-VASIS or PAPI lighting systems are provided;
- (v) whether there is an aerodrome beacon;
- (vi) whether there is stand-by power or portable lighting;
- (vii) information about any other lighting provided; and

Ground services

- (d) the following information about ground services available to visiting pilots:
 - (i) the types of aviation fuel available and contact details for fuel suppliers;
 - (ii) contact details for local weather information;
 - (iii) details of the universal communication system; and

Special procedures

- (e) information about any special procedures that pilots need to observe or follow; and

Notices

- (f) the following local safety information:
 - (i) the presence of obstacles or other hazards (including animals or birds);
 - (ii) restrictions on the use of taxiways or aprons;
 - (iii) other activities at the aerodrome (for example, sport aviation activities).

139.265 Registration of aerodromes

CASA must, if the operator of an aerodrome has applied for registration of the aerodrome in accordance with regulation 139.260:

- (a) register the aerodrome by entering the following information about the aerodrome in the aerodrome register:
 - (i) the name of the aerodrome;
 - (ii) the details of the location of the aerodrome;
 - (iii) the name and address of the operator; and

Regulation 139.280

- (b) tell the operator, in writing, that the aerodrome is registered; and
- (c) direct AIS to publish in AIP-ERSA details of the registration and the information about the aerodrome required by Appendix 1 to paragraph 139.260 (2) (a).

139.270 Notice of refusal to register aerodrome

If CASA refuses to register an aerodrome, CASA must, no later than 14 days after it refuses to register the aerodrome, give the operator of the aerodrome written notice of the refusal and the reasons for it.

139.275 Register

- (1) CASA must establish and keep, in the approved form, a register of aerodromes registered under this Subpart.
- (2) CASA must make the aerodrome register available for inspection by members of the public at reasonable times and places, and subject to reasonable conditions.
- (3) CASA may comply with subregulation (2) by making the information recorded in the aerodrome register accessible on the Internet.
- (4) CASA must alter the information recorded in the aerodrome register if that information is not up to date.
- (5) CASA must correct the information in the aerodrome register if there is an error in that information.

139.280 Duration of registration

- (1) The registration of an aerodrome remains in force unless it is cancelled.
- (2) However, the registration is not in force during any period in which it is suspended.

Regulation 139.285

139.285 Cancellation of registration on request

- (1) If the operator of a registered aerodrome wishes the registration of the aerodrome to be cancelled, the operator must give CASA not less than 30 days' written notice of the date on which the operator wishes the registration to be cancelled.
- (2) CASA must cancel the registration on the date specified in the notice and arrange for:
 - (a) the cancellation to be notified in NOTAMS; and
 - (b) details of the registration and any other information about the aerodrome to be removed from AIP-ERSA.

139.290 Suspension or cancellation of registration by CASA

- (1) CASA may, by written notice given to the operator of a registered aerodrome, suspend or cancel the registration of the aerodrome if there are reasonable grounds for believing that:
 - (a) the aerodrome fails to meet any of the standards applicable to the aerodrome under regulation 139.295; or
 - (b) the operator of the aerodrome has failed to comply with regulation 139.025, 139.300, 139.305, 139.310 or 139.315.
- (2) Before suspending or cancelling the registration of an aerodrome, CASA must:
 - (a) give to the operator a show cause notice that:
 - (i) sets out the facts and circumstances that, in the opinion of CASA, would justify the suspension or cancellation; and
 - (ii) invites the operator to show cause, in writing, within 30 days after the date of the notice, why the registration should not be suspended or cancelled; and
 - (b) take into account any written submissions that the operator makes to CASA within the time allowed under subparagraph (a) (ii).

139.295 Applicable standards for registered aerodromes

The standards applicable to registered aerodromes are:

- (a) the standards applicable to certified aerodromes in relation to the following matters:
 - (i) physical characteristics of the movement area;
 - (ii) obstacle limitation surfaces;
 - (iii) aerodrome markings;
 - (iv) lighting;
 - (v) wind direction indicators;
 - (vi) signal circle and ground signals; and
- (b) any other standards set out in the Manual of Standards that are applicable to registered aerodromes.

139.300 Reporting officer

- (1) The operator of a registered aerodrome must appoint 1 or more reporting officers for the aerodrome.
- (2) The functions of a reporting officer are:
 - (a) to monitor the serviceability of the aerodrome in accordance with the Manual of Standards; and
 - (b) to report to the NOTAM Office and air traffic control any changes in conditions, or any other occurrences, at the aerodrome that must be reported under regulation 139.305.
- (3) The operator must not appoint a person as a reporting officer if the person has not been trained, in accordance with the Manual of Standards, to perform the reporting officer's functions.

139.305 Notice of changes in physical condition etc of aerodrome

- (1) The operator of a registered aerodrome must, in accordance with the Manual of Standards, give notice to the NOTAM Office of:
 - (a) any temporary or permanent change in the physical condition of the aerodrome that may affect the safety of aircraft; or

Regulation 139.310

- (b) any other occurrence relating to the operation or maintenance of the aerodrome that may affect the safety of aircraft.
- (2) If the aerodrome is a controlled aerodrome, the notice must also be given to air traffic control.

139.310 Notice of changes in information published in AIP-ERSA

To maintain the accuracy of the information published in AIP-ERSA in relation to a registered aerodrome, the operator of the aerodrome must tell AIS, in writing, as soon as practicable of any change required to that information (other than a change that is published in NOTAMS).

139.315 Safety inspections

- (1) This regulation applies to a registered aerodrome that is used by an aircraft that:
 - (a) is engaged in regular public transport operations or charter operations; and
 - (b) has a maximum passenger seating capacity of more than 9 seats.
- (2) The operator of the aerodrome must arrange for a safety inspection of the aerodrome to be conducted at least once each year.
- (3) The safety inspection must be conducted by a person approved under regulation 139.320.
- (4) The approved person must give the operator a written report that:
 - (a) deals with the matters set out in Appendix 1 to this paragraph; and
 - (b) specifies any remedial work that is necessary for the aerodrome to comply with the applicable standards.
- (5) Within 30 days after receiving the report, the operator must give to CASA:
 - (a) a copy of the report; and

Regulation 139.315

- (b) if the report specifies any remedial work as being necessary — a statement as to when and how the operator intends to do the remedial work.
- (6) Despite subregulation (3), until the end of 1 May 2006, the safety inspection may be conducted by a person who is not approved by CASA under regulation 139.320 but met the requirements of Part 1 of Schedule 11 of CAR as in force immediately before that commencement.

Appendix 1 to paragraph 139.315 (4) (a) (Matters to be dealt with in safety inspections)

Details of aerodrome

- (1) Check that the following details relating to the aerodrome, published in AIP-ERSA or given to air transport operators, are correct:
 - (a) details of the location of the aerodrome;
 - (b) the name and address of the aerodrome operator;
 - (c) details of the movement area;
 - (d) details of runway distances available;
 - (e) details of the aerodrome lighting;
 - (f) details of ground services;
 - (g) notice of special conditions and procedures, if any.

Aerodrome operating procedures

- (2) Check aerodrome operating procedures to ensure that the following matters are dealt with:
 - (a) recording of aerodrome inspections;
 - (b) recording of notices given to the NOTAM Office and AIS or to air transport operators;
 - (c) recording of aerodrome works.

Reporting officer

- (3) Check that each person appointed as a reporting officer is competent to carry out the reporting officer's functions.

Regulation 139.320

Details relating to movement area etc

- (4) Check the following:
- (a) dimensions and surface conditions of runways, taxiways and aprons;
 - (b) aerodrome lighting, including back-up lighting and obstacle lighting;
 - (c) wind direction indicators and their illumination;
 - (d) aerodrome markings and signs;
 - (e) obstacle limitation surfaces applicable to the aerodrome;
 - (f) two-way radios (whether hand-held or installed in vehicles) used by the aerodrome operator on the movement area;
 - (g) equipment used for dispersing birds;
 - (h) aerodrome fencing.

139.320 Approval of persons to conduct aerodrome safety inspections

- (1) A person may apply to CASA for approval to conduct aerodrome safety inspections for this Subpart.
- (2) CASA must approve the person if the person:
 - (a) has:
 - (i) a recognised degree, diploma or certificate in civil engineering, surveying or a related field and a sound knowledge of the parts of these Regulations and the standards, practices and procedures that are applicable to the operation and maintenance of aerodromes; or
 - (ii) other qualifications, knowledge and experience that CASA considers suitable for conducting an aerodrome safety inspection; and
 - (b) would, if the approval is given, be able to perform properly the aerodrome safety inspection function.

Regulation 139.335

139.325 Duration of approval

- (1) Unless sooner cancelled, an approval under regulation 139.320 remains in force until the end of 5 years after it is given.
- (2) An approval is not in force during any period in which it is suspended, but the period of suspension counts as part of the 5 year approval period.

139.330 Suspension or cancellation of approval by CASA

- (1) CASA may suspend or cancel an approval of a person under regulation 139.320, by written notice given to the person, if the person has not properly carried out, or is no longer properly carrying out, the aerodrome safety inspection function.
- (2) Before cancelling or suspending the approval, CASA must:
 - (a) give the person written notice:
 - (i) stating the reasons that, in the opinion of CASA, would justify the cancellation or suspension; and
 - (ii) advising the person that he or she may, within 30 days after the date of the notice, give CASA written reasons why the approval should not be suspended or cancelled; and
 - (b) take into account any written reasons given to it by the person within the time allowed under subparagraph (a) (ii).

**Subpart 139.D Reporting officer and safety
inspection requirements for
certain other aerodromes**

139.335 Aerodromes to which this Subpart applies

- (1) This Subpart applies to an aerodrome that:
 - (a) is not a certified aerodrome or a registered aerodrome; and
 - (b) is used at least once a week by an aircraft that:
 - (i) is engaged in regular public transport operations or charter operations; and

Regulation 139.340

- (ii) has a maximum passenger seating capacity of more than 9 seats but not more than 30 seats.
- (2) To establish the applicability of this Subpart to an aerodrome, CASA may direct the operator of the aerodrome to give to CASA statistics about the number of movements at the aerodrome, in a specified period, of aircraft to which subparagraphs (1) (b) (i) and (ii) apply.
- (3) An aerodrome operator must comply with a direction given to the operator under subregulation (2).

Penalty: 10 penalty units.

139.340 Reporting officer

- (1) The operator of an aerodrome to which this Subpart applies must appoint 1 or more reporting officers for the aerodrome.

Penalty: 10 penalty units.
- (2) An offence against subregulation (1) is an offence of strict liability.
- (3) The functions of a reporting officer are:
 - (a) to monitor the serviceability of the aerodrome in accordance with the Manual of Standards; and
 - (b) to report to the operators that use the aerodrome any changes in conditions, or any other occurrences, at the aerodrome that may affect the safety of aircraft operations.
- (4) The operator must not appoint a person as a reporting officer if the person has not been trained, in accordance with the Manual of Standards, to perform the reporting officer's functions.

Penalty: 10 penalty units.

139.345 Safety inspections

- (1) The operator of an aerodrome to which this Subpart applies must arrange for a safety inspection of the aerodrome to be conducted at least once each year.

Penalty: 10 penalty units.

Regulation 139.345

- (2) An offence against subregulation (1) is an offence of strict liability.
- (3) The safety inspection must be conducted by a person approved, under regulation 139.320, to conduct safety inspections for Subpart 139.C.

Penalty: 10 penalty units.

- (4) The approved person must give the operator a written report that:
 - (a) deals with the matters set out in Appendix 1 to this paragraph; and
 - (b) specifies any remedial work that is necessary for the aerodrome to comply with the applicable standards.
- (5) Within 30 days after receiving the report, the operator must give to CASA:
 - (a) a copy of the report; and
 - (b) if the report specifies any remedial work as being necessary — a statement as to when and how the operator intends to do the remedial work.

Penalty: 10 penalty units.

- (6) Despite subregulation (3), until the end of 1 May 2006, the safety inspection may be conducted by a person who is not approved by CASA under regulation 139.320 but is a person CASA is satisfied meets the requirements of subregulation 139.320 (2).

Appendix 1 to paragraph 139.345 (4) (a) (Matters to be dealt with in safety inspections)

Details of aerodrome

- (1) Check that the following details relating to the aerodrome, published in AIP-ERSA or given to air transport operators, are correct:
 - (a) details of the location of the aerodrome;
 - (b) the name and address of the aerodrome operator;
 - (c) details of the movement area;

Regulation 139.345

- (d) details of runway distances available;
- (e) details of the aerodrome lighting;
- (f) details of ground services;
- (g) notice of special conditions and procedures, if any.

Aerodrome operating procedures

- (2) Check aerodrome operating procedures to ensure that the following matters are dealt with:
 - (a) recording of aerodrome inspections;
 - (b) recording of notices given to the NOTAM Office and AIS or to air transport operators;
 - (c) recording of aerodrome works.

Reporting officer

- (3) Check that each person appointed as a reporting officer is competent to carry out the reporting officer's functions.

Details relating to movement area etc

- (4) Check the following:
 - (a) dimensions and surface conditions of runways, taxiways and aprons;
 - (b) aerodrome lighting, including back-up lighting and obstacle lighting;
 - (c) wind direction indicators and their illumination;
 - (d) aerodrome markings and signs;
 - (e) obstacle limitation surfaces applicable to the aerodrome;
 - (f) two-way radios whether hand-held or installed in vehicles used by the aerodrome operator on the movement area;
 - (g) equipment used for dispersing birds;
 - (h) aerodrome fencing.

Subpart 139.E Obstacles and hazards

139.350 Monitoring of airspace

- (1) The operator of a certified aerodrome or a registered aerodrome must monitor the airspace around the aerodrome for infringement of the obstacle limitation surfaces by:
 - (a) any object, building or structure; or
 - (b) any gaseous efflux having a velocity exceeding 4.3 metres per second.
- (2) The monitoring must be in accordance with the standards set out in the Manual of Standards.

139.355 Establishment of obstacle limitation surfaces

An aerodrome operator must ensure that obstacle limitation surfaces are established for the aerodrome in accordance with the standards set out in the Manual of Standards.

139.360 Notice of obstacles

- (1) An aerodrome operator must take all reasonable measures to ensure that obstacles at, or within the vicinity of, the aerodrome are detected as quickly as possible.
- (2) If the operator becomes aware of the presence of an obstacle, the operator must:
 - (a) tell the NOTAM Office immediately; and
 - (b) give the NOTAM Office details of:
 - (i) the height and location of the obstacle; and
 - (ii) amended declared distances and gradients, if applicable.

Penalty: 10 penalty units.

- (3) If the operator becomes aware of any development or proposed construction near the aerodrome that is likely to create an obstacle, the operator must:
 - (a) tell CASA as soon as practicable; and

Regulation 139.365

- (b) give to CASA details of the likely obstacle.

Penalty: 10 penalty units.

139.365 Structures 110 metres or more above ground level

A person who proposes to construct a building or structure the top of which will be 110 metres or more above ground level must inform CASA of that intention and the proposed height and location of the building or structure.

Penalty: 10 penalty units.

139.370 Hazardous objects etc

- (1) CASA may determine, in writing, that:
- (a) an obstacle, or any proposed development or other proposed construction that is likely to create an obstacle; or
 - (b) a building or structure the top of which is 110 metres or more above ground level; or
 - (c) a proposed building or structure the top of which will be 110 metres or more above ground level;
- is, or will be, a hazardous object because of its location, height or lack of marking or lighting.
- (2) CASA may determine, in writing, that a gaseous efflux having a velocity exceeding 4.3 metres per second is, or will be, a hazard to aircraft operations because of the velocity or location of the efflux.
- (3) If CASA makes a determination under subregulation (1) or (2), it must:
- (a) publish in AIP or NOTAMS particulars of the hazardous object or gaseous efflux to which the determination relates; and
 - (b) give written notice of the determination in accordance with subregulation (4).

Regulation 139.375

- (4) CASA must give a copy of the notice:
 - (a) in the case of a hazardous object that is a proposed building or structure:
 - (i) to the person proposing to construct the building or structure; and
 - (ii) to the authority or, if applicable, one or more of the authorities whose approval is required for the construction; and
 - (b) in any other case, if a person who owns or is in occupation or control of the hazardous object, or owns or is in control of the installation that produces the gaseous efflux, can reasonably be identified — to that person.

Subpart 139.F Aerodrome radio communication services

Division 139.F.1 General

139.375 Aerodrome operators to collect statistics if directed

- (1) If CASA considers it necessary in the interests of the safety of air navigation, CASA may, in writing, give directions to an aerodrome operator about collecting:
 - (a) statistics about:
 - (i) the types of aircraft using the aerodrome; and
 - (ii) the times of aircraft movements at the aerodrome; and
 - (b) other information, specified by CASA in the direction, that is relevant to deciding what radio communication services or air traffic services should be provided at the aerodrome.
- (2) An aerodrome operator must comply with a direction given to the operator under subregulation (1).

Penalty: 10 penalty units.

Regulation 139.380

Division 139.F.2 Frequency confirmation system

139.380 Definitions for Division 139.F.2

In this Division:

frequency confirmation system means a ground radio system at an aerodrome that, if it receives a transmission from an aircraft on the radio frequency for the aerodrome, sends a signal or message to the aircraft confirming that the transmission has been received.

non-controlled aerodrome means an aerodrome at which an air traffic control service is not operating.

139.385 Aerodromes that must have a frequency confirmation system

- (1) The operator of a non-controlled aerodrome must ensure that there is a frequency confirmation system for the aerodrome in accordance with subregulation (2) if:
 - (a) the aerodrome is located in an MBZ; or
 - (b) the aerodrome is used at least 5 times a week by aircraft that:
 - (i) are engaged in regular public transport operations or charter operations; and
 - (ii) have a maximum passenger seating capacity of more than 9 seats.

Penalty: 10 penalty units.

- (2) The frequency confirmation system must comply with the standards for frequency confirmation systems set out in the Manual of Standards.

Division 139.F.3 Air/ground radio service

139.390 Definitions for Division 139.F.3

In this Division:

AAIS (automatic aerodrome information service) means the service that provides current, routine information for aircraft

Regulation 139.400

arriving at or departing from an aerodrome by means of repetitive broadcasts on a discrete frequency.

air/ground radio service means an aerodrome radio information service that provides aircraft operating in the MBZ of an aerodrome with the services and information specified in section 14.2 of the Manual of Standards.

certified air/ground radio operator, or ***CA/GRO***, means a person who is certified as a CA/GRO under regulation 139.430.

certified air/ground radio service, or ***CA/GRS***, in relation to an aerodrome, means an air/ground radio service for the aerodrome certified in accordance with regulation 139.410.

139.395 Air/ground radio service must be certified

- (1) The operator of an aerodrome must not operate, or permit to be operated, at the aerodrome an air/ground radio service that is not a CA/GRS.

Penalty: 10 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.
- (3) Subregulation (1) does not apply if the operator has CASA's written approval to operate the service for the purpose of conducting tests necessary to determine whether the service meets the standards for a CA/GRS set out in the Manual of Standards.

139.400 Direction by CASA to provide CA/GRS

- (1) CASA may direct the operator of an aerodrome to provide a CA/GRS at the aerodrome.
- (2) CASA must not give a direction under subregulation (1) unless an aeronautical study for the aerodrome has found that a CA/GRS is required at the aerodrome for the safety of air navigation.

Regulation 139.405

- (3) An operator must comply with a direction given to the operator under subregulation (1).

Penalty: 10 penalty units.

139.405 Voluntary provision of CA/GRS

An aerodrome operator who has not been given a direction under regulation 139.400 may provide a CA/GRS at the aerodrome.

139.410 Certification of air/ground radio service

- (1) The operator of an aerodrome may ask CASA to certify an air/ground radio service for the aerodrome as meeting the standards for a CA/GRS set out in the Manual of Standards.
- (2) A request must be made to CASA in accordance with the Manual of Standards.
- (3) If the operator asks CASA to certify an air/ground radio service under this regulation, or because of a direction under regulation 139.400, CASA must certify the service if it meets the standards for a CA/GRS set out in the Manual of Standards.

139.415 General obligations of aerodrome operator

The operator of an aerodrome that has a CA/GRS must ensure that:

- (a) the CA/GRS is provided with the facilities required for a CA/GRS by the Manual of Standards; and
- (b) only a CA/GRO operates the CA/GRS; and
- (c) if the aerodrome is a certified aerodrome — the aerodrome manual for the aerodrome includes the operational procedures for the CA/GRS; and
- (d) the CA/GRS is operated in accordance with regulation 139.420.

Penalty: 10 penalty units.

Regulation 139.425

139.420 When CA/GRS must be operating

- (1) The CA/GRS must be operating for the arrival and departure of an aircraft that:
 - (a) is engaged in regular public transport operations or charter operations; and
 - (b) has a maximum passenger seating capacity of more than 30 seats.
- (2) Subregulation (1) does not apply if:
 - (a) an air traffic control service is operating at the aerodrome; or
 - (b) an exemption from the requirement is in effect under regulation 139.020.
- (3) Also, subregulation (1) does not apply for the limited period mentioned in subregulation (4) if:
 - (a) the CA/GRO is absent from duty because of sickness or injury; or
 - (b) the CA/GRS is unserviceable.
- (4) The **limited period** is the lesser of:
 - (a) 7 days; and
 - (b) the period of the absence from duty or the unserviceability.

139.425 Information about operating hours to be given to NOTAM Office

- (1) The operator of an aerodrome that has a CA/GRS must give the NOTAM Office the following information, in writing:
 - (a) the hours of operation of the CA/GRS;
 - (b) the radio frequency and the call-sign of the CA/GRS;
 - (c) the radio frequency of the AAIS for the aerodrome.

Penalty: 10 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.

Regulation 139.430

- (3) If the CA/GRS becomes unavailable at the hours of operation notified under paragraph (1) (a), the operator must tell the NOTAM Office as soon as practicable.

Penalty: 10 penalty units.

139.430 Certified air/ground radio operators

- (1) A person may apply to CASA for certification as a CA/GRO.
- (2) The application must be made to CASA in accordance with the Manual of Standards.
- (3) On receiving an application under this regulation, CASA must grant the application if the applicant meets the standards for a CA/GRO set out in the Manual of Standards.

139.435 Offences

- (1) When a CA/GRO is providing a CA/GRS, he or she must not perform any other duties that are unrelated to the provision of the CA/GRS.

Penalty: 5 penalty units.

- (2) The operator of an aerodrome must not allow a CA/GRO to provide a CA/GRS at the aerodrome if:

- (a) the CA/GRO:
- (i) has consumed any alcohol in the 8 hours before the service is to be provided; or
 - (ii) is suffering from an incapacity that is likely to impair his or her efficiency in providing the service; and
- (b) the operator knows of that fact.

Penalty: 5 penalty units.

Subpart 139.H Aerodrome rescue and fire fighting services

Note As a signatory to the Chicago Convention, Australia is obliged to require, as part of its domestic law, that certain classes of airport provide rescue and firefighting services of an adequate standard. (See generally section 9.2 of chapter 9 of Annex 14 to the Chicago Convention.) To satisfy that obligation, this Subpart requires operators of aerodromes that have scheduled international traffic, or specified levels of domestic passenger traffic, to provide those services, and sets out the standards that apply to such services. Aerodromes that are not obliged to provide an ARFFS may choose to do so, and this Subpart will apply to a service so provided until the operator gives reasonable notice that it will no longer provide such a service.

Division 139.H.1 General

139.700 Applicability of this Subpart

- (1) This Subpart applies to aerodrome rescue and firefighting services.
- (2) This Subpart sets out:
 - (a) how a person receives approval as a provider of an aerodrome rescue and firefighting service; and
 - (b) the operating and technical standards applicable to such a service.
- (3) This Subpart does not apply to:
 - (a) a person who is providing an aerodrome rescue and firefighting service in the course of his or her duties for the Defence Force; or
 - (b) any aerodrome rescue and firefighting service provided by the Defence Force.

139.705 Definitions for this Subpart

- (1) In this Subpart:

airside of an aerodrome has the same meaning as *airside* of an airport in the *Airports Act 1996*.

ARFFS means aerodrome rescue and fire-fighting service.

Regulation 139.710

ARFFS operation means an operation undertaken in carrying out a function mentioned in paragraph 139.710 (1) (a) or (b).

ARFFS provider for an aerodrome means the person or organisation that provides ARFFS for the aerodrome.

category of an aerodrome means its category worked out by the method set out in section 9.2 of chapter 9 of Annex 14 to the Chicago Convention.

ERSA means the part of AIP known as En Route Supplement Australia.

Manual of Standards means the document called ‘Manual of Standards (MOS) – Subpart 139.H’ issued by CASA under regulation 139.712, as in force from time to time.

- (2) A reference in this Subpart to an AFC certificate of a particular level is a reference to:
- (a) a certificate of that level issued under the Australian Fire Competencies Scheme (that is, the training scheme administered by the Australian Fire Authorities Council); or
 - (b) a certificate accepted by CASA as indicating that the certificate holder has successfully completed a training program of a standard equivalent to that required for the issue of an AFC certificate of that level.

139.710 Functions of ARFFS

- (1) The functions of an ARFFS for an aerodrome are:
- (a) to rescue persons and property from an aircraft that has crashed or caught fire during landing or take-off; and
 - (b) to control and extinguish, and to protect persons and property threatened by, a fire on the aerodrome, whether or not in an aircraft.
- (2) Nothing in subregulation (1) prevents the ARFFS provider for an aerodrome from performing fire control services or rescue services elsewhere than on an aerodrome, but the provider must give priority to operations mentioned in subregulation (1).

139.711 Person not to provide service without approval

- (1) A person must not provide an ARFFS at an aerodrome unless the person is approved, under Division 5, to provide the ARFFS.

Penalty: 50 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.

Note For **strict liability**, see section 6.1 of the *Criminal Code*.

139.712 Issue of Manual of Standards

- (1) CASA may issue a Manual of Standards for this Subpart that provides for the following matters:
 - (a) standards and criteria for the establishment and disestablishment of an ARFFS;
 - (b) standards relating to the procedures, systems and documents required for the provision of an ARFFS;
 - (c) standards for facilities and equipment used to provide an ARFFS;
 - (d) standards, including competency standards, minimum qualifications and training standards, for persons engaged in an ARFFS;
 - (e) any matter required or permitted by the regulations to be provided for by the Manual of Standards;
 - (f) any matter necessary or convenient to be provided for the effective operation of this Subpart.

Note A Manual of Standards is a legislative instrument — see subsections 98 (5A) and (5B) of the Act and subparagraph 6 (d) (i) of the *Legislative Instruments Act 2003*. It must be registered in accordance with the latter Act and must be tabled in both Houses of the Parliament within 6 sitting days after its making.

- (2) CASA must give a copy of a notice about a Manual of Standards for this Subpart (being a notice referred to in subregulation 11.275 (3) or regulation 11.280) to each ARFFS provider.

Note Subpart 11.J (including regulations 11.275 and 11.280) sets out procedures for the issue, amendment and revocation of a MOS.

Regulation 139.715

139.715 Effect of Manual of Standards

- (1) If CASA sets out, in the Manual of Standards, a way of complying with a requirement of this Subpart, an ARFFS provider who uses that way is taken to have complied with the requirement unless the contrary is shown.
- (2) CASA may take the extent to which an ARFFS provider complies with the Manual into account in deciding whether the service provided by the provider is adequate.

**Division 139.H.3 Requirements to be complied with by
ARFFS provider**

139.750 Requirements in this Division

A requirement in this Division for there to be a system or procedure to do something is a requirement that the system or procedure:

- (a) must exist; and
- (b) must be in use.

139.755 Definition for Division — *applicable standards and requirements*

- (1) In this Division:
applicable standards and requirements, for an aerodrome of a particular category, means:
 - (a) for an aerodrome to which subregulation (2) applies — the standards and requirements for an aerodrome of its category set out in:
 - (i) Chapter 9 of Annex 14 to the Chicago Convention; and
 - (ii) the Manual of Standards; or
 - (b) for any other aerodrome — the standards and requirements for an aerodrome of its category set out in the Manual of Standards.

Regulation 139.760

- (2) This subregulation applies to:
- (a) an aerodrome from or to which an international passenger air service operates; and
 - (b) any other aerodrome through which more than 350 000 passengers passed on air transport flights during the previous financial year.
- (3) In paragraph (2) (a):
- international passenger air service*** means:
- (a) an international air service (within the meaning given by subsection 3 (1) of the *Air Navigation Act 1920*) that carries passengers, other than a non-scheduled service (within the meaning given by that subsection); or
 - (b) a non-scheduled passenger-carrying flight, or program of non-scheduled passenger-carrying flights, carried out under a permission granted under section 15D of the *Air Navigation Act 1920*; or
 - (c) a non-scheduled passenger-carrying flight, or program of non-scheduled passenger-carrying flights, in a category in respect of which the Secretary to the Department has determined, under subsection 15A (3) of that Act, that such a permission is not required.
- (4) For paragraph (2) (b), the number of passengers that pass through an aerodrome is to be determined according to statistics published by the Department.

Note **Department** means the Department administered by the Minister who administers these Regulations (see the *Acts Interpretation Act 1901*, subsection 19A (3) and section 46). At present that Department is the Department of Transport and Regional Services.

139.760 Inconsistency between Manual and chapter 9 of Annex 14

If a requirement of the Manual of Standards, as it applies to a particular aerodrome, is inconsistent with a requirement of chapter 9 of Annex 14 to the Chicago Convention, as it applies to that aerodrome, the requirement of the Manual prevails to the extent of the inconsistency.

Regulation 139.765

139.765 Knowledge, equipment and expertise to deal with aviation hazards

An ARFFS provider must have the knowledge, equipment and expertise to deal with any hazard likely to arise during an aviation accident or incident, including any hazard mentioned in the Manual of Standards.

139.770 General obligation to maintain service

- (1) An ARFFS provider must ensure that the service is available during the period or periods published in ERSA as the period or periods of its availability.
- (2) Subregulation (1) does not prevent the level of protection provided during predictable periods of reduced activity at the aerodrome from being reduced, within the limit allowed by Chapter 9 of Annex 14 to the Chicago Convention.

139.771 Response time of ARFFS

- (1) An ARFFS must be able to meet the criteria for response time set out in Chapter 9 of Annex 14 to the Chicago Convention.
- (2) Subregulation (1) applies to an ARFFS whether or not Annex 14 to the Chicago Convention applies to the ARFFS.

139.772 Buildings and emergency facilities

- (1) An ARFFS provider for an aerodrome to which subregulation 139.755 (2) applies must ensure that the necessary buildings and facilities for the service, including the following, are at the aerodrome:
 - (a) a fire station;
 - (b) communications facilities;
 - (c) facilities for the maintenance of vehicles and equipment;
 - (d) training facilities;
 - (e) storage facilities;
 - (f) if there is a body of water within 1 000 metres of a runway threshold — a boat ramp and boat launching facilities.

Regulation 139.775

- (2) The ARFFS provider must ensure that those buildings and facilities comply with any applicable requirements (including requirements as to location) in the Manual of Standards.
- (3) The ARFFS provider must ensure that there is a facility, in accordance with the requirements of the Manual of Standards, for replenishing the water supply of a fire fighting vehicle.
- (4) The ARFFS provider must ensure that there are the appropriate emergency roads on the aerodrome in accordance with the requirements of the Manual of Standards.
- (5) An ARFFS provider must ensure that there are, at an aerodrome other than one to which subregulation 139.755 (2) applies, the following facilities:
 - (a) a standby point for an emergency vehicle that will allow the vehicle to achieve the response time required by the Manual of Standards;
 - (b) storage for a reserve stock of extinguishing agents.

139.773 Officer in charge

- (1) An ARFFS provider must appoint, as officer in charge of ARFFS operations for an aerodrome, a person who is based at the aerodrome and who holds:
 - (a) for an aerodrome categorised as Category 6 or above — an AFC Advanced Diploma that meets the standards in the Manual of Standards; or
 - (b) for an aerodrome categorised as Category 5 or below — an AFC Diploma that meets the standards in the Manual of Standards.
- (2) In paragraphs (1) (a) and (b):
AFC means Australian Fire Competencies.

139.775 Notice about times service is available etc

- (1) An ARFFS provider must ensure that notice is published in ERSA of the hours during which the service is available.

Regulation 139.780

- (2) If for some reason (such as an emergency on the aerodrome) it becomes temporarily impossible to provide an ARFFS to the standard required by this Subpart, the provider must tell the Australian NOTAM Office:
 - (a) of the reduction in the service; and
 - (b) how long it is likely to be before the full service is restored.
- (3) The provider must tell CASA in writing of any proposed reduction in the standard of service that:
 - (a) will last longer than 24 hours; or
 - (b) reduces the standard of ARFFS provided at the airport concerned to a greater extent than is permissible under Chapter 9 of Annex 14 to the Chicago Convention.

139.780 Agreements with other fire fighting bodies

- (1) An ARFFS provider may make an arrangement:
 - (a) for an aerodrome that is a joint user airport (within the meaning of the *Airports Act 1996*) — with the Defence Force for the provision of the ARFFS provider's services to the Defence Force for the part of the aerodrome under the control of the Force; or
 - (b) with a State or Territory, or another person or body, for the services of the provider for firefighting or rescue in the State or Territory beyond the airside of the aerodrome concerned.
- (2) If a provider makes such an arrangement, the provider must ensure that it is recorded in writing.

139.785 Stock of fire extinguishing agents

- (1) There must be, on the aerodrome, a stock of fire-extinguishing agents of the kind or kinds, and meeting the performance standards, required by the applicable standards and requirements.
- (2) The fire-extinguishing agents must be held in at least the quantities required by those standards and requirements.

Regulation 139.800

139.795 Extinguishing equipment and vehicles

- (1) There must be, on the aerodrome, vehicles and equipment for delivering extinguishing agent onto a fire.
- (2) There must be at least as many vehicles, and at least as much equipment, as required by the applicable standards and requirements.
- (3) Each vehicle or piece of equipment:
 - (a) must be capable of delivering extinguishing agent onto a fire at at least the rate required by the applicable standards and requirements; and
 - (b) must have at least the performance (in other respects) required by those standards and requirements.
- (4) The vehicles must carry ancillary equipment in accordance with the applicable standards and requirements.
- (5) Each vehicle and piece of equipment must be in good working order.
- (6) The vehicles must be of a colour permitted by the applicable standards and requirements.
- (7) The provider must keep maintenance instructions for each vehicle and each piece of the equipment, including all the information necessary to permit an appropriately qualified and technically competent person to carry out maintenance, performance monitoring, defect reporting, fault reporting and record-keeping on or for the vehicle or equipment.

139.800 Other vehicles and equipment

- (1) There must be, at the aerodrome, enough vehicles and equipment (other than vehicles and equipment for delivering extinguishing agent onto a fire) to provide the service, in accordance with the applicable standards and requirements.
- (2) The performance of the vehicles and equipment must be in accordance with the applicable standards and requirements.
- (3) The vehicles must carry ancillary equipment in accordance with the applicable standards and requirements.

Regulation 139.805

- (4) The provider must keep maintenance instructions for each piece of the provider's equipment, including all the information necessary to permit a technically competent person to carry out maintenance, performance monitoring, defect reporting, fault reporting and record-keeping on or for the equipment.

139.805 Vehicles and equipment for firefighting and rescue in difficult environments

- (1) If a significant proportion of aircraft movements at the aerodrome take place over water, swamp or another difficult environment, there must be appropriate vehicles, boats and equipment for firefighting and rescue in that environment within 1 000 metres of the threshold of each runway.
- (2) The vehicles, boats and equipment must be in at least the numbers and quantity required by the applicable standards and requirements.
- (3) The vehicles and boats must be of a colour required or permitted by the applicable standards and requirements.

139.810 Commissioning of certain equipment

An ARFFS provider must not begin to use a piece of operational equipment for the purpose of an ARFFS unless the equipment has been approved by CASA as conforming to specifications and any applicable standards, in accordance with the operator's aerodrome manual, and any applicable standards or requirements in the Manual of Standards.

139.815 Protective clothing and equipment

At the aerodrome there must be, for the firefighters and rescue personnel:

- (a) protective clothing that complies with:
 - (i) if there is a relevant Australian Standard (as in force immediately before this regulation commences) — that Standard; or

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- (ii) if there is no such Australian Standard — any relevant internationally recognised standard;
in at least the quantity required by the applicable standards and requirements; and
- (b) other protective equipment in the quantity required by, and of a kind in accordance with, those standards and requirements.

139.820 Communications

- (1) There must be, on the aerodrome, sufficient communications equipment available to provide communication during an ARFFS operation.
- (2) The vehicles used for the service must carry suitable communications equipment.
- (3) A person who is required to operate the equipment must hold a licence or certificate of a kind mentioned in paragraph 83 (1) (d) of CAR 1988 and appropriate to the equipment.
- (4) The equipment must not interfere, when in use, with communications equipment used by the air traffic service at the aerodrome.

139.825 Test and maintenance equipment

- (1) The provider must have the necessary equipment and tools, in accordance with the applicable standards and requirements, to test and maintain the equipment used to provide the service.
- (2) If the applicable standards and requirements require particular test or maintenance equipment, particular kinds of test or maintenance equipment, or particular numbers or quantities of a particular type of test or maintenance equipment, the provider must have that equipment or that number or quantity of that type of equipment.

Regulation 139.830

139.830 Commissioning of new vehicles and equipment

The provider must not put a new vehicle, or a new item of equipment that affects the quality or rate of discharge of extinguishing agent, into service unless:

- (a) the vehicle or equipment has been approved by CASA, for conformity to specification and the applicable standards and requirements, in accordance with the provider's operations manual; and
- (b) CASA has acknowledged that the vehicle or equipment meets the applicable standards and requirements; and
- (c) any necessary personnel training has been completed.

139.835 Number of operating personnel

- (1) During any period announced in ERSA as a period during which ARFFS is available at an aerodrome, there must be enough trained personnel available at the aerodrome to operate the equipment and vehicles required to provide the service at full capacity.
- (2) Those personnel must be stationed at places that allow the ARFFS to respond to an emergency at least as quickly as required by the applicable standards and requirements.

139.840 Medical standard of firefighters

- (1) The people employed as firefighters must meet the medical standard for firefighters set out in the Manual of Standards.
- (2) There must be a system of continuing medical checks for the people employed as firefighters that ensures that the ARFFS provider knows whether or not those people continue to meet that standard.

139.845 Qualifications and training of firefighters

- (1) The people employed as firefighters must already be trained to at least AFC Certificate 2 standard, or, if for a particular position the Manual of Standards specifies a higher standard, that higher standard.

Regulation 139.850

- (2) Before being used in any operational capacity, those people must also receive, or have received, appropriate training in dealing with hazards specific to aviation accidents and incidents, to the extent that such training is not part of the training required for an AFC Certificate 2.
- (3) The people employed as firefighters must receive appropriate training to familiarise them with local conditions.
- (4) There must be ongoing training for the people employed as firefighters to ensure that they continue to meet that standard.
- (5) If a significant proportion of aircraft movements at the aerodrome take place over water, swamp or another difficult environment, the firefighters must be appropriately trained to carry out their functions in that environment.

139.850 Operations manual

- (1) There must be an operations manual for the service that complies with the standards set out in the Manual of Standards.
- (2) The operations manual must include a chart showing the organisations that provide services to the provider, setting out the roles and responsibilities of those organisations and how those roles and responsibilities affect the Aerodrome Emergency Procedures for the aerodrome concerned.
- (3) The operations manual must be kept up to date.
- (4) Each of the provider's employees must have ready access to an up-to-date copy of the operations manual.
- (5) The provider must give CASA a copy of the operations manual, and of any changes to it.
- (6) There must be an up-to-date copy of the operations manual at each operational station.
- (7) The provider must comply with the requirements of the operations manual.

Regulation 139.855

139.855 Amendment of operations manual

- (1) An ARFFS provider may amend its operations manual, but an amendment is of no effect until approved in writing by CASA.
- (2) CASA may direct an ARFFS provider to amend its operations manual in a way specified in the direction.
- (3) The provider must comply with the direction.

139.860 Voice data recording

There must be a system to record electronically, in accordance with the standards or requirements set out in the Manual of Standards, any voice communication by radio or telephone in the course of an ARFFS operation.

139.865 Record of accidents or incidents

There must be a system, in accordance with the standards or requirements set out in the Manual of Standards, to record the details of any aircraft accident or incident, or building fire, in relation to which the service is required to take any action.

139.870 Contingency plan

- (1) There must be a plan, in accordance with the standards or requirements set out in the Manual of Standards, of the procedures to be used in the event of an emergency that results, or may result, in the service being interrupted.
- (2) The plan must include at least the following:
 - (a) actions to be taken by firefighters and rescue personnel;
 - (b) possible alternative arrangements for providing the service (including arrangements for procuring any necessary replacement vehicles or spare parts, or supplies of extinguishing materials);
 - (c) notification procedures;
 - (d) procedures for re-establishing normal services.

139.875 Records management

- (1) There must be a system, in accordance with the standards or requirements set out in the Manual of Standards, to collect, index, store and maintain the records relating to the service.
- (2) The records must include:
 - (a) voice records made under regulation 139.860; and
 - (b) records of accidents or incidents made under regulation 139.865.
- (3) A record must be kept for 5 years (or a shorter period specified for the particular kind of record in the Manual) after the date to which it relates.

139.880 Organisation

The provider must, at all times, maintain an appropriate organisation with a sound and effective management structure, having regard to the nature of the service it provides.

139.885 System for rectification of service failures

There must be a system, in accordance with the standards or requirements in the Manual of Standards, to rectify any failure that results or may result in an interruption in the service or a reduction in the standard of the service.

139.890 Quality control

There must be a system, in accordance with the standards or requirements set out in the Manual of Standards, to ensure that the service complies with the requirements of this Subpart.

139.895 Change management

There must be a system, in accordance with the Manual of Standards, to manage changes in:

- (a) equipment and procedures; and
- (b) what the service does; and

Regulation 139.900

- (c) the level or kinds of service provided; and
- (d) the way the service is provided.

139.900 Safety management

There must be a safety management system for the service, in accordance with the standards or requirements in the Manual of Standards, including the policies, procedures and practices necessary to provide the service safely.

139.905 Applicant's organisation

- (1) The provider must tell CASA in writing:
 - (a) who its managers are; and
 - (b) its organisational structure; and
 - (c) how many staff of each class it uses to provide the service.
- (2) The provider must tell CASA in writing about any change in a matter mentioned in paragraph (1) (a), (b) or (c) within 14 days after the change.

139.910 Telling users and CASA about changes

- (1) There must be a procedure, in accordance with the standards and requirements in the Manual of Standards, for an ARFFS provider to give, to aerodrome users, safety-related information about changes, faults or interruptions to the service.
- (2) The procedure must comply with CASA's requirements for reporting information to the Aeronautical Information and Data Service and the Australian NOTAM Office.
- (3) If the provider fails, for a period of 24 hours or longer, to provide the service at the standard required by Division 3, the ARFFS provider for the aerodrome must tell CASA in writing as soon as practicable:
 - (a) why the service is not being provided at that standard; and
 - (b) how long it is likely to be before the service can be resumed; and
 - (c) what action the service provider has taken and will take to resume the service at that standard.

Division 139.H.4 Conduct of ARFFS operations

139.915 Powers of officer in charge or firefighter

- (1) In this regulation:

firefighter, in relation to an ARFFS operation for an aerodrome, means:

- (a) somebody employed as a firefighter by the ARFFS provider for the aerodrome; or
- (b) a member of a fire brigade, or of a rescue or fire fighting service, who is taking part in the operation in accordance with an arrangement made with such a brigade or service.

officer in charge, in relation to an ARFFS operation for an aerodrome, means:

- (a) the person appointed under regulation 139.773 as officer in charge of ARFFS operations at the aerodrome; or
- (b) if, in accordance with an arrangement made with a fire brigade, or a rescue or fire fighting service, the person in control of the operation is a member of such a brigade or service — that person.

volunteer, in relation to an ARFFS operation, means somebody who has volunteered to help in the operation under the direction of the officer in charge.

- (2) For an ARFFS operation for an aerodrome under this Subpart, the officer in charge may:
 - (a) give directions that he or she thinks proper to firefighters and volunteers under his or her control; and
 - (b) take measures that he or she thinks proper.
- (3) Without limiting paragraph (2) (b), the officer in charge may do the following things for the purpose of the ARFFS operation:
 - (a) enter (by force, if necessary), take possession of and deal with in any appropriate way, premises, an aircraft or other property;
 - (b) close a road or other thoroughfare to traffic;

Regulation 139.915

- (c) use a convenient water supply (including shutting off water supply from a main or pipe to obtain greater pressure or supply);
 - (d) disconnect electricity supply to premises;
 - (e) remove flammable, explosive or other dangerous material from premises, an aircraft or other property;
 - (f) order a person to leave premises, an aircraft or other property;
 - (g) remove from the vicinity of the operation a person or thing the presence of whom or which is interfering, or is likely to interfere, significantly with the operation;
 - (h) take a fire engine or other fire appliance onto land or premises;
 - (i) shore up or destroy a wall or building that is insecure or may be dangerous to persons or property;
 - (j) direct or authorise a firefighter or a volunteer to do something that, under this regulation, the officer may do.
- (4) For an ARFFS operation, a firefighter may do something mentioned in paragraph (3) (a), (b), (c), (d), (e), (f) or (h) without authorisation under paragraph (3) (j) if there are reasonable grounds for believing that, for the operation:
- (a) it is necessary or desirable to do the thing; and
 - (b) it is not practicable for him or her to get authorisation to do so.
- (5) A person is guilty of an offence punishable by a fine of 10 penalty units if he or she fails to comply with:
- (a) a direction of the officer in charge under paragraph (3) (f); or
 - (b) a direction of the kind mentioned in that paragraph, given by a firefighter or volunteer, if:
 - (i) the firefighter or volunteer has been authorised under paragraph (3) (j) by the officer in charge to give it; or
 - (ii) the conditions in paragraphs (4) (a) and (b) are satisfied in relation to the direction.

Division 139.H.5 Administration

139.920 Definition for Division

In this Division:

show cause notice means a notice under regulation 139.1015.

139.925 How to apply for approval as ARFFS provider

- (1) A person is eligible to apply for approval as an ARFFS provider if:
 - (a) the person is mentioned in column 2 of an item in table 139.925; and
 - (b) the application relates to an aerodrome mentioned in column 3 of that item.
- (2) The application must be in writing.
- (3) The application:
 - (a) must set out the applicant's name and address; and
 - (b) if the applicant is a legal person that is not an individual — must set out the applicant's registered address, ACN and the names and addresses of its officers; and
 - (c) must include any other information required by or under these Regulations; and
 - (d) must be accompanied by any other document required by or under these Regulations.
- (4) In paragraph (3) (b):

officers of an applicant:

 - (a) if the applicant concerned is incorporated under the Corporations Law — has the meaning given by section 82A of that Law; and
 - (b) in the case of any other applicant — means the people responsible for its management and control, and includes anybody with whose directions or wishes the applicant ordinarily complies.

Regulation 139.930

- (5) The applicant must include with the application:
- (a) a copy of the applicant's operations manual, prepared as if the applicant were an approved provider; and
 - (b) information that will enable CASA to decide whether or not the applicant is of sound financial standing; and
 - (c) a statement of the intended location and category of the service to be provided.

Table 139.925

Item	Applicant	Aerodrome
1	the Commonwealth	any aerodrome
2	AA	any aerodrome
2A	Delta Fire Service Pty. Ltd.	Townsville Airport
3	Broome Airport Services Pty Ltd	Broome International Airport
4	Administration of Norfolk Island	Norfolk Island International Airport
5	a person who is to provide an ARFFS at a particular aerodrome: <ul style="list-style-type: none"> (a) in cooperation with AA, in accordance with paragraph 11 (3) (b) of the <i>Air Services Act 1995</i>; or (b) by arrangement with AA, in accordance with paragraph 11 (3) (c) of the <i>Air Services Act 1995</i> 	the aerodrome mentioned in column 2
6	a person who is to provide an ARFFS in accordance with an arrangement mentioned in paragraph 216 (1) (e) of the <i>Airports Act 1996</i>	the aerodrome specified in the arrangement mentioned in column 2

139.930 Who to apply to

An application must be made to CASA.

139.935 Application for approval when approval cancelled previously

If a person who applies for an approval as an ARFFS provider has previously been approved as an ARFFS provider, and that approval was cancelled for a reason mentioned in regulation 139.1020, the applicant must include with the application any available evidence tending to show that the applicant could now properly exercise the powers or carry out the functions of an approved ARFFS provider.

139.940 Other things CASA can ask applicant to do — interview

- (1) CASA may ask an applicant in writing to have a specified officer or officers of the applicant come to a specified CASA office at a specified reasonable time to be interviewed.
- (2) If CASA asks an applicant to have an officer come for interview under subregulation (1), CASA need not begin to consider, or may stop considering, the application until the applicant's officer or officers participates or participate in the interview.
- (3) In subregulations (1) and (2), *officer* of an applicant has the same meaning as in regulation 139.925.

139.945 Other things CASA can ask applicant to do — provide more information

- (1) If CASA reasonably needs more information or another document to allow it to consider an application, CASA may ask the applicant in writing to give it information, or a copy of a document, specified in the request.
- (2) If CASA asks for more information, or a copy of a document, under subregulation (1), CASA need not begin to consider, or may stop considering, the application until the applicant gives it the information or copy.

Regulation 139.950

139.950 Statutory declarations to verify applications

- (1) CASA may ask an applicant to verify, by statutory declaration, any statement in an application.
- (2) If CASA asks an applicant to verify a statement under subregulation (1), CASA need not begin to consider, or may stop considering, the application until the applicant gives it the statutory declaration.

139.955 Matters that CASA may or must take into account

- (1) In making a decision on an application, CASA may take into account:
 - (a) anything in the application or in any other document submitted by the applicant; and
 - (b) anything in its records about the applicant; and
 - (c) the contents of any statutory declaration made by the applicant or an officer of the applicant under regulation 139.950.
- (2) However, before taking into account anything in its records about an applicant, CASA must:
 - (a) tell the applicant in writing that it intends to do so, and the substance of what CASA intends to take into account; and
 - (b) invite the applicant in writing to make a written submission about the matter within a specified reasonable time.
- (3) If the applicant makes a written submission within the specified time, CASA must take the submission into account.
- (4) CASA must take into account the applicant's financial standing.
- (5) When deciding whether to approve an applicant that was previously approved as an ARFFS provider, but whose approval was cancelled, CASA must take into account:
 - (a) the fact of the cancellation; and
 - (b) the reasons for the cancellation; and
 - (c) any evidence of the kind mentioned in regulation 139.935 that the person submits.

139.960 Statutory declarations to verify statements in submissions

- (1) CASA may ask an applicant to verify any statement in a submission under subregulation 139.955 (3) by statutory declaration.
- (2) CASA must, in making a decision on the application concerned, take such a submission into account.
- (3) If CASA asks an applicant to verify a statement under subregulation (1), CASA need not begin to consider, or may stop considering, the application until the applicant gives it the statutory declaration.

139.965 When CASA must grant approval

- (1) If a person has applied for approval as an ARFFS provider in accordance with these Regulations, CASA must grant the approval if:
 - (a) the person satisfies the criteria (however described) for the grant of the approval; and
 - (b) other requirements for the grant of the approval by or under these Regulations by or in relation to the person are satisfied; and
 - (c) no provision of the Act, or another provision of these Regulations, forbids CASA to grant the approval, or makes the person ineligible for the grant of the approval; and
 - (d) granting the approval would not be likely to have an adverse effect on the safety of air navigation.
- (2) CASA may grant the approval in respect of only some of the matters sought in the application.
- (3) CASA may approve an application only if CASA approves the applicant's draft operations manual.
- (4) CASA must not approve the draft operations manual unless the draft manual complies with the relevant requirements in the Manual of Standards.

Regulation 139.970

- (5) CASA may grant the approval subject to:
 - (a) any conditions specified in these Regulations, or in Civil Aviation Orders, as applicable to the approval; and
 - (b) any other condition necessary in the interests of the safety of air navigation.
- (6) In particular, if the application is made by a person mentioned in column 2 of item 1, 2, 5 or 6 of Table 139.925 in relation to an ARFFS at the corresponding aerodrome, CASA may impose any condition necessary to give effect to an arrangement mentioned in subsection 11 (3) of the *Air Services Act 1995*.

139.970 When decision must be made

- (1) If CASA does not make a decision about an application within 21 days after receiving it, CASA is taken to have refused the application.
- (2) However, if CASA makes a request under regulation 139.940 or 139.945, the time between when CASA makes the request, and when the applicant's officer or officers participates or participate in the interview, or gives CASA the information or copy requested, does not count towards the period.
- (3) Also, if CASA asks an applicant to make a statutory declaration under regulation 139.950 or 139.960, the time between when CASA asks the applicant to do so and when the applicant gives CASA the statutory declaration does not count towards the period.
- (4) Also, if CASA invites an applicant to comment under subregulation 139.955 (2), the time between when CASA gives the invitation and when the applicant comments does not count towards the period.

139.975 Notice of decision

After making a decision on an application, CASA must tell the applicant in writing, as soon as practicable:

- (a) the decision; and

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- (b) if the decision was to refuse the application, or to grant the approval subject to a condition not sought by the applicant — the reasons for the decision.

139.980 When approval comes into effect

An approval comes into effect:

- (a) on a day stated in the notice under regulation 139.975; or
- (b) if no day is so stated — on the date of the notice.

139.985 Certificate about approval

- (1) CASA must issue to an approved ARFFS provider a certificate setting out:
 - (a) the name and address of the provider; and
 - (b) if the approved provider is a corporation, its registered address and ACN; and
 - (c) the date of effect of the approval; and
 - (d) the location and category level for each aerodrome at which the provider is authorised to provide an ARFFS; and
 - (e) any conditions of the approval.
- (2) CASA may issue a replacement certificate if anything set out on a certificate is no longer correct.

139.990 Return of certificate if approval cancelled

- (1) If CASA cancels the approval of an approved ARFFS provider, the person who was the approved ARFFS provider must return the person's certificate to CASA immediately.

Penalty: 1 penalty unit.

Note A person is not guilty of an offence of failing to do something that he or she is not capable of doing: see section 4.2 of the *Criminal Code*.

- (2) An offence against subregulation (1) is an offence of strict liability.

Note For **strict liability**, see section 6.1 of the *Criminal Code*.

Regulation 139.995

- (3) It is a defence to a charge of contravening subregulation (1) that the defendant returned the certificate to CASA as soon as practicable.

Note A defendant bears an evidential burden in relation to the matter mentioned in subregulation (3).

139.995 Application for variation of approval

- (1) An approved ARFFS provider may apply to vary its approval.
- (2) Regulations 139.925 to 139.980 apply to the application except that the applicant need not give CASA information, or a document, that the applicant has already given to CASA.

139.1000 CASA's power to vary condition of approval

- (1) If necessary in the interests of the safety of air navigation, CASA may impose a condition on, or vary a condition of, the approval of an approved ARFFS provider.
- (2) CASA must give the provider notice in writing of the imposition or variation, and must specify a reasonable period within which the provider may make a submission in relation to the imposition or variation.
- (3) Unless CASA withdraws the condition or variation, the condition or variation has effect at:
- (a) the end of that period; or
 - (b) a later time stated for the purpose in the notice.

139.1005 Suspension or continued suspension of approval by show cause notice

- (1) CASA may state, in a show cause notice, that the approval as an approved ARFFS provider of the ARFFS provider concerned is suspended if CASA reasonably considers that not suspending the approval would be likely to have an adverse effect on the safety of air navigation.

Note Regulation 201.004 provides for review of certain decisions by the Administrative Appeals Tribunal.

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- (2) If a show cause notice states that the approval is suspended:
 - (a) if the approval is already suspended when the show cause notice is given to the holder — the approval continues to be suspended until CASA revokes the suspension, or the suspension lapses under subregulation (4); or
 - (b) the approval is suspended from when the notice is given to the approved ARFFS provider concerned.
- (3) CASA may revoke the suspension at any time.
- (4) If CASA has not cancelled the approval within 90 days after the day the show cause notice is given to the provider, the suspension lapses at the end of that period.

139.1010 Grounds for cancellation of approval

It is grounds for the cancellation of the approval of an approved ARFFS provider if the provider:

- (a) has breached a condition of the approval; or
- (b) has contravened the Act or these Regulations; or
- (c) has otherwise been guilty of conduct that renders the holder's continued holding of the approval likely to have an adverse effect on the safety of air navigation.

Note Regulation 201.004 provides for review of certain decisions by the Administrative Appeals Tribunal.

139.1015 Notice to approved ARFFS provider to show cause

- (1) CASA may give an approved ARFFS provider a show cause notice if there are reasonable grounds for believing that there are facts or circumstances that amount to grounds for the cancellation of the approval.
- (2) A show cause notice must:
 - (a) tell the provider of the facts and circumstances that justify the cancellation of the approval; and
 - (b) invite the holder to show in writing, within a reasonable period stated in the notice, why the approval should not be cancelled.
- (3) For paragraph (2) (b), the period must not be less than 7 days.

Regulation 139.1020

139.1020 Cancellation of approval after show cause notice

- (1) CASA may cancel an approval only if:
 - (a) there exist facts or circumstances that amount to grounds for the cancellation of the approval; and
 - (b) CASA has given the holder a show cause notice in relation to the grounds for the proposed cancellation; and
 - (c) CASA has taken into account any written representations made, within the period stated in the notice, by or on behalf of the holder; and
 - (d) not cancelling the approval would be likely to have an adverse effect on the safety of air navigation.
- (2) If CASA has given a show cause notice to an approved ARFFS provider, and it decides not to cancel the approval, it:
 - (a) must tell the provider in writing of the decision; and
 - (b) must, if the approval is suspended, revoke the suspension.

139.1022 Cancellation if holder ceases to provide ARFFS

- (1) CASA must cancel the approval of a person mentioned in column 2 of item 3 or 4 of Table 139.925 if the person ceases to be an ARFFS provider for the aerodrome mentioned in column 3 of the item.
- (2) CASA must cancel the approval of a person mentioned in column 2 of item 5 of Table 139.925 if the cooperation or arrangement mentioned in that item ceases.
- (3) CASA must cancel the approval of a person mentioned in column 2 of item 6 of Table 139.925 if the arrangement mentioned in that item ceases.

139.1025 Cancellation at request of approved ARFFS provider

- (1) CASA must cancel the approval of an ARFFS provider if asked to do so in writing by the provider.
- (2) The cancellation takes effect when the request is given to CASA, or if a later day is stated in the request, on the later day.

Part 141 Flying training organisations

Note This Part heading is reserved for future use.

Part 142 Flight crew training and checking organisations

Note This Part heading is reserved for future use.

Part 143 Air Traffic Services Training Providers

Note *This Part is made up as follows:*

Subpart 143.A General

- 143.005 Applicability of this Part
- 143.010 Definitions for this Part
- 143.015 What is an ATS training provider
- 143.016 Person not to provide service without approval
- 143.017 Issue of Manual of Standards

Subpart 143.B Approval as an ATS training provider

- 143.020 What an application must be accompanied by
- 143.025 When applicant is eligible for approval
- 143.027 CASA may impose conditions on approvals
- 143.030 Approval subject to conditions
- 143.035 Approval not transferable
- 143.040 Certificate under Subpart F
- 143.045 How long approval remains in force
- 143.050 Variation of approvals

Subpart 143.C Requirements to be complied with by ATS training providers

Division 143.C.1 Requirements for training

- 143.055 Standard for training
- 143.060 Training plan

Division 143.C.2 Personnel

- 143.065 Personnel
- 143.070 Qualifications for certain personnel

Division 143.C.3 Reference materials, documents and records

- 143.075 Reference materials
- 143.080 Material to be included in reference materials
- 143.085 Documents and records
- 143.090 Document and record control system

Subpart 143.D Telling CASA about changes

- 143.095 Advice on organisational changes
- 143.100 Discontinuing training
- 143.105 Status as a Registered Training Organisation

Subpart 143.E Miscellaneous

143.110 Unapproved training

Subpart 143.F Administration**Division 143.F.1 Preliminary**

143.115 Applicability of this Subpart

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143.120 Joint applications not permitted

143.125 How to apply — application by individual applicant

143.130 How to apply — application by corporation etc

143.135 Who to apply to

143.140 Application for approval cancelled previously

143.145 CASA may require demonstrations of procedures or equipment

143.150 Other things CASA can ask individual applicant to do — interview

143.155 Other things CASA can ask applicant to do — provide more information

143.160 Statutory declarations to verify applications

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143.170 Statutory declarations to verify statements in submissions

143.175 When CASA must approve an applicant

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Division 143.F.3 Variation of approvals

143.200 Applicability of this Division

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Division 143.F.4 Suspension and cancellation of approvals

143.215 Definition for this Division

143.220 Suspension of approval by show cause notice

143.225 Grounds for cancellation of approval

143.230 Notice to show cause

143.235 Cancellation of approval after show cause notice

143.240 Cancellation at request of ATS training provider

Regulation 143.005

Subpart 143.A General

143.005 Applicability of this Part

- (1) This Part:
 - (a) applies to a person that wants to become, or is, an ATS training provider; and
 - (b) sets out certain administrative rules applying to CASA in its administration of this Part.
- (2) However, this Part does not apply to:
 - (a) a person who is providing ATS training in the course of his or her duties for the Defence Force; or
 - (b) any ATS training provided by the Defence Force.

143.010 Definitions for this Part

In this Part:

Australian National Training Authority means the Australian National Training Authority established by the *Australian National Training Authority Act 1992*.

Australian Qualifications Framework means the framework set out in a document called ‘Australian Qualifications Framework Implementation Handbook’ published by the Australian Qualifications Framework (AQF) Advisory Board in 1998.

Australian Quality Training Framework means the quality arrangements for vocational education and training services set out in the document called ‘Australian Quality Training Framework – Standards for Registered Training Organisations’ published by the Australian National Training Authority in 2001.

Manual of Standards – Part 65 means the document called ‘Manual of Standards (MOS) – Part 65’ issued by CASA under regulation 65.033, as in force from time to time.

Manual of Standards – Part 143 means the document called ‘Manual of Standards (MOS) – Part 143’ issued by CASA under regulation 143.017, as in force from time to time.

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Registered Training Organisation has the same meaning as it has in the document called ‘Australian Quality Training Framework – Standards for Registered Training Organisations’, published by the Australian National Training Authority in 2001.

training provider means a person who, or entity that, provides vocational education and training.

training recognition authority, in relation to a State or Territory, means a body that has, under a law of the State or Territory, the responsibility for registering training providers in that State or Territory.

143.015 What is an ATS training provider

An ATS training provider is a person approved, under Subpart 143.F, to provide the training relating to air traffic services that is covered by the approval.

143.016 Person not to provide service without approval

- (1) A person must not provide training relating to air traffic services unless the person:
 - (a) is approved, under Division 143.F.2, to provide the training; or
 - (b) is an ATS provider within the meaning in Part 172.

Penalty: 50 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.

Note For **strict liability**, see section 6.1 of the *Criminal Code*.

143.017 Issue of Manual of Standards

- (1) CASA may issue a Manual of Standards for this Part that provides for the following matters:
 - (a) standards, including procedures, plans, systems and documentation, for the provision of air traffic services training;

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- (b) standards for facilities and equipment used to provide air traffic services training;
- (c) standards, including competency standards and minimum qualifications, for instructors engaged in air traffic services training;
- (d) any matter required or permitted by the regulations to be provided for by the Manual of Standards;
- (e) any matter necessary or convenient to be provided for the effective operation of this Part.

Note A Manual of Standards is a legislative instrument — see subsections 98 (5A) and (5B) of the Act and subparagraph 6 (d) (i) of the *Legislative Instruments Act 2003*. It must be registered in accordance with the latter Act and must be tabled in both Houses of the Parliament within 6 sitting days after its making.

- (2) CASA must give a copy of a notice about a Manual of Standards for this Part (being a notice referred to in subregulation 11.275 (3) or regulation 11.280) to each ATS training provider.

Note Subpart 11.J (including regulations 11.275 and 11.280) sets out procedures for the issue, amendment and revocation of a MOS.

Subpart 143.B Approval as an ATS training provider

143.020 What an application must be accompanied by

An application for approval as an ATS training provider must be accompanied by:

- (a) a written statement setting out details of the training relating to air traffic services that the applicant proposes to provide; and
- (b) a written statement setting out details of the relevant qualifications and experience of the applicant and applicant's personnel, including the number of suitably qualified personnel who will be involved in providing the training; and
- (c) enough information to show that the applicant is a Registered Training Organisation whose registration:
 - (i) is in force; and

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- (ii) is for training delivery covering the training; and
- (d) a written statement describing the arrangements the applicant has made to comply with the requirements of Subparts 143.C and 143.D.

143.025 When applicant is eligible for approval

For Subpart 143.F, an applicant is eligible to become an ATS training provider for particular training relating to air traffic services if the applicant:

- (aa) is any of the following:
 - (i) the Commonwealth;
 - (ii) AA;
 - (iii) a person who is to provide air traffic services training services in cooperation with AA, in accordance with paragraph 11 (3) (b) of the *Air Services Act 1995*;
 - (iv) a person who is to provide air traffic services training services by arrangement with AA, in accordance with paragraph 11 (3) (c) of the *Air Services Act 1995*; and
- (a) is a Registered Training Organisation whose registration:
 - (i) is in force; and
 - (ii) is for training delivery covering that training; and
- (b) is able to comply with the requirements of Subparts 143.C and 143.D or will be able to do so if the applicant is approved.

143.027 CASA may impose conditions on approvals

CASA may impose, on an approval, any condition necessary to give effect to an arrangement mentioned in subsection 11 (3) of the *Air Services Act 1995*.

143.030 Approval subject to conditions

If an ATS training provider's approval is subject to conditions, the provider must comply with the conditions.

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143.035 Approval not transferable

An approval is not transferable.

143.040 Certificate under Subpart 143.F

A certificate issued under Subpart 143.F to an ATS training provider must, as well as including the information required by that Subpart:

- (a) state the provider's name and address of its principal place of business; and
- (b) specify the training relating to air traffic services that is covered by the approval.

143.045 How long approval remains in force

- (1) An ATS training provider's approval:
 - (a) comes into force on the date stated in the certificate issued to the provider under Subpart 143.F; and
 - (b) remains in force until it is cancelled.
- (2) However, the approval is not in force during any period of suspension.

143.050 Variation of approvals

- (1) If an ATS training provider wants to vary its approval, it must apply to CASA, under Subpart 143.F, for that purpose.
- (2) The application must contain, or have with it, a copy of the proposed variation.
- (3) If CASA grants the application under Subpart 143.F, the variation takes effect:
 - (a) if a day is set out in the written notice given to the provider under Subpart 143.F — on that day; or
 - (b) if no day is set out — when the notice is given to the provider.

Subpart 143.C Requirements to be complied with by ATS training providers

Division 143.C.1 Requirements for training

143.055 Standard for training

An ATS training provider must ensure that the training relating to air traffic services that it provides:

- (a) is of at least the standard required by the Manual of Standards – Part 65; and
- (b) complies with the Australian Qualifications Framework.

143.060 Training plan

An ATS training provider must have, and put into effect, a training plan for the training relating to air traffic services covered by its approval that is in accordance with the standards and requirements set out in the Manual of Standards – Part 65.

Division 143.C.2 Personnel

143.065 Personnel

An ATS training provider must have, at all times, enough suitably qualified personnel to enable it to provide, in accordance with both the Australian Quality Training Framework and the standards and requirements set out in the Manual of Standards – Part 65, the training relating to air traffic services that is covered by its approval.

143.070 Qualifications for certain personnel

An ATS training provider must not give to a person responsibility as an instructor or assessor for any training relating to air traffic services that it provides unless the person:

- (a) has suitable qualifications and experience in accordance with the Australian Quality Training Framework; and

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- (b) satisfies the requirements of the Manual of Standards – Part 65 for persons having that responsibility.

Division 143.C.3 Reference materials, documents and records

143.075 Reference materials

- (1) An ATS training provider must maintain a set of the reference materials mentioned in regulation 143.080 for use by members of its personnel who have responsibilities as instructors or assessors for any training relating to air traffic services that it provides.
- (2) The provider must maintain another set of the reference materials for use by anyone undertaking training relating to air traffic services that it provides.
- (3) The provider must keep the reference materials up to date and in a readily accessible form.
- (4) The instructors and assessors and anyone undertaking training must have ready access to the reference materials.

143.080 Material to be included in reference materials

For regulation 143.075, the reference materials to be maintained by the provider must include the following:

- (a) copies of the Act and these Regulations;
- (b) copies of Annexes 1, 6, 11 and 12 to the Chicago Convention;
- (c) a copy of the AIP;
- (d) copies of the Manual of Standards – Part 65 and the Manual of Standards – Part 143;
- (e) all manuals and documents specified in the Manual of Standards – Part 65 and Manual of Standards – Part 143.

143.085 Documents and records

- (1) The provider must keep documents and records of the kinds specified in the Manual of Standards – Part 143.

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- (2) A document or record must be retained for as long as the Manual specifies for the particular kind of document or record.
- (3) The provider must, at CASA's request, make the documents and records, or copies of them or extracts from them, available for inspection by CASA.

143.090 Document and record control system

- (1) The provider must establish, and put into effect, a system, in accordance with the standards set out in the Manual of Standards – Part 143, for controlling the documents and records required to be kept under regulation 143.085.
- (2) The system must include the policies and procedures for making, amending and preserving those documents and records.

Subpart 143.D Telling CASA about changes

143.095 Advice on organisational changes

The provider must tell CASA, in writing, of a change of circumstances that materially affects its capacity to provide any training relating to air traffic services that is covered by its approval within 7 days after the change occurs.

143.100 Discontinuing training

- (1) The provider must not discontinue any training relating to air traffic services that is covered by its approval, unless it has given CASA at least 28 days written notice that the training is to be discontinued.
- (2) Subregulation (1) does not apply if, having regard to the provider's circumstances:
 - (a) it was not reasonably practicable for the provider to give to CASA at least 28 days notice; and
 - (b) the provider gives the notice as soon as reasonably practicable before, on or after the day when the service is discontinued.

Regulation 143.105

143.105 Status as a Registered Training Organisation

If an ATS training provider, for any reason at any time after its approval as an ATS training provider, loses its status as a Registered Training Organisation, it must, within 7 days, tell CASA in writing accordingly.

Subpart 143.E Miscellaneous

143.110 Unapproved training

An ATS training provider must not provide any training relating to air traffic services unless:

- (a) its approval:
 - (i) is in force; and
 - (ii) covers that training; and
- (b) it is a Registered Training Organisation whose registration:
 - (i) is in force; and
 - (ii) is for training delivery covering that training.

Subpart 143.F Administration

Note This Subpart is an interim measure while a separate Part dealing with administration rules is being developed.

Division 143.F.1 Preliminary

143.115 Applicability of this Subpart

This Subpart:

- (a) sets out certain administrative rules applying to CASA in its administration of this Part; and
- (b) includes certain generic provisions applying to anyone who wants to become, or is, an ATS training provider.

Division 143.F.2 Approvals

143.120 Joint applications not permitted

- (1) An application purportedly made by 2 or more persons jointly is not a valid application for any purpose.
- (2) An application purportedly made by a partnership is not a valid application for any purpose.

143.125 How to apply — application by individual applicant

- (1) An individual must apply for approval as an ATS training provider in the way set out in this regulation.
- (2) The application must be in writing.
- (3) The application:
 - (a) must include any information required by or under these Regulations; and
 - (b) must be accompanied by any document required by or under these Regulations.

143.130 How to apply — application by corporation etc

- (1) A legal person other than an individual must apply for approval as an ATS training provider in the way set out in this regulation.
- (2) The application must be in writing.
- (3) The application:
 - (a) must set out the applicant's registered address and ACN; and
 - (b) must give the names and addresses of its officers; and
 - (c) must include any other information required by or under these Regulations; and
 - (d) must be accompanied by any document required by or under these Regulations.

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- (4) In paragraph (3) (b):

officers of an applicant:

- (a) if the applicant concerned is incorporated under the *Corporations Act 2001* — has the meaning given by section 82A of that Act; and
- (b) in the case of any other applicant — means the people responsible for its management and control, and includes anybody with whose directions or wishes the applicant ordinarily complies.

143.135 Who to apply to

An application must be made to CASA.

143.140 Application for approval cancelled previously

If an applicant for approval as an ATS training provider has previously been approved as an ATS training provider, and the approval was cancelled for a reason mentioned in regulation 143.225, the applicant must include with the application any available evidence tending to show that the applicant could now properly provide the training relating to air traffic services that it proposes to provide.

143.145 CASA may require demonstrations of procedures or equipment

- (1) CASA may ask an applicant, in writing, to conduct demonstrations of its procedures or equipment to assess whether the applicant can properly provide the training relating to air traffic services that it proposes to provide.
- (2) The request must describe the demonstrations that the applicant is required to conduct.
- (3) The demonstrations must be conducted under the observations of an officer authorised by CASA in writing for that purpose.
- (4) If CASA asks an applicant to conduct a demonstration under subregulation (1), CASA need not begin to consider, or may stop considering, the application until the applicant conducts the demonstration.

143.150 Other things CASA can ask individual applicant to do — interview

- (1) CASA may ask an individual who is an applicant, in writing, to come to a specified reasonable place at a specified reasonable time to be interviewed.
- (2) If CASA asks an applicant to come for interview, under subregulation (1), CASA need not begin to consider, or may stop considering, the application until the applicant participates in the interview.

143.155 Other things CASA can ask applicant to do — provide more information

- (1) If CASA reasonably needs more information or another document to allow it to consider an application, CASA may ask the applicant in writing to give it information, or a copy of a document, specified in the request.
- (2) If CASA asks for more information, or a copy of a document, under subregulation (1), CASA need not begin to consider, or may stop considering, the application until the applicant gives it the information or copy.

143.160 Statutory declarations to verify applications

- (1) CASA may ask an applicant, in writing, to verify, by statutory declaration, any statement in an application.
- (2) If CASA asks an applicant to verify a statement under subregulation (1), CASA need not begin to consider, or may stop considering, the application until the applicant gives it the statutory declaration.

143.165 Matters that CASA may or must take into account

- (1) In making a decision on an application, CASA may take into account:
 - (a) anything in the application or in any other document submitted by the applicant; and
 - (b) anything in its records about the applicant; and

Regulation 143.170

- (c) the contents of any statutory declaration made by the applicant, or an officer of the applicant, under regulation 143.160; and
 - (d) any demonstration of procedures or equipment conducted by the applicant under regulation 143.145.
- (2) However, before taking into account anything in its records about an applicant, CASA must:
 - (a) tell the applicant, in writing, that it intends to do so, and the substance of what CASA intends to take into account; and
 - (b) invite the applicant, in writing, to make a written submission about the matter within a specified reasonable time.
- (3) If the applicant makes a written submission within the specified time, CASA must take the submission into account.
- (4) When deciding whether to approve an applicant previously approved as an ATS training provider and whose approval was cancelled under regulation 143.235, CASA must take into account:
 - (a) the fact of the cancellation; and
 - (b) the reasons for the cancellation; and
 - (c) any evidence of the kind mentioned in regulation 143.140 that the applicant submits.

143.170 Statutory declarations to verify statements in submissions

- (1) CASA may ask an applicant, in writing, to verify any statement in a submission under subregulation 143.165 (3) by statutory declaration.
- (2) CASA must, in making a decision on the application concerned, take such a submission into account.
- (3) If CASA asks an applicant to verify a statement under subregulation (1), CASA need not begin to consider, or may stop considering, the application until the applicant gives it the statutory declaration.

Regulation 143.180

143.175 When CASA must approve an applicant

- (1) Subject to section 30A of the Act, if an applicant has applied for approval as an ATS training provider in accordance with this Part, CASA must approve the applicant if:
 - (a) the applicant is eligible to be approved; and
 - (b) any other requirements for the approval by or under these Regulations by or in relation to the applicant are satisfied; and
 - (c) no provision of these Regulations forbids CASA to approve the applicant, or makes the applicant ineligible for the approval; and
 - (d) approving the applicant would not be likely to have an adverse effect on the safety of air navigation.
- (2) CASA may approve the applicant subject to any condition necessary in the interests of the safety of air navigation.

143.180 When decision must be made

- (1) If CASA does not make a decision about an application within the period mentioned in subregulation (2) after receiving it, CASA is taken to have refused the application.
- (2) The period is 6 months.
- (3) However, if CASA makes a request under regulation 143.145, 143.150 or 143.155, the time between when CASA makes the request, and when the applicant conducts the demonstration, comes in for interview, or gives CASA the information or copy requested, does not count towards the period.
- (4) Also, if CASA asks an applicant to make a statutory declaration under regulation 143.160 or 143.170, the time between when CASA asks the applicant to do so and when the applicant gives CASA the statutory declaration does not count towards the period.
- (5) Also, if CASA invites an applicant to comment under subregulation 143.165 (2), the time between when CASA gives the invitation and when the applicant comments does not count towards the period.

Regulation 143.185

143.185 Notice of decision

After making a decision on an application, CASA must tell the applicant in writing, as soon as practicable:

- (a) the decision; and
- (b) if the decision was to refuse the application, or to approve the applicant subject to a condition not sought by the applicant — the reasons for the decision.

143.190 Certificate about approval

- (1) If CASA approves an applicant as an ATS training provider, CASA must issue to the applicant a certificate setting out:
 - (a) what the approval is; and
 - (b) any conditions applicable to it; and
 - (c) when it came into effect, and when it will end (if not sooner cancelled); and
 - (d) any other information CASA thinks should be included.
- (2) CASA may issue a replacement certificate if anything set out on a certificate is no longer correct.

143.192 Cancellation if cooperation or arrangement ceases

- (1) CASA must cancel the approval of a person mentioned in subparagraph 143.025 (aa) (iii) if the cooperation mentioned in that subparagraph ceases.
- (2) CASA must cancel the approval of a person mentioned in subparagraph 143.025 (aa) (iv) if the arrangement mentioned in that subparagraph ceases.

143.195 Return of certificate if approval cancelled

- (1) If CASA has issued a certificate about an approval, and the approval is cancelled, the person to whom the certificate was issued must return it to CASA immediately.

Penalty: 1 penalty unit.

Note A person is not guilty of an offence of failing to do something that he or she is not capable of doing: see section 4.2 of the *Criminal Code*.

Regulation 143.210

- (2) An offence against subregulation (1) is an offence of strict liability.

Note For **strict liability**, see section 6.1 of the *Criminal Code*.

- (3) It is a defence to a charge of contravening subregulation (1) that the defendant returned the certificate to CASA as soon as practicable.

Note A defendant bears an evidential burden in relation to the matter mentioned in subregulation (3).

Division 143.F.3 Variation of approvals

143.200 Applicability of this Division

This Division applies in relation to variation of an approval (including imposing, removing or varying a condition applicable to the approval).

143.205 Application for variation

- (1) An ATS training provider may apply to CASA to vary its approval.
- (2) Division 143.F.2 applies to the application except that the provider need not give CASA information, or a document, that the provider has already given to CASA.

143.210 CASA's power to vary condition of approval

- (1) If necessary in the interests of the safety of air navigation, CASA may impose a condition on, or vary a condition of, an ATS training provider's approval.
- (2) CASA must give the provider written notice of the imposition or variation, and must specify a reasonable period within which the provider may make a submission in relation to the imposition or variation.
- (3) Unless CASA withdraws the condition or variation, the condition or variation has effect at:
- (a) the end of that period; or
 - (b) a later time stated for the purpose in the notice.

Regulation 143.215

Division 143.F.4 Suspension and cancellation of approvals

143.215 Definition for this Division

In this Division:

show cause notice means a notice under regulation 143.230.

143.220 Suspension of approval by show cause notice

- (1) CASA may state, in a show cause notice, that an ATS training provider's approval is suspended if CASA reasonably considers that not suspending the approval would be likely to have an adverse effect on the safety of air navigation.

Note Regulation 201.4 provides for review of certain decisions by the Administrative Appeals Tribunal.

- (2) If a show cause notice states that the approval is suspended, the approval is suspended from when the notice is given to the provider.
- (3) CASA may revoke the suspension at any time.
- (4) If CASA has not cancelled the approval under regulation 143.235, within 90 days after the day the show cause notice is given to the provider, the suspension lapses at the end of that period.

143.225 Grounds for cancellation of approval

It is grounds for the cancellation of an ATS training provider's approval if the provider:

- (a) has breached a condition of the approval; or
- (b) has contravened the Act or these Regulations; or
- (c) does not meet, or continue to meet, a requirement of this Part for getting the approval; or
- (d) has otherwise been guilty of conduct that renders the provider's continued holding of the approval likely to have an adverse effect on the safety of air navigation.

Note Regulation 201.004 provides for review of certain decisions by the Administrative Appeals Tribunal.

143.230 Notice to show cause

- (1) CASA may give an ATS training provider a show cause notice if there are reasonable grounds for believing that there are facts or circumstances that amount to grounds for the cancellation of the provider's approval.
- (2) A show cause notice must:
 - (a) tell the provider of the facts and circumstances that justify the cancellation of the approval; and
 - (b) invite the provider to show in writing, within a reasonable period stated in the notice, why the approval should not be cancelled.
- (3) For paragraph (2) (b), the period must not be less than 7 days.

143.235 Cancellation of approval after show cause notice

- (1) CASA may cancel an ATS training provider's approval only if:
 - (a) there exist facts or circumstances that amount to grounds for the cancellation of the approval; and
 - (b) CASA has given the provider a show cause notice in relation to the grounds for the proposed cancellation; and
 - (c) CASA has taken into account any written representations made, within the period stated in the notice, by or on behalf of the provider; and
 - (d) not cancelling the approval would be likely to have an adverse effect on the safety of air navigation.
- (2) If CASA has given a show cause notice to an ATS training provider, and it decides not to cancel the provider's approval, it:
 - (a) must tell the provider, in writing, of the decision; and
 - (b) must, if the approval is suspended, revoke the suspension.

143.240 Cancellation at request of ATS training provider

- (1) Despite anything else in this Part, CASA must cancel an ATS training provider's approval if asked to do so, in writing, by the provider.

Regulation 143.240

- (2) The cancellation takes effect when the request is given to CASA, or if a later day is stated in the request, on the later day.

Part 144 Distribution organisations

Note This Part heading is reserved for future use.

Part 145 Maintenance organisations

Note This Part heading is reserved for future use.

Part 146 Design organisations

Note This Part heading is reserved for future use.

**Part 147 Maintenance training
organisations**

Note This Part heading is reserved for future use.

**Part 149 Recreational aviation
administration organisations**

Note This Part heading is reserved for future use.

Part 171 Aeronautical telecommunication service and radionavigation service providers

Note *This Part is made up as follows:*

Subpart 171.A General

- 171.005 Applicability of this Part
- 171.010 Interpretation
- 171.012 Meaning of *telecommunication service*
- 171.015 Person not to provide service without approval
- 171.017 Issue of Manual of Standards

Subpart 171.B Approval of service providers

- 171.020 Application
- 171.025 If applicant is a corporation

Subpart 171.C Obligations and privileges of service provider

- 171.030 Service by provider
- 171.035 Changes by service provider to service
- 171.040 Changes by service provider to operations manual
- 171.050 Technicians
- 171.055 Test transmissions
- 171.065 Interruption to service
- 171.070 Test equipment
- 171.075 Documents to be maintained
- 171.080 Records
- 171.085 Security program
- 171.086 Safety management system

Subpart 171.D Contents of operations manual

- 171.090 Operations manual to contain or refer to information
- 171.095 Organisation and management of service provider
- 171.100 Way in which standards are met
- 171.105 Functional specification and performance values of services
- 171.110 Technical description
- 171.115 Safe operation
- 171.120 Facility operation and maintenance plan

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- 171.125 Safety management system
 - 171.140 Test equipment
 - 171.145 Interruption to service
 - 171.150 Document control
 - 171.155 Security program
 - 171.160 Changes to procedures

Subpart 171.E Administration

- 171.165 Joint applications not permitted
- 171.170 CASA may ask for demonstration of service
- 171.175 CASA can ask applicant to provide more information
- 171.180 Matters that CASA may or must take into account
- 171.185 When CASA must grant an approval
- 171.190 When decision must be made
- 171.195 Decision-making period may be extended
- 171.200 Notice of decision
- 171.205 Approvals
- 171.210 When approval comes into effect
- 171.215 CASA's power to vary condition of approval
- 171.220 Suspension and cancellation of approvals
- 171.225 Notice to approval holder to show cause
- 171.230 Grounds for cancellation of approval
- 171.235 Cancellation of approval after show cause notice
- 171.237 Cancellation if cooperation or arrangement ceases
- 171.240 Cancellation at request of service provider
- 171.245 CASA's power to direct variation of manual
- 171.250 Certificate
- 171.255 Return of certificate if approval ceases

Subpart 171.A General

171.005 Applicability of this Part

- (1) This Part sets out:
 - (a) the requirements for a person to be approved as a provider of a ground-based aeronautical telecommunication or radionavigation service; and
 - (b) the requirements for the operation and maintenance of those services; and
 - (c) certain administrative rules relating to CASA in its administration of this Part.
- (2) However, this Part does not apply to:
 - (a) a person who is providing an aeronautical telecommunication or radionavigation service in the course of his or her duties for the Defence Force; or
 - (b) any aeronautical telecommunication or radionavigation service provided by the Defence Force.

171.010 Interpretation

- (1) In this Part:

accuracy, in relation to a radionavigation service or facility, means the degree to which the value measured or displayed by the service or facility conforms to the true value.

AIS has the meaning given in Annex 15 to the Chicago Convention.

approval means an approval, given by CASA, to provide a telecommunication or radionavigation service.

availability, for a telecommunication service, radionavigation service or support service, means the percentage of its operating hours that the service is not interrupted.

certified air/ground radio service, or ***CA/GRS***, in relation to an aerodrome, means an air/ground radio service for the aerodrome certified in accordance with regulation 139.410.

Regulation 171.010

configuration, in relation to:

- (a) a telecommunication or radionavigation service — means the configuration of each facility and any interconnection between facilities that make up the service; and
- (b) a facility — means the configuration of equipment, hardware, software and data, and the interconnections between equipment.

coverage, in relation to a telecommunication or radionavigation service, means the volume of airspace in which, or the locations between which, the service is nominally provided.

Examples

- 1 The volume of airspace in which an aeronautical broadcasting service can be received and used.
- 2 The places served by an aeronautical fixed line telecommunication service.

frequency confirmation system means a ground radio system at an aerodrome that, if it receives a transmission from an aircraft on the radio frequency for the aerodrome, sends a signal or message to the aircraft confirming that the transmission has been received.

functional specification, for a telecommunication service, a radionavigation service or a support service, is a general description of the service, its operating principles and its functions.

Example

The functional specification of an aeronautical radionavigation service may describe the kind of service, each standard to which it operates, the accuracy of its signal and the aircraft for which the service is provided.

hazard means a source of potential harm to aviation safety.

integrity, of a telecommunication service, a radionavigation service or a support service:

- (a) means the likelihood that the information supplied by the service at a particular moment is correct; and
- (b) includes the ability of the service to warn users promptly when the service should not be used.

key personnel, in relation to a service provider, means the person or persons who manage 1 or more of the following:

- (a) operations;

- (b) maintenance;
- (c) safety.

Manual of Standards means the document called ‘Manual of Standards (MOS) – Part 171’ issued by CASA under regulation 171.017, as in force from time to time.

operating hours, for a telecommunication or radionavigation service, means the times during which the service provider must, under its approval, operate the service.

operations manual means a manual of the kind described in Subpart 171.D, prepared by a service provider or a person applying for approval.

radionavigation service means an aeronautical radio navigation service within the meaning given in Volume II of Annex 10 to the Chicago Convention.

recovery time means the period during which a service is interrupted.

reliability, of a telecommunication service, a radionavigation service or a support service, means the probability that the service will perform its function or functions without failure for a specified period.

risk means risk to aviation safety.

safety means aviation safety.

service provider means a person approved to operate and maintain a telecommunication or radionavigation service, and whose approval is not suspended or revoked.

technical specification, for a telecommunication service or facility, or a radionavigation service or facility, is a detailed description, that may use technical terms and concepts, of:

- (a) the way in which the service or facility operates and performs its functions; and
- (b) the technical standards to which the service or facility has been designed and manufactured.

Example

The technical specification of a particular kind of radionavigation service may include its frequency band, channel spacing, frequency tolerance, effective radiated transmitter power, antenna type and gain, effective radiated power and radial phase modulation.

Regulation 171.012

technician means a person who is engaged by a service provider to do 1 or more of the following:

- (a) operate a facility;
- (b) maintain a facility;
- (c) conduct measurements of the performance of, and calibration of, a facility during a flight inspection.

(2) For this Part:

- (a) a telecommunication or radionavigation service is provided using 1 or more ***facilities*** at 1 or more locations, each facility consisting of:
 - (i) 1 item of equipment; or
 - (ii) items of interconnected equipment; at a particular location; and
- (b) a service is ***interrupted*** if, during its operating hours:
 - (i) it is not operating because it has failed or has been suspended; or
 - (ii) it is operating outside its technical specification.

171.012 Meaning of *telecommunication service*

- (1) In this Part, ***telecommunication service*** means any of the following:
 - (a) 1 or both of the following, within the meaning given for each in Volume II of Annex 10 to the Chicago Convention:
 - (i) an aeronautical broadcasting service;
 - (ii) an aeronautical fixed service;
 - (b) an aeronautical mobile service, within the meaning given in Volume II of Annex 10 to the Chicago Convention, that is used to support an air traffic service of a kind mentioned in Annex 11 to the Chicago Convention;
 - (c) any system that processes or displays air traffic control data.
- (2) However, none of the following is a ***telecommunication service***:

- (a) an aerodrome weather information broadcast service (within the meaning in AIP);
- (b) a certified air/ground radio service at an aerodrome;
- (c) a frequency confirmation system at an aerodrome;
- (d) pilot activated lighting (within the meaning in AIP) at an aerodrome;
- (e) a UNICOM service (within the meaning in AIP).

171.015 Person not to provide service without approval

- (1) A person that is not a service provider must not provide a telecommunication or radionavigation service.

Penalty: 50 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.

Note For **strict liability**, see section 6.1 of the *Criminal Code*.

171.017 Issue of Manual of Standards

- (1) CASA may issue a Manual of Standards for this Part that provides for the following matters:
 - (a) standards relating to the procedures, systems and documents required for the provision of a radionavigation service or a telecommunication service;
 - (b) standards for facilities and equipment used to provide a radionavigation service or a telecommunication service;
 - (c) standards, including competency standards and minimum qualifications, for a technician or, if a service provider is an individual, a service provider;
 - (d) any matter required or permitted by the regulations to be provided for by the Manual of Standards;
 - (e) any matter necessary or convenient to be provided for the effective operation of this Part.

Note A Manual of Standards is a legislative instrument — see subsections 98 (5A) and (5B) of the Act and subparagraph 6 (d) (i) of the *Legislative Instruments Act 2003*. It must be registered in accordance with the latter Act and must be tabled in both Houses of the Parliament within 6 sitting days after its making.

Regulation 171.020

- (2) CASA must give a copy of a notice about a Manual of Standards for this Part (being a notice referred to in subregulation 11.275 (3) or regulation 11.280) to each service provider.

Note Subpart 11.J (including regulations 11.275 and 11.280) sets out procedures for the issue, amendment and revocation of a MOS.

Subpart 171.B Approval of service providers

171.020 Application

- (1) A person is eligible to apply for approval as a provider of a telecommunication service or a radionavigation service, or both, if the person is any of the following:
- (a) the Commonwealth;
 - (b) AA;
 - (c) a person who is to provide a telecommunication service, a radionavigation service, or both:
 - (i) in cooperation with AA, in accordance with paragraph 11 (3) (b) of the *Air Services Act 1995*; or
 - (ii) by arrangement with AA, in accordance with paragraph 11 (3) (c) of the *Air Services Act 1995*.
- (2) An application must be in writing, and must include:
- (a) the applicant's name and address; and
 - (b) a copy of the applicant's operations manual, prepared as if the applicant were a service provider; and
 - (c) a statement, prepared by referring to the list of services in the Manual of Standards, showing each kind of telecommunication or radionavigation service for which the application is being made; and
 - (d) a statement of the intended location and coverage of each service.
- (3) If an application is made to provide a telecommunication or radionavigation service that would not comply with 1 or more of the standards set out in:
- (a) Annexes 10, 11 and 14 to the Chicago Convention; and

- (b) the Manual of Standards;
the application must also describe the reasons for, and consequences of, the non-compliance.

171.025 If applicant is a corporation

- (1) For regulation 171.020, if the applicant is a corporation, the application must include:
 - (a) the applicant's registered address and ACN; and
 - (b) the names and addresses of its officers.
- (2) In paragraph (1) (b), *officers* of an applicant:
 - (a) if the applicant concerned is incorporated under the Corporations Law — has the meaning given by section 82A of that Law; and
 - (b) in the case of any other applicant — means the people responsible for its management and control, and includes anybody with whose directions or wishes the applicant ordinarily complies.

Note See Subpart 171.E for provisions about administration of applications.

Subpart 171.C Obligations and privileges of service provider

171.030 Service by provider

- (1) A telecommunication or radionavigation service must be provided in accordance with:
 - (a) the approval; and
 - (b) the service provider's operations manual.
- (2) Subregulation (1) does not apply to:
 - (a) a test transmission made in accordance with regulation 171.055; or
 - (b) a telecommunication or radionavigation service provided in an emergency.

Regulation 171.035

171.035 Changes by service provider to service

- (1) This regulation applies if a service provider wants to make a change to its telecommunication or radionavigation service (including by providing an additional service):
 - (a) the effect of which would be that the provider's telecommunication or radionavigation service would no longer be in accordance with the certificate issued to the provider under regulation 171.250; or
 - (b) that requires prior notification to CASA because of a requirement to do so in the safety management system prepared in accordance with regulation 171.086.
- (2) Before making the change the service provider must:
 - (a) prepare a draft amendment of the operations manual that reflects the proposed change; and
 - (b) send a copy of the draft amendment to CASA.
- (2A) A service provider that complies with subregulation (2) in relation to making a change is taken to have applied for the approval of the proposed change under Subpart 171.E.
- (3) If CASA approves the draft amendment of the manual, the provider may:
 - (a) incorporate the amendment into the manual; and
 - (b) after approval of the change comes into effect in accordance with regulation 171.210, make the change.

171.040 Changes by service provider to operations manual

A provider may change its operations manual without changing its service if it sends CASA a copy of the amendment to the manual.

171.050 Technicians

- (1) A service provider must ensure that each technician is competent and holds the qualifications specified in the Manual of Standards for a technician of that kind.

- (2) In particular, the provider must ensure that each technician has been:
 - (a) appropriately trained; and
 - (b) assessed as competent by a person who is qualified in accordance with the standard set out in the Manual of Standards.
- (3) A service provider must give each technician a certificate that:
 - (a) names the technician; and
 - (b) describes the operation and maintenance functions that the technician may perform; and
 - (c) describes the kinds of facility or facilities for which the technician is authorised to perform those functions; and
 - (d) states the period during which the certificate is effective.

171.055 Test transmissions

A service provider may make a test transmission if:

- (a) the transmission is necessary to test a service, facility or equipment; and
- (b) the provider takes any one or more of the following precautions:
 - (i) a reasonable time before commencing the transmission, the provider tells AIS about the transmission;
 - (ii) at the commencement of the transmission, the service provider identifies the transmission as a test transmission;
 - (iii) the transmission contains information identifying it as a test transmission.

171.065 Interruption to service

- (1) This regulation applies if a telecommunication or radionavigation service is interrupted or if the service provider knows that the service is to be interrupted.
- (2) If the service is published in an AIP the service provider must tell AIS about the interruption.

Regulation 171.070

- (3) If it is practicable to do so the service provider must tell users of the service about the interruption.

171.070 Test equipment

A service provider's facility or facilities must be tested and maintained using test equipment that is maintained and calibrated in accordance with the standards in the Manual of Standards.

171.075 Documents to be maintained

- (1) The following documents must be maintained by a service provider:
- (a) the operations manual;
 - (b) any technical manual used by the service provider at the facility;
 - (c) any documents of a kind listed in the Manual of Standards that relate to the provider's service.
- (2) For subregulation (1), a document is ***maintained***, if it:
- (a) includes all amendments (other than draft amendments prepared for regulation 171.035); and
 - (b) bears the date of:
 - (i) the creation of the document; or
 - (ii) for a revised document — the most recent revision of the document; and
 - (c) is available to the personnel who must refer to the document; and
 - (d) identifies the person who authorised the creation and any revision of the document.
- (3) For paragraph (1) (b), a ***technical manual*** means a document, other than the operations manual, that contains technical information about the operation and maintenance of a facility.

Example

An equipment manufacturer's instruction book.

- (4) A service provider must ensure that:
 - (a) a master copy of each document mentioned in this regulation is kept safely; and
 - (b) copies of documents are kept in a form that enables amendments to be made; and
 - (c) any document that has been replaced can not be used by mistake.

171.080 Records

- (1) A service provider must retain each document that:
 - (a) is given to or is created by or for the service provider; and
 - (b) could relate to aviation safety; and
 - (c) helps provide a history of events that relate to the design, installation, testing, operation, maintenance, modification or repair of, or changes to, each facility.
- (2) A document for subregulation (1) includes any record of a kind mentioned in the Manual of Standards that is given to, or created by or for, the provider.

Examples

Records of the operational performance of a service, changes to the configuration of a facility, records showing software upgrades, or records of commissioning procedures.

- (3) A document retained for this regulation must be:
 - (a) stored so it can be retrieved if needed for an aviation safety investigation; and
 - (b) retained for at least 5 years.

171.085 Security program

- (1) A service provider must have, and put into effect, the security program set out in the operations manual.
- (2) The security program must be in accordance with the standards set out in the Manual of Standards.

Regulation 171.086

171.086 Safety management system

- (1) A service provider must have, and put into effect, a safety management system that includes the policies, procedures, and practices necessary to safely provide the telecommunication and radionavigation services permitted under its approval.
- (2) The safety management system must be in accordance with the standards set out in the Manual of Standards.
- (3) The service provider must keep its safety management system under review and must take such corrective action as is necessary to ensure that it operates properly.

Subpart 171.D Contents of operations manual

171.090 Operations manual to contain or refer to information

- (1) An operations manual must contain the information mentioned in this Subpart that applies to each telecommunication or radionavigation service and kind of facility of the service provider.
- (2) A requirement under this Subpart to include particular information in an operations manual may be satisfied by referring, in the manual, to that information in another document held by the service provider.

Example

An equipment manufacturer's technical manual.

171.095 Organisation and management of service provider

An operations manual must include an organisation chart of the service provider that shows:

- (a) the names, relevant qualifications, relevant experience and positions of the key personnel; and
- (b) the number of technicians who will provide each service; and
- (c) whether the people mentioned in paragraphs (a) and (b) are employees.

171.100 Way in which standards are met

- (1) An operations manual must:
 - (a) contain each standard that relates to the design, installation, testing, operation or maintenance of the service provider's services and facilities; and
 - (b) explain how each standard is met.
- (2) For subregulation (1):

standards means any of the following standards that apply to the service or facility:

 - (a) an ICAO standard;
 - (b) a standard set out in Annex 10 to the Chicago Convention;
 - (c) a standard in the Manual of Standards;
 - (d) any other standard included in the operations manual.

171.105 Functional specification and performance values of services

- (1) An operations manual must include:
 - (a) the functional specification of each of the service provider's telecommunication or radionavigation services; and
 - (b) the values or characteristics for each of the following that apply to the service:
 - (i) availability;
 - (ii) reliability;
 - (iii) accuracy;
 - (iv) integrity.
- (2) The values mentioned in paragraph (1) (b) must be derived or measured from either or both of:
 - (a) the configuration of each service; and
 - (b) the known performance of each service.
- (3) An operations manual must also describe the method used to calculate each of the values.

Regulation 171.110

- (4) For a radionavigation service, the integrity values or characteristics must be given for each kind of navigation aid facility that forms part of the service.

171.110 Technical description

An operations manual must describe, for each telecommunication or radionavigation service provided:

- (a) the kind and location of each facility; and
- (b) the technical specification of each kind of facility; and
- (c) how each facility interconnects with any other facility or service; and
- (d) the way in which the service provider monitors each facility to ensure that it is operating in accordance with its technical specification.

171.115 Safe operation

- (1) An operations manual must describe the following:
 - (a) the procedure that records the way in which each telecommunication or radionavigation service and each related facility is configured at any time;
 - (b) the procedure used to design each facility and each item of equipment so that it provides a safe service;
 - (c) the procedure that ensures that the design of, or changes to, a service or facility are authorised by a person who is qualified and competent to do so;
 - (d) the method to be used to specify any changes to a service or facility, and to design, test and implement those changes;
 - (e) the procedure to be used to commission a new service or facility;
 - (f) the system to be used to maintain a record of the operational performance of a service;
 - (g) the procedure to be used to monitor the performance of each service and facility, and to compare the results with the appropriate technical specification;

Regulation 171.120

- (h) the procedure to be used if a service fails or a facility fault occurs, including the way in which the failure or fault is to be reported and rectified;
 - (i) the procedure to be used to report and rectify any defects found during operation and maintenance of the facility;
 - (j) the procedure to be used to:
 - (i) detect and correct any latent defects in equipment; and
 - (ii) change software to adapt to any changes to the configuration of hardware; and
 - (iii) change the design of equipment or facilities to adapt to any change to the functional or technical specification.
- (2) For subparagraph (1) (j) (ii), **software** includes any form of data or instructions for an electronic device.

171.120 Facility operation and maintenance plan

- (1) For this regulation:
- flight inspection** means a test of the accuracy, coverage or any other aspect of the performance of a service or facility conducted by using test equipment on board an aircraft in flight.
- (2) An operations manual must contain, for each kind of facility, an operation and maintenance plan that includes the following:
- (a) the procedures used for maintenance, including the procedures used for repair;
 - (b) a description of the system used to schedule maintenance;
 - (c) the interval between performance inspections and the method used to determine the interval;
 - (d) a copy of the operating and maintenance instructions for the facility;
 - (e) an analysis of the workload of technicians and key personnel that takes into account the numbers of these people and their qualifications;
 - (f) if 1 or more flight inspections are necessary:

Regulation 171.125

- (i) the standards and procedures used for flight inspections; and
- (ii) the interval between flight inspections; and
- (iii) the identity of the person or persons who will conduct flight inspections.

171.125 Safety management system

An operations manual must include information about the safety management system set out in regulation 171.086.

171.140 Test equipment

An operations manual must describe the procedures to maintain and calibrate test equipment.

171.145 Interruption to service

- (1) An operations manual must:
 - (a) describe the procedure to be used if a telecommunication or radionavigation service is interrupted; and
 - (b) specify an acceptable recovery time for each service; and
 - (c) describe the procedure to be used if the acceptable recovery time of a service is exceeded; and
 - (d) if there is a method to provide an alternative service if a service is interrupted — describe the method.
- (2) Paragraph (1) (d) does not apply if, under an ATS agreement, an ATS provider is to arrange the alternative service.

171.150 Document control

An operations manual must describe the system by which documents mentioned in regulation 171.080 are stored and retrieved.

171.155 Security program

An operations manual must describe the security program mentioned in regulation 171.085.

171.160 Changes to procedures

An operations manual must describe the method by which changes are made to the operation and maintenance procedures.

Subpart 171.E Administration

Note This Subpart is an interim measure while a separate Part dealing with administration rules is being developed.

171.165 Joint applications not permitted

- (1) An application purportedly made by 2 or more persons jointly is not a valid application for any purpose.
- (2) An application purportedly made by a partnership is not a valid application for any purpose.

171.170 CASA may ask for demonstration of service

- (1) When considering an application for approval, CASA may ask the applicant in writing to demonstrate its telecommunication or radionavigation service.
- (2) If CASA asks for a demonstration under subregulation (1), CASA need not begin to consider, or may stop considering, the application until the service has been demonstrated.

171.175 CASA can ask applicant to provide more information

- (1) If CASA reasonably needs more information or another document to allow it to consider an application, CASA may ask the applicant in writing to give it information, or a copy of a document, specified in the request.
- (2) If CASA asks for more information, or a copy of a document, under subregulation (1), CASA need not begin to consider, or may stop considering, the application until the applicant gives it the information or copy.

Regulation 171.180

171.180 Matters that CASA may or must take into account

- (1) In making a decision on an application, CASA may take into account:
 - (a) anything in the application or in any other document submitted by the applicant; and
 - (b) the results of any demonstration of a service; and
 - (c) anything in its records about the applicant.
- (2) However, before taking into account anything in its records about an applicant, CASA must:
 - (a) tell the applicant in writing that it intends to do so, and the substance of what CASA intends to take into account; and
 - (b) invite the applicant in writing to make a written submission about the matter within a specified reasonable time.
- (3) If the applicant makes a written submission within the specified time, CASA must take the submission into account.

171.185 When CASA must grant an approval

Subject to section 30A of the Act, if a person has applied for the grant of an approval CASA must grant the approval if:

- (a) the person satisfies the requirements for the grant of the approval; and
- (b) any other requirements for the grant of the approval by or under these Regulations by or in relation to the person are satisfied; and
- (c) no provision of these Regulations forbids CASA to grant the approval, or makes the person ineligible for the grant of the approval; and
- (d) granting the approval would not be likely to have an adverse effect on the safety of air navigation.

171.190 When decision must be made

If CASA does not make a decision about an application within 90 days after receiving it, CASA is taken to have refused the application.

171.195 Decision-making period may be extended

- (1) If CASA makes a request under regulation 171.175, the time between when CASA makes the request, and when the applicant gives CASA the information or copy requested, does not count towards the period mentioned in regulation 171.190.
- (2) Also, if CASA invites an applicant to comment under paragraph 171.180 (2) (b), the time between when CASA gives the invitation and when the applicant comments does not count towards the period mentioned in regulation 171.190.

171.200 Notice of decision

After making a decision on an application for an approval, CASA must tell the applicant in writing, as soon as practicable:

- (a) the decision; and
- (b) if the decision was to refuse the application, or to grant the approval subject to a condition not sought by the applicant — the reasons for the decision.

171.205 Approvals

- (1) CASA may approve an application only if CASA approves the applicant's draft operations manual.
- (2) CASA may approve an application subject to 1 or more conditions, including a condition that restricts:
 - (a) the kind of telecommunication or radionavigation service to be provided; or
 - (b) the way in which a service is provided; or
 - (c) the coverage of a service; or
 - (d) the time during which a service is provided.
- (3) In particular, CASA may impose, on an approval, any condition necessary to give effect to an arrangement mentioned in subsection 11 (3) of the *Air Services Act 1995*.

171.210 When approval comes into effect

An approval comes into effect on the date of the notice of the decision.

Regulation 171.220

171.215 CASA's power to vary condition of approval

- (1) If necessary in the interests of the safety of air navigation, CASA may impose a condition on, or vary a condition of, an approval.
- (2) CASA must give the service provider written notice of the imposition or variation, and must specify a reasonable period within which the approval holder may make a submission in relation to the imposition or variation.
- (3) Unless CASA withdraws the condition or variation, the condition or variation has effect at:
 - (a) the end of that period; or
 - (b) a later time stated for the purpose in the notice.

171.220 Suspension and cancellation of approvals

- (1) CASA may state, in a show cause notice, that an approval is suspended if CASA reasonably considers that not suspending the approval would be likely to have an adverse effect on the safety of air navigation.

Note Regulation 201.004 provides for review of certain decisions by the Administrative Appeals Tribunal.

- (2) If a show cause notice states that the approval is suspended:
 - (a) if the approval is already suspended when the show cause notice is given to the holder — the approval continues to be suspended until CASA revokes the suspension, or the suspension lapses under subregulation (4); or
 - (b) the approval is suspended from when the notice is given to the holder.
- (3) CASA may revoke the suspension at any time.
- (4) If CASA has not cancelled the approval within 3 months after the day the show cause notice is given to the service provider, the suspension lapses at the end of that period.

171.225 Notice to approval holder to show cause

- (1) CASA may give an approval holder a show cause notice if there are reasonable grounds for believing that there are facts or circumstances that amount to grounds for the cancellation of the approval.
- (2) A show cause notice must:
 - (a) tell the approval holder of the facts and circumstances that justify the cancellation of the approval; and
 - (b) invite the holder to show in writing, within a reasonable period stated in the notice, why the approval should not be cancelled.
- (3) For paragraph (2) (b), the period must not be less than 7 days.

171.230 Grounds for cancellation of approval

It is grounds for the cancellation of an approval if the holder:

- (a) has breached a condition of the approval; or
- (b) has contravened the Act or these Regulations; or
- (c) has otherwise been guilty of conduct that renders the holder's continued holding of the approval likely to have an adverse effect on the safety of air navigation.

Note Regulation 201.004 provides for review of certain decisions by the Administrative Appeals Tribunal.

171.235 Cancellation of approval after show cause notice

- (1) CASA may cancel an approval only if:
 - (a) there exist facts or circumstances that amount to grounds for the cancellation of the approval; and
 - (b) CASA has given the holder a show cause notice in relation to the grounds for the proposed cancellation; and
 - (c) CASA has taken into account any written representations made, within the period stated in the notice, by or on behalf of the holder; and
 - (d) not cancelling the approval would be likely to have an adverse effect on the safety of air navigation.

Regulation 171.237

- (2) Subregulation (1) does not apply in relation to an approval in circumstances in which CASA must cancel the approval.
- (3) If CASA has given a show cause notice to an approval holder, and it decides not to cancel the approval, it:
 - (a) must tell the holder in writing of the decision; and
 - (b) must, if the approval is suspended, revoke the suspension.

171.237 Cancellation if cooperation or arrangement ceases

- (1) CASA must cancel the approval of a person mentioned in subparagraph 171.020 (1) (c) (i) if the cooperation mentioned in that subparagraph ceases.
- (2) CASA must cancel the approval of a person mentioned in subparagraph 171.020 (1) (c) (ii) if the arrangement mentioned in that subparagraph ceases.

171.240 Cancellation at request of service provider

- (1) Despite anything else in this Part, CASA must cancel a service provider's approval if asked to do so, in writing by the provider.
- (2) The cancellation takes effect when the request is given to CASA, or if a later day is stated in the request, on the later day.

171.245 CASA's power to direct variation of manual

- (1) If necessary in the interests of the safety of air navigation, CASA may direct a service provider in writing to vary its operations manual, within a reasonable period specified in the direction, in a way specified in the direction.
- (2) CASA may extend the period by written notice, before or after the end of the period mentioned in subregulation (1).
- (3) If the service provider does not comply with the direction within the period (including any extension of it), the manual is taken to cease to be approved at the end of the period.
- (4) After complying with the direction, the holder must give CASA a copy of the manual as so varied.

171.250 Certificate

- (1) If CASA approves an applicant as a service provider, CASA must issue to the applicant a certificate setting out:
 - (a) what the approval is; and
 - (b) any conditions applicable to it; and
 - (c) when it came into effect, and when it will end (if not sooner cancelled); and
 - (d) any other information CASA thinks should be included.
- (2) CASA may issue a replacement certificate if anything set out on a certificate is no longer correct.
- (3) CASA must issue a replacement certificate if CASA approves, under subregulation 171.035 (3), a draft amendment of the operations manual that requires the provider's certificate to be amended to conform with the approved change.

171.255 Return of certificate if approval ceases

- (1) If an approval ceases, the person that was the service provider must return the certificate to CASA immediately.

Penalty: 1 penalty unit.

Note A person is not guilty of an offence of failing to do something that he or she is not capable of doing: see section 4.2 of the *Criminal Code*.

- (2) An offence against subregulation (1) is an offence of strict liability.

Note For *strict liability*, see section 6.1 of the *Criminal Code*.

- (3) It is a defence to a charge of contravening subregulation (1) that the defendant returned the certificate to CASA as soon as practicable.

Note A defendant bears an evidential burden in relation to the matter mentioned in subregulation (3).

Part 172 Air Traffic Service Providers

Note *This Part is made up as follows:*

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- 172.005 Applicability of this Part
- 172.010 Definitions for this Part
- 172.015 What is an ATS provider
- 172.020 Providing air traffic service without approval
- 172.022 Issue of Manual of Standards

Subpart 172.B Approval as an ATS provider

- 172.024 Applicant for approval as ATS provider
- 172.025 What an application must be accompanied by
- 172.030 When applicant is eligible for approval
- 172.035 Approval subject to conditions
- 172.040 Approval not transferable
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Subpart 172.C Requirements to be complied with by ATS providers

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- 172.160 Reference materials
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Subpart 172.D Telling CASA about changes

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- 172.250 Matters that CASA may or must take into account
- 172.255 Statutory declarations to verify statements in submissions
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- 172.265 When decision must be made
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- 172.285 Applicability of this Division
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Division 172.F.4 Directions to amend provider's operations manual

- 172.300 CASA may direct amendments to provider's operations manual

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- 172.305 Definition for this Division
- 172.310 Suspension of approval by show cause notice
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- 172.327 Cancellation if cooperation or arrangement ceases
- 172.330 Cancellation at request of ATS provider

Subpart 172.A General

172.005 Applicability of this Part

- (1) This Part:
 - (a) applies to a person that wants to become, or is, an ATS provider; and
 - (b) sets out certain administrative rules applying to CASA in its administration of this Part.
- (2) However, this Part does not apply to:
 - (a) a person who is providing an air traffic service in the course of his or her duties for the Defence Force; or
 - (b) any air traffic service provided by the Defence Force.

172.010 Definitions for this Part

In this Part:

airspace authority means:

- (a) the body having the responsibility for making determinations under regulation 5, declarations under regulation 6 and designations under regulation 8 of the *Airspace Regulations 2007*; or
- (b) if another body is given that responsibility under other regulations having the same or similar effect — that body.

air traffic service means an air traffic service of a kind mentioned in Annex 11, other than a certified air/ground radio service at an aerodrome.

Annex 10 means Annex 10 to the Chicago Convention.

Annex 11 means Annex 11 to the Chicago Convention.

certified air/ground radio service, or ***CA/GRS***, in relation to an aerodrome, means an air/ground radio service for the aerodrome certified in accordance with regulation 139.410.

ICAO Doc. 4444 means Doc. 4444-RAC/501 (Procedures for Air Navigation Services – Rules of the Air and Air Traffic Services) approved and published by decision of the Council of the International Civil Aviation Organisation, as in force from time to time.

ICAO Doc. 7030 means Doc. 7030 (Regional Supplementary Procedures) approved and published by decision of the Council of the International Civil Aviation Organisation, as in force from time to time.

Manual of Standards means the document called ‘Manual of Standards (MOS) – Part 172’ issued by CASA under regulation 172.022, as in force from time to time.

provider’s operations manual, in relation to an ATS provider, means the manual maintained by the provider under regulation 172.060.

172.015 What is an ATS provider

An ATS provider is a person approved, under Subpart 172.F, to provide the air traffic services that are covered by the approval.

Regulation 172.020

172.020 Providing air traffic service without approval

- (1) A person that is not an ATS provider must not provide an air traffic service.

Penalty: 50 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.

Note For *strict liability*, see section 6.1 of the *Criminal Code*.

172.022 Issue of Manual of Standards

- (1) CASA may issue a Manual of Standards for this Part that provides for the following matters:

- (a) standards, including procedures, systems and documents used to provide an air traffic service;
- (b) standards for facilities and equipment used to provide an air traffic service;
- (c) standards for the training and checking of an ATS provider's personnel;
- (d) any matter required or permitted by the regulations to be provided for by the Manual of Standards;
- (e) any matter necessary or convenient to be provided for the effective operation of this Part.

Note A Manual of Standards is a legislative instrument— see subsections 98 (5A) and (5B) of the Act and subparagraph 6 (d) (i) of the *Legislative Instruments Act 2003*. It must be registered in accordance with the latter Act and must be tabled in both Houses of the Parliament within 6 sitting days after its making.

- (2) CASA must give a copy of a notice about a Manual of Standards for this Part (being a notice referred to in subregulation 11.275 (3) or regulation 11.280) to each ATS provider.

Note Subpart 11.J (including regulations 11.275 and 11.280) sets out procedures for the issue, amendment and revocation of a MOS.

Subpart 172.B Approval as an ATS provider

172.024 Applicant for approval as ATS provider

A person is eligible to apply for approval as an ATS provider if the person is any of the following:

- (a) the Commonwealth;
- (b) AA;
- (c) a person who is to provide an air traffic service:
 - (i) in cooperation with AA, in accordance with paragraph 11 (3) (b) of the *Air Services Act 1995*; or
 - (ii) by arrangement with AA, in accordance with paragraph 11 (3) (c) of the *Air Services Act 1995*.

172.025 What an application must be accompanied by

An application, under Subpart 172.F, for approval as an ATS provider must be accompanied by:

- (a) a copy of the applicant's operations manual; and
- (b) a written statement setting out air traffic services that the applicant proposes to provide; and
- (c) enough information to identify, for each air traffic service:
 - (i) the location from which the service is proposed to be provided; and
 - (ii) if the service is to be provided within particular airspace allocated to the applicant by the airspace authority — the airspace; and
 - (iii) if the service is to be provided for an aerodrome allocated to the applicant by the airspace authority — the aerodrome; and
- (d) a written statement setting out the hours during which each traffic service is proposed to be available; and
- (e) a written statement describing the arrangements the applicant has made to comply with the requirements of Subpart 172.C.

Regulation 172.030

172.030 When applicant is eligible for approval

For Subpart 172.F, an applicant is eligible to become an ATS provider if the applicant is able to comply with the requirements of Subparts 172.C and 172.D or will be able to do so if the applicant is approved.

172.035 Approval subject to conditions

If an ATS provider's approval is subject to conditions, the provider must comply with the conditions.

172.040 Approval not transferable

An approval is not transferable.

172.045 Certificate under Subpart 172.F

A certificate issued under Subpart 172.F to an ATS provider must, as well as including the information required by that Subpart:

- (a) state the provider's name and address of its principal place of business; and
- (b) list the air traffic services covered by the provider's approval; and
- (c) identify, for each air traffic service:
 - (i) the location from which the service will be provided; and
 - (ii) if the service is to be provided within particular airspace allocated to the provider by the airspace authority — the airspace; and
 - (iii) if the service is to be provided for an aerodrome allocated to the provider by the airspace authority — the aerodrome.

172.050 How long approval remains in force

- (1) An ATS provider's approval:
 - (a) comes into force on the date stated in the certificate issued to the provider under Subpart 172.F; and

- (b) remains in force until it is cancelled.
- (2) However, the approval is not in force during any period of suspension.

172.055 Variation of approvals

- (1) If an ATS provider wants to vary its approval, it must apply to CASA, under Subpart 172.F, for that purpose.
- (2) The application must contain, or have with it, a copy of the proposed variation.
- (3) If CASA approves the application under Subpart 172.F, the variation takes effect:
 - (a) if a day is set out in the written notice given to the applicant under Subpart 172.F — on that day; or
 - (b) if no day is set out — when the notice is given to the provider.

Subpart 172.C Requirements to be complied with by ATS providers

Division 172.C.1 Operations manual

172.060 Operations manual

- (1) An ATS provider must, at all times, maintain an operations manual that complies with the standards set out in the Manual of Standards.
- (2) The provider:
 - (a) must keep the manual in a readily accessible form; and
 - (b) must ensure that each member of its personnel who performs functions in connection with any air traffic service that it provides has ready access to the manual.
- (3) The provider must amend the manual whenever it is necessary to do so to keep it in an up to date form.

Regulation 172.065

- (4) If the provider is given a direction, under regulation 172.300, to amend the manual, the provider must comply with the direction.
- (5) The provider must ensure:
 - (a) that all the amendments are incorporated in all copies of the manual kept by the operator; and
 - (b) that copies of the amendments are given to CASA.

Division 172.C.2 Air traffic service

172.065 Standards for air traffic service

- (1) An ATS provider must ensure that any air traffic service that it provides is provided in accordance with:
 - (a) the standards set out in the Manual of Standards; and
 - (b) the standards set out or referred to in Annex 11, as varied by Gen 1.7 of Part 1 of the AIP.
- (2) However, the provider may deviate from the standards if an emergency, or other circumstance, arises that makes the deviation necessary in the interests of aviation safety.
- (3) As soon as practicable, the provider must tell CASA of the deviation and how long it is likely to last.

172.070 Aeronautical telecommunications procedures

An ATS provider must ensure that any air traffic service that it provides is provided in accordance with:

- (a) the radiotelephony procedures set out in Parts 1 and 2 of the AIP; and
- (b) the procedures for aeronautical telecommunications set out in Volume II of Annex 10, as varied by Gen 1.7 of Part 1 of the AIP.

172.075 ICAO Doc. 4444 and ICAO Doc. 7030

- (1) An ATS provider must ensure that any air traffic service that it provides is provided in accordance with the procedures and rules set out in ICAO Doc. 4444, as varied by Gen 1.7 of Part 1 of the AIP.
- (2) If a regional supplementary procedure set out in ICAO Doc. 7030 relates to an air traffic service that the provider provides, the provider must also ensure that the service is provided in accordance with that procedure.
- (3) However, the provider may deviate from a procedure or rule mentioned in subregulation (1), or a regional supplementary procedure mentioned in subregulation (2), if an emergency, or other circumstance, arises that makes the deviation necessary in the interests of aviation safety.
- (4) As soon as practicable, the provider must tell CASA of the deviation and how long it is likely to last.

172.080 Compliance with provider's operations manual

An ATS provider must ensure that any air traffic service that it provides is provided in accordance with its provider's operations manual.

172.085 Priority of standards

If, apart from this regulation, an ATS provider would be required by this Division to ensure that any air traffic service that it provides is provided in accordance with a standard in the Manual of Standards and a standard in Annex 11, as varied by Gen 1.7 of Part 1 of the AIP, and it is not possible to comply with both standards, the provider is only required to ensure that the service is provided in accordance with the standard in the Manual.

172.090 Priority of inconsistent procedures

- (1) In this regulation:
procedure includes rules.

Regulation 172.095

- (2) If, apart from this regulation, an ATS provider would be required by this Division to ensure that any air traffic service that it provides is provided in accordance with 2 or more procedures that are inconsistent, the provider is only required to ensure that the service is provided in accordance with whichever of the procedures has the highest priority.
- (3) For this regulation, 2 or more procedures are inconsistent if:
 - (a) it is not possible to comply with both or all of the procedures; or
 - (b) they require the same, or substantially similar, action to be taken at different times or in a different way.
- (4) The order of priority of a procedure is as follows (starting with those of highest priority):
 - (a) procedures in Parts 1 and 2 of the AIP;
 - (b) procedures for aeronautical telecommunications in Volume II of Annex 10, as varied by Gen 1.7 of Part 1 of the AIP;
 - (c) procedures in ICAO Doc. 7030;
 - (d) procedures in ICAO Doc. 4444, as varied by Gen 1.7 of Part 1 of the AIP;
 - (e) any procedures in the provider's operations manual.

Division 172.C.3 Standards for facilities and equipment

172.095 Facilities and equipment

- (1) An ATS provider must, at all times, make available for use by its personnel the equipment and facilities necessary for providing, in accordance with the standards set out in the Manual of Standards, the air traffic services covered by its approval.
- (2) The equipment must include equipment of the kinds specified in the Manual of Standards.
- (3) Any equipment and facilities mentioned in chapter 6 of Annex 11 that the provider uses in providing an air traffic service must comply with the standards of that chapter.

- (4) If the provider uses a control tower in providing an air traffic service, the provider must ensure the control tower is designed, sited, constructed, equipped and maintained in accordance with the standards set out in the Manual of Standards.

Division 172.C.4 Organisation and personnel

172.100 Definition for this Division

In this Division:

trained, in relation to a member of an ATS provider's personnel, means trained in accordance with any relevant requirements set out in the provider's training and checking program mentioned in regulation 172.140.

172.105 Organisation

An ATS provider must, at all times, maintain an appropriate organisation with a sound and effective management structure to enable it to provide, in accordance with the standards set out in the Manual of Standards and the standards set out or referred to in Annex 11, the air traffic services covered by its approval.

172.110 Personnel

An ATS provider must have, at all times, enough suitably qualified and trained personnel to enable it to provide, in accordance with the standards set out in the Manual of Standards and the standards set out or referred to in Annex 11, the air traffic services covered by its approval.

172.115 Supervisory personnel

An ATS provider must have, at all times, enough suitably qualified and trained personnel who are able to supervise the provision of any air traffic service that it provides.

Regulation 172.120

172.120 Qualifications for certain personnel

- (1) An ATS provider must not give to a person responsibility for an air traffic control function to be performed in connection with any air traffic service that it provides unless:
 - (a) CASA has authorised the person to perform the function under regulation 65.035; or
 - (b) the person holds an ATC licence with a rating for the function and an endorsement for the controlled aerodrome for which, or the airspace in relation to which, the person performs the function; or
 - (c) the person performs the function under the supervision of another person who holds an ATC licence with a rating for the function and an endorsement for the controlled aerodrome for which, or the airspace in relation to which, the person performs the function.
- (2) The provider must not give to a person responsibility for a flight service function to be performed in connection with any air traffic service that it provides unless:
 - (a) CASA has authorised the person to perform the function under regulation 65.050; or
 - (b) the person holds a flight service licence with a rating for the function and an endorsement for the aerodrome for which, or the airspace in relation to which, the person performs the function; or
 - (c) the person performs the function under the supervision of another person who holds a flight service licence with a rating for the function and an endorsement for the aerodrome for which, or the airspace in relation to which, the person performs the function.
- (3) The provider must not give to a person responsibility for an air traffic control function to be performed in connection with any air traffic service that it provides if the person is subject to a direction under regulation 65.255.
- (4) The provider must not give to a person responsibility for a flight service function to be performed in connection with any air traffic service that it provides if the person is subject to a direction under regulation 65.255.

Division 172.C.5 Arrangements to maintain service

172.125 Agreements with service providers

- (1) In this regulation:
service provider means a person:
 - (a) that is approved, under Part 171, to provide a telecommunication service, radionavigation service, or both; and
 - (b) whose approval is in force.
- (2) An ATS provider (other than an ATS provider that is also a service provider) must have an agreement with a service provider for any telecommunication service or radionavigation service that the service provider provides to the ATS provider.
- (3) An agreement, under subregulation (2), must be in accordance with the standards set out in the Manual of Standards.

172.130 Agreements with aerodrome operators

- (1) In this regulation:
vehicle includes boat.
- (2) If an ATS provider (other than an ATS provider that is also an aerodrome operator) provides an air traffic service for a controlled aerodrome, the provider must have an agreement with the aerodrome operator covering the arrangements for controlling aircraft, vehicles and people on the manoeuvring area of the aerodrome.
- (3) An agreement, under subregulation (2), must be in accordance with the standards set out in the Manual of Standards.

172.135 Arrangements for transfer of information

- (1) An ATS provider must have, at all times, adequate arrangements to ensure that it gets, and will continue to get, the services and information necessary to provide the air traffic services covered by its approval.

Regulation 172.140

- (2) The provider must have, at all times, adequate arrangements to ensure that it is able, and will continue to be able, to provide information in connection with any of those air traffic services to another person whose duties or functions reasonably require that information.

Division 172.C.6 Management

172.140 Training and checking program

An ATS provider must, at all times, provide a training and checking program, in accordance with the Manual of Standards, to ensure that each member of its personnel who performs functions in connection with any air traffic service that it provides is competent to perform those functions.

172.145 Safety management system

- (1) An ATS provider must have, and put into effect, a safety management system that includes the policies, procedures, and practices necessary to provide the air traffic services covered by its approval safely.
- (2) The safety management system must be in accordance with the standards set out in the Manual of Standards.
- (3) The provider must keep under review its safety management system and take such corrective action as is necessary to ensure that it operates properly.

172.150 Contingency plan

- (1) An ATS provider must have a contingency plan, in accordance with the standards set out in the Manual of Standards, of the procedures to be followed if, for any reason, an air traffic service being provided by it is interrupted.
- (2) The plan must include:
 - (a) the actions to be taken by the members of the provider's personnel responsible for providing the service; and
 - (b) possible alternative arrangements for providing the service; and

- (c) the arrangements for resuming normal operations for the service.

172.155 Security program

- (1) An ATS provider must have, and put into effect, a security program that sets out the procedures designed to protect its personnel, and any facility and equipment that it uses, in providing any of its air traffic services.
- (2) The security program must be in accordance with the standards set out in the Manual of Standards.

Division 172.C.7 Reference materials, documents, records and log books

172.160 Reference materials

- (1) An ATS provider must maintain the following reference materials:
 - (a) copies of the Act and these Regulations;
 - (b) copies of Annex 11 and Volume II of Annex 10;
 - (c) a copy of ICAO Doc. 4444;
 - (d) if a regional supplementary procedure set out in ICAO Doc. 7030 relates to an air traffic service that the provider provides — a copy of ICAO Doc. 7030;
 - (e) a copy of the parts of the AIP that are relevant to any air traffic services that it provides;
 - (f) the Manual of Standards;
 - (g) all manuals and documents specified in the Manual of Standards;
 - (h) a copy of any instruction issued by it to its personnel in relation to the provision of its air traffic services.
- (2) The provider must keep the reference materials up to date and in a readily accessible form.
- (3) The provider's personnel who perform functions in connection with any air traffic service that the provider provides must have ready access to the reference materials.

Regulation 172.165

172.165 Documents and records

- (1) An ATS provider must keep documents and records of the kinds specified in the Manual of Standards.
- (2) A document or record must be retained for as long as the Manual specifies for the particular kind of document or record.
- (3) The provider must, at CASA's request, make the documents and records, or copies of them or extracts from them, available for inspection by CASA.

172.170 Document and record control system

- (1) An ATS provider must establish, and put into effect, a system for controlling documents and records relating to the air traffic services that it provides, including the policies and procedures for making, amending, preserving and disposing those documents and records.
- (2) The system must be in accordance with the standards set out in the Manual of Standards.
- (3) The documents and records must include the documents and records required to be kept under regulation 172.165.

172.175 Logbooks

- (1) An ATS provider must keep, for each air traffic service that it provides from a particular location, a logbook in accordance with the standards set out in the Manual of Standards.
- (2) The provider must ensure that information of the kinds mentioned in the Manual is recorded in each logbook.
- (3) The provider must, at CASA's request, make each logbook, or a copy of it or an extract from it, available for inspection by CASA.

Division 172.C.8 Notice of air traffic service

172.180 Availability of air traffic service

- (1) An ATS provider must give to the Aeronautical Information Service details of each air traffic service that it provides in particular airspace, or for a particular aerodrome, including the hours during which the service is available.
- (2) An ATS provider must tell the Aeronautical Information Service about changes, interruptions or the unavailability of any of its air traffic services, if it is practicable to do so.

Subpart 172.D Telling CASA about changes

172.185 Advice on organisational changes

An ATS provider must tell CASA, in writing, of a change of circumstances that materially affects its capacity to provide any of its air traffic services within 7 days after the change occurs.

172.190 Discontinuing air traffic service

- (1) An ATS provider must not discontinue an air traffic service that it provides, unless it has given CASA at least 7 days written notice that the service is to be discontinued.
- (2) Subregulation (1) does not apply if, having regard to the provider's circumstances:
 - (a) it was not reasonably practicable for the provider to give to CASA at least 7 days notice; and
 - (b) the provider gives the notice as soon as reasonably practicable before, on or after the day when the service is discontinued.

Regulation 172.195

Subpart 172.E Miscellaneous

172.195 ATS provider must not provide unauthorised air traffic service

An ATS provider must not provide an air traffic service unless its approval:

- (a) is in force; and
- (b) covers that service.

Subpart 172.F Administration

Note This Subpart is an interim measure while a separate Part dealing with administration rules is being developed.

Division 172.F.1 Preliminary

172.200 Applicability of this Subpart

This Subpart:

- (a) sets out certain administrative rules applying to CASA in its administration of this Part; and
- (b) includes certain generic provisions applying to anyone who wants to become, or is, an ATS provider.

Division 172.F.2 Approvals

172.205 Joint applications not permitted

- (1) An application purportedly made by 2 or more persons jointly is not a valid application for any purpose.
- (2) An application purportedly made by a partnership is not a valid application for any purpose.

172.210 How to apply — application by individual applicant

- (1) An individual must apply for approval as an ATS provider in the way set out in this regulation.

Regulation 172.220

- (2) The application must be in writing.
- (3) The application:
 - (a) must include any information required by or under these Regulations; and
 - (b) must be accompanied by any document required by or under these Regulations.

172.215 How to apply — application by corporation etc

- (1) A legal person other than an individual must apply for approval as an ATS provider in the way set out in this regulation.
- (2) The application must be in writing.
- (3) The application:
 - (a) must set out the applicant's registered address and ACN; and
 - (b) must give the names and addresses of its officers; and
 - (c) must include any other information required by or under these Regulations; and
 - (d) must be accompanied by any document required by or under these Regulations.
- (4) In paragraph (3) (b):
 - officers* of an applicant:
 - (a) if the applicant concerned is incorporated under the Corporations Law — has the meaning given by section 82A of that Law; and
 - (b) in the case of any other applicant — means the people responsible for its management and control, and includes anybody with whose directions or wishes the applicant ordinarily complies.

172.220 Who to apply to

An application must be made to CASA.

Regulation 172.225

172.225 Application for approval cancelled previously

If an applicant for approval as an ATS provider has previously been approved as an ATS provider, and the approval was cancelled for a reason mentioned in regulation 172.315, the applicant must include with the application any available evidence tending to show that the applicant could now properly provide the air traffic services that it proposes to provide.

172.230 CASA may require demonstrations of procedures or equipment

- (1) CASA may ask an applicant, in writing, to conduct demonstrations of its procedures or equipment to assess whether the applicant can properly provide the air traffic services that it proposes to provide.
- (2) The request must describe the demonstrations that the applicant is required to conduct.
- (3) The demonstrations must be conducted under the observations of an officer authorised by CASA in writing for that purpose.
- (4) If CASA asks an applicant to conduct a demonstration under subregulation (1), CASA need not begin to consider, or may stop considering, the application until the applicant conducts the demonstration.

172.235 Other things CASA can ask individual applicant to do — interview

- (1) CASA may ask an individual who is an applicant, in writing, to come to a specified reasonable place at a specified reasonable time to be interviewed.
- (2) If CASA asks an applicant to come for interview, under subregulation (1), CASA need not begin to consider, or may stop considering, the application until the applicant participates in the interview.

**172.240 Other things CASA can ask applicant to do —
provide more information**

- (1) If CASA reasonably needs more information or another document to allow it to consider an application, CASA may ask the applicant in writing to give it information, or a copy of a document, specified in the request.
- (2) If CASA asks for more information, or a copy of a document, under subregulation (1), CASA need not begin to consider, or may stop considering, the application until the applicant gives it the information or copy.

172.245 Statutory declarations to verify applications

- (1) CASA may ask an applicant, in writing, to verify, by statutory declaration, any statement in an application.
- (2) If CASA asks an applicant to verify a statement under subregulation (1), CASA need not begin to consider, or may stop considering, the application until the applicant gives it the statutory declaration.

172.250 Matters that CASA may or must take into account

- (1) In making a decision on an application, CASA may take into account:
 - (a) anything in the application or in any other document submitted by the applicant; and
 - (b) anything in its records about the applicant; and
 - (c) the contents of any statutory declaration made by the applicant, or an officer of the applicant, under regulation 172.245; and
 - (d) any demonstration of procedures or equipment conducted by the applicant under regulation 172.230.
- (2) However, before taking into account anything in its records about an applicant, CASA must:
 - (a) tell the applicant, in writing, that it intends to do so, and the substance of what CASA intends to take into account; and

Regulation 172.255

- (b) invite the applicant, in writing, to make a written submission about the matter within a specified reasonable time.
- (3) If the applicant makes a written submission within the specified time, CASA must take the submission into account.
- (4) When deciding whether to approve an applicant previously approved as an ATS provider and whose approval was cancelled under regulation 172.325, CASA must take into account:
 - (a) the fact of the cancellation; and
 - (b) the reasons for the cancellation; and
 - (c) any evidence of the kind mentioned in regulation 172.225 that the applicant submits.

172.255 Statutory declarations to verify statements in submissions

- (1) CASA may ask an applicant, in writing, to verify any statement in a submission under subregulation 172.250 (3) by statutory declaration.
- (2) CASA must, in making a decision on the application concerned, take such a submission into account.
- (3) If CASA asks an applicant to verify a statement under subregulation (1), CASA need not begin to consider, or may stop considering, the application until the applicant gives it the statutory declaration.

172.260 When CASA must approve an applicant

- (1) Subject to section 30A of the Act, if an applicant has applied for approval as an ATS provider in accordance with this Part, CASA must approve the applicant if:
 - (a) the applicant is eligible to be approved; and
 - (b) any other requirements for the approval by or under these Regulations by or in relation to the applicant are satisfied; and

Regulation 172.265

- (c) no provision of these Regulations forbids CASA to approve the applicant, or makes the applicant ineligible for the approval; and
 - (d) approving the applicant would not be likely to have an adverse effect on the safety of air navigation.
- (2) CASA may approve the applicant for only some of the air traffic services sought in the application.
 - (3) However, CASA must refuse an application for an approval for an air traffic service to be provided in particular airspace, or for a particular aerodrome, if anyone else who is an ATS provider already provides that service in that airspace or for that aerodrome.
 - (4) CASA may approve the applicant subject to any condition necessary in the interests of the safety of air navigation.

172.265 When decision must be made

- (1) If CASA does not make a decision about an application within the period mentioned in subregulation (2) after receiving it, CASA is taken to have refused the application.
- (2) The period is 6 months.
- (3) However, if CASA makes a request under regulation 172.230, 172.235 or 172.240, the time between when CASA makes the request, and when the applicant conducts the demonstration, comes in for interview, or gives CASA the information or copy requested, does not count towards the period.
- (4) Also, if CASA asks an applicant to make a statutory declaration under regulation 172.245 or 172.255, the time between when CASA asks the applicant to do so and when the applicant gives CASA the statutory declaration does not count towards the period.
- (5) Also, if CASA invites an applicant to comment under subregulation 172.250 (2), the time between when CASA gives the invitation and when the applicant comments does not count towards the period.

Regulation 172.270

172.270 Notice of decision

After making a decision on an application, CASA must tell the applicant in writing, as soon as practicable:

- (a) the decision; and
- (b) if the decision was to refuse the application, or to approve the applicant subject to a condition not sought by the applicant — the reasons for the decision.

172.275 Certificate about approval

- (1) If CASA approves an applicant as an ATS provider, CASA must issue to the applicant a certificate setting out:
 - (a) what the approval is; and
 - (b) any conditions applicable to it; and
 - (c) when it came into effect, and when it will end (if not sooner cancelled); and
 - (d) any other information CASA thinks should be included.
- (2) CASA may issue a replacement certificate if anything set out on a certificate is no longer correct.

172.280 Return of certificate if approval cancelled

- (1) If CASA has issued a certificate about an approval, and the approval is cancelled, the person to whom the certificate was issued must return it to CASA immediately.

Penalty: 1 penalty unit.

Note A person is not guilty of an offence of failing to do something that he or she is not capable of doing: see section 4.2 of the *Criminal Code*.

- (2) An offence against subregulation (1) is an offence of strict liability.

Note For *strict liability*, see section 6.1 of the *Criminal Code*.

- (3) It is a defence to a charge of contravening subregulation (1) that the defendant returned the certificate to CASA as soon as practicable.

Note A defendant bears an evidential burden in relation to the matter mentioned in subregulation (3).

Division 172.F.3 Variation of approvals

172.285 Applicability of this Division

This Division applies in relation to variation of an approval (including imposing, removing or varying a condition applicable to the approval).

172.290 Application for variation

- (1) An ATS provider may apply to CASA to vary its approval.
- (2) Division 172.F.2 applies to the application except that the provider need not give CASA information, or a document, that the provider has already given to CASA.

172.295 CASA's power to vary condition of approval

- (1) If necessary in the interests of the safety of air navigation, CASA may impose a condition on, or vary a condition of, an ATS provider's approval.
- (1A) In particular, CASA may impose, on an approval, any condition necessary to give effect to an arrangement mentioned in subsection 11 (3) of the *Air Services Act 1995*.
- (2) CASA must give the provider written notice of the imposition or variation, and must specify a reasonable period within which the provider may make a submission in relation to the imposition or variation.
- (3) Unless CASA withdraws the condition or variation, the condition or variation has effect at:
 - (a) the end of that period; or
 - (b) a later time stated for the purpose in the notice.

Regulation 172.300

**Division 172.F.4 Directions to amend provider's
operations manual**

**172.300 CASA may direct amendments to provider's
operations manual**

- (1) If necessary in the interests of the safety of air navigation, CASA may direct an ATS provider, in writing, within a reasonable period specified in the direction, to amend its provider's operations manual in a way specified in the direction.
- (2) CASA may extend the period by written notice, before or after the end of the period referred to in subregulation (1).

**Division 172.F.5 Suspension and cancellation of
approvals**

172.305 Definition for this Division

In this Division:

show cause notice means a notice under regulation 172.320.

172.310 Suspension of approval by show cause notice

- (1) CASA may state, in a show cause notice, that an ATS provider's approval is suspended if CASA reasonably considers that not suspending the approval would be likely to have an adverse effect on the safety of air navigation.

Note Regulation 201.004 provides for review of certain decisions by the Administrative Appeals Tribunal.

- (2) If a show cause notice states that the approval is suspended, the approval is suspended from when the notice is given to the provider.
- (3) CASA may revoke the suspension at any time.
- (4) If CASA has not cancelled the approval under regulation 172.325, within 90 days after the day the show cause notice is given to the provider, the suspension lapses at the end of that period.

172.315 Grounds for cancellation of approval

It is grounds for the cancellation of an ATS provider's approval if the provider:

- (a) has breached a condition of the approval; or
- (b) has contravened the Act or these Regulations; or
- (c) does not meet, or continue to meet, a requirement of this Part for getting the approval; or
- (d) has otherwise been guilty of conduct that renders the provider's continued holding of the approval likely to have an adverse effect on the safety of air navigation.

Note Regulation 201.004 provides for review of certain decisions by the Administrative Appeals Tribunal.

172.320 Notice to show cause

- (1) CASA may give an ATS provider a show cause notice if there are reasonable grounds for believing that there are facts or circumstances that amount to grounds for the cancellation of the provider's approval.
- (2) A show cause notice must:
 - (a) tell the provider of the facts and circumstances that justify the cancellation of the approval; and
 - (b) invite the provider to show in writing, within a reasonable period stated in the notice, why the approval should not be cancelled.
- (3) For paragraph (2) (b), the period must not be less than 7 days.

172.325 Cancellation of approval after show cause notice

- (1) CASA may cancel an ATS provider's approval only if:
 - (a) there exist facts or circumstances that amount to grounds for the cancellation of the approval; and
 - (b) CASA has given the provider a show cause notice in relation to the grounds for the proposed cancellation; and
 - (c) CASA has taken into account any written representations made, within the period stated in the notice, by or on behalf of the provider; and

Regulation 172.327

- (d) not cancelling the approval would be likely to have an adverse effect on the safety of air navigation.
- (2) If CASA has given a show cause notice to an ATS provider, and it decides not to cancel the provider's approval, it:
 - (a) must tell the provider, in writing, of the decision; and
 - (b) must, if the approval is suspended, revoke the suspension.

172.327 Cancellation if cooperation or arrangement ceases

- (1) CASA must cancel the approval of a person mentioned in subparagraph 172.024 (c) (i) if the cooperation mentioned in that subparagraph ceases.
- (2) CASA must cancel the approval of a person mentioned in subparagraph 172.024 (c) (ii) if the arrangement mentioned in that subparagraph ceases.

172.330 Cancellation at request of ATS provider

- (1) Despite anything else in this Part, CASA must cancel an ATS provider's approval if asked to do so, in writing, by the provider.
- (2) The cancellation takes effect when the request is given to CASA, or if a later day is stated in the request, on the later day.

Part 173 Instrument flight procedure design

Note *This Part is made up as follows:*

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- 173.005 Applicability
- 173.010 Definitions for this Part
- 173.015 What is a *certified designer*
- 173.020 What is a *procedure design certificate*
- 173.025 What is an *authorised designer*
- 173.030 What is a *procedure design authorisation*
- 173.035 Designing terminal instrument flight procedures requires procedure design certificate etc
- 173.040 Designing instrument flight procedures other than terminal instrument flight procedures

Subpart 173.B Certified designers

Division 173.B.1 Certification as certified designer

- 173.045 Applications for procedure design certificates
- 173.050 Criteria for grant of procedure design certificates
- 173.055 Procedure design certificate
- 173.060 Procedure design certificates subject to conditions
- 173.065 How long procedure design certificate remains in force
- 173.070 Variation of procedure design certificates

Division 173.B.2 Requirements to be complied with by certified designers

- 173.075 Certified designer to maintain operations manual
- 173.080 Compliance with operations manual
- 173.085 Standards for design of terminal instrument flight procedures etc
- 173.090 Verification of terminal instrument flight procedures
- 173.095 Validation of terminal instrument flight procedures
- 173.100 Publication of terminal instrument flight procedures
- 173.105 Radio navigation aids
- 173.110 Maintenance of terminal instrument flight procedures
- 173.115 Certified designer to provide facilities etc
- 173.120 Certified designer to have appropriate organisation
- 173.125 Certified designer to have sufficient personnel

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| 173.130 | Supervisory personnel |
| 173.135 | Certified designer to appoint chief designer |
| 173.140 | Certified designer to provide training and checking program |
| 173.145 | Certified designer to have safety management system |
| 173.150 | Certified designer to maintain reference materials |
| 173.155 | Certified designer to keep documents and records |
| 173.160 | Certified designer to have document and record control system |

Division 173.B.3 Chief designer

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| 173.200 | Discontinuing design work on terminal instrument flight procedures of a particular type |
| 173.205 | Notifying the AIS of a variation to a procedure design certificate |
| 173.210 | Discontinuing maintenance of particular terminal instrument flight procedures |
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Subpart 173.C Authorised designers**Division 173.C.1 Authorisation as authorised designer**

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| 173.225 | Criteria for grant of procedure design authorisations |
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| 173.240 | How long procedure design authorisation remains in force |
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Division 173.C.2 Requirements to be complied with by authorised designers

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| 173.250 | Operations manual |
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| 173.260 | Standards for design of terminal instrument flight procedures etc |
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- 173.270 Maintenance of terminal instrument flight procedures
 - 173.275 Authorised designer to have sufficient personnel
 - 173.280 Authorised designer to maintain reference materials
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Division 173.C.3 Miscellaneous

- 173.295 Discontinuing design work on terminal instrument flight of a particular type
- 173.300 Discontinuing maintenance of terminal instrument flight procedures
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Subpart 173.D Performance of design work

- 173.310 Certified designer not to exceed the limitations of the designer's procedure design certificate
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Subpart 173.E Administration

Division 173.E.1 Application for, and grant of, procedure design certificates and procedure design authorisations and related matters

- 173.320 Request for information
- 173.325 Other things CASA can ask applicant to do — interview
- 173.330 CASA may require demonstrations of equipment etc
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- 173.340 Material that CASA may or must take into account
- 173.345 CASA may grant certificate or authorisation subject to conditions
- 173.350 When decision must be made
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Division 173.E.2 Variation of procedure design certificates and procedure design authorisations

- 173.365 Applicability of this Division
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Division 173.E.3 Directions to amend certified designer's or authorised designer's operations manual

- 173.375 CASA may direct amendments to designer's operations manual

Regulation 173.005

Division 173.E.4 Suspension and cancellation of procedure design certificates and procedure design authorisations

- 173.380 Suspension or cancellation of procedure design certificate or procedure design authorisation by CASA
- 173.385 Cancellation at request of certified designer or authorised designer

Division 173.E.5 Authorised inspectors

- 173.390 CASA may appoint authorised inspectors
- 173.395 Identity card
- 173.400 Powers of authorised inspector

Subpart 173.A General

173.005 Applicability

- (1) This Part:
- (a) provides for the standards that apply to the design of instrument flight procedures; and
 - (b) applies to the following persons:
 - (i) persons who want to become, or are, certified designers or authorised designers of terminal instrument flight procedures and certain employees of those persons;
 - (ii) persons who design instrument flight procedures other than terminal instrument flight procedures.
- (2) This Part also sets out certain rules that apply to CASA in administering procedure design certificates and procedure design authorisations.
- (3) Nothing in this Part applies:
- (a) in relation to the design of terminal instrument flight procedures for use by an aircraft in circumstances where one or more engines of the aircraft become inoperative while it is on an IFR flight; or
 - (b) to a person who carries on design work on such procedures.

173.010 Definitions for this Part

In this Part, unless the contrary intention appears:

AIS means:

- (a) the body responsible for providing an aeronautical information service under the *Air Services Act 1995*; or
- (b) if another body is given that responsibility under another Act having the same or similar effect — that body.

authorised designer has the meaning given by regulation 173.025.

certified designer has the meaning given by regulation 173.015.

chief designer, for a certified designer, means a person appointed as chief designer for the certified designer under Division 173.B.3.

continental shelf means the continental shelf of Australia, within the meaning of the Seas and Submerged Lands Act 1973.

design work, in relation to a terminal instrument flight procedure, means any of the following work:

- (a) designing the procedure or a part of the procedure;
- (b) verifying, maintaining, reviewing or amending the procedure;
- (c) supervising a person carrying on any work mentioned in paragraph (a) or (b).

employee, of a certified designer or an authorised designer, includes a person who carries on design work on a terminal instrument flight procedure for the designer in the course of performing services for the designer.

ICAO Doc. 8168 (PANS-OPS) means Doc.8168-OPS/611 Volume II (Procedures for Air Navigation Services – Construction of Visual and Instrument Flight Procedures) approved and published by decision of the Council of the International Civil Aviation Organisation, as in force from time to time.

Manual of Standards means the document called ‘*Manual of Standards (MOS) Part 173 – Standards Applicable to the Provision of Instrument Flight Procedure Design*’, published by CASA, as in force from time to time.

Regulation 173.010

Note The Manual of Standards is available from CASA's website at:
www.casa.gov.au.

off-shore installation means an installation that is erected on, or floating in the sea above, the continental shelf for the purposes of extracting, or exploring for, petroleum or natural gas.

operations manual:

- (a) in relation to a certified designer, means the manual maintained by the designer under regulation 173.075; and
- (b) in relation to an authorised designer, means the manual maintained by the designer under regulation 173.250.

procedure design authorisation has the meaning given by regulation 173.030.

procedure design certificate has the meaning given by regulation 173.020.

specialised helicopter operations means helicopter operations that involve the carriage of persons or cargo:

- (a) between:
 - (i) the coast of Australia and an off-shore installation; or
 - (ii) two such installations; or
- (b) to or from the helipad of a hospital, or of a State or Territory service (however described) established to provide assistance in emergencies.

terminal instrument flight procedure means an instrument approach procedure or an instrument departure procedure.

type of terminal instrument flight procedure means a type of terminal instrument flight procedure mentioned in the Manual of Standards.

validate has the same meaning as in the Manual of Standards.

verify has the same meaning as in regulation 173.090.

Note The following terms are defined in the Dictionary:

- instrument approach procedure
- instrument departure procedure
- instrument flight procedures
- lowest safe altitude.

173.015 What is a *certified designer*

A *certified designer* is a person who is the holder of a procedure design certificate that is in force.

173.020 What is a *procedure design certificate*

A *procedure design certificate* is a certificate that:

- (a) is granted by CASA to a person under this Part; and
- (b) certifies that the person is authorised to carry on design work on a terminal instrument flight procedure of a type covered by the certificate subject to any conditions set out in the certificate.

173.025 What is an *authorised designer*

An *authorised designer* is a person who is the holder of a procedure design authorisation that is in force.

173.030 What is a *procedure design authorisation*

A *procedure design authorisation* is an authorisation that:

- (a) is granted by CASA to a person under this Part; and
- (b) authorises the person to carry on either of the following activities subject to any conditions set out in the notice to the person mentioned in regulation 173.230:
 - (i) review or amend a terminal instrument flight procedure that is of a type covered by the authorisation and is for use by Australian aircraft operating under the IFR at, or in the vicinity of, an aerodrome in a foreign country;
 - (ii) carry on design work on a terminal instrument flight procedure that is of a type covered by the authorisation and is for use by Australian aircraft operating under the IFR at, or in the vicinity of, an off-shore installation located no closer than 30 nm from the nearest land.

Regulation 173.035

**173.035 Designing terminal instrument flight procedures
requires procedure design certificate etc**

- (1) A person must not carry on design work (other than work mentioned in subregulation (2) or (3)) on a terminal instrument flight procedure for use by Australian aircraft operating under the IFR, or by foreign aircraft operating under the IFR in Australian territory, if the person:
- (a) is not a certified designer whose procedure design certificate authorises the designer to carry on design work on such a terminal instrument flight procedure; or
 - (b) is not an employee of such a certified designer who carries on the design work in the course of the employee's duties.

Penalty: 50 penalty units.

- (2) A person must not review or amend a terminal instrument flight procedure that is for use by Australian aircraft operating under the IFR at, or in the vicinity of, an aerodrome in a foreign country if:
- (a) the person is not:
 - (i) a certified designer whose procedure design certificate authorises the designer to carry on design work on such a terminal instrument flight procedure; or
 - (ii) an employee of such a certified designer who carries on the design work in the course of the employee's duties; or
 - (b) the person is not:
 - (i) an authorised designer whose procedure design authorisation authorises the review or amendment of such a terminal instrument flight procedure; or
 - (ii) an employee of such an authorised designer who carries on such review or amendment in the course of the employee's duties.

Penalty: 50 penalty units.

Regulation 173.040

- (3) A person must not carry on design work on a terminal instrument flight procedure that is for use by Australian aircraft operating under the IFR at, or in the vicinity of, an off-shore installation if:
- (a) the person is not:
 - (i) a certified designer whose procedure design certificate authorises the designer to carry on design work on such a terminal instrument flight procedure; or
 - (ii) an employee of such a certified designer who carries on the design work in the course of the employee's duties; or
 - (b) the person is not:
 - (i) an authorised designer whose procedure design authorisation authorises the designer to carry on design work on such a terminal instrument flight procedure; or
 - (ii) an employee of such an authorised designer who carries on the design work in the course of the employee's duties.

Penalty: 50 penalty units.

- (4) For this regulation, CASA is taken to be a person referred to in paragraph (1) (a) and subparagraphs (2) (a) (i) and (3) (a) (i).

173.040 Designing instrument flight procedures other than terminal instrument flight procedures

- (1) A person who designs an instrument flight procedure that is not a terminal instrument flight procedure must, in designing the procedure, meet any standards for the design of such a procedure set out in the Manual of Standards.

Penalty: 10 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.

Subpart 173.B Certified designers

Division 173.B.1 Certification as certified designer

173.045 Applications for procedure design certificates

- (1) A person must apply for the grant of a procedure design certificate in the way set out in this regulation.
- (2) The application:
 - (a) must be made, in writing, to CASA; and
 - (b) must state:
 - (i) the applicant's name and address; or
 - (ii) if the applicant is incorporated by or under a law of the Commonwealth or of a State or Territory, the applicant's name, registered address and ACN and the names and addresses of the people responsible for its management and control; and
 - (c) must contain or be accompanied by:
 - (i) a written statement specifying the type or each type of terminal instrument flight procedure proposed to be covered by the procedure design certificate; and
 - (ii) a written statement setting out the name, qualifications and relevant experience of the individual who is proposed to be the chief designer for the applicant's organisation; and
 - (iii) a written statement setting out the qualifications and relevant experience of any other member of the applicant's personnel whose duties would, if the certificate were granted to the applicant, include carrying on design work under the certificate; and
 - (d) must be accompanied by a copy of the operations manual under which the applicant proposes to design, or engage in design work on, terminal instrument flight procedures of the type or types concerned.

Regulation 173.065

- (3) If an applicant has previously been granted a procedure design certificate, and the certificate was cancelled, the applicant must include with the application any information to show that the applicant could now properly design terminal instrument flight procedures of the type or types concerned.

173.050 Criteria for grant of procedure design certificates

For regulation 173.335, a person who has applied for the grant of a procedure design certificate must, if the certificate is granted, be able to comply with the requirements of Division 173.B.2.

173.055 Procedure design certificate

- (1) If CASA grants a procedure design certificate to a person under Subpart 173.E, CASA must state on the certificate:
 - (a) the person's name and principal place of business; and
 - (b) the type or each type of terminal instrument flight procedure covered by the certificate; and
 - (c) any conditions applicable to it; and
 - (d) the date when it comes into force; and
 - (e) any other information that CASA thinks should be included.
- (2) CASA may issue a replacement certificate in place of one that contains anything that is not, or is no longer, correct or has been lost or destroyed.

173.060 Procedure design certificates subject to conditions

A certified designer must comply with any conditions of the procedure design certificate.

173.065 How long procedure design certificate remains in force

- (1) A procedure design certificate:
 - (a) comes into force on the date stated in it; and
 - (b) remains in force unless it is cancelled.

Regulation 173.070

- (2) However, the certificate is not in force during any period in which it is suspended.

173.070 Variation of procedure design certificates

- (1) If a certified designer wants to vary a procedure design certificate or a condition of it, application must be made to CASA, under Subpart 173.E, for that purpose.
- (2) The application must contain, or have with it, a copy of the proposed variation.
- (3) If CASA approves the application under Subpart 173.E, the variation takes effect:
 - (a) if a day is specified in the written notice given to the applicant under Subpart 173.E — on that day; or
 - (b) if no day is specified — on the day when the notice is given to the applicant.

Division 173.B.2 Requirements to be complied with by certified designers

173.075 Certified designer to maintain operations manual

- (1) A certified designer must, at all times, maintain an operations manual that meets the standards for operations manuals set out in the Manual of Standards.
- (2) A certified designer:
 - (a) must keep the manual in a readily accessible form; and
 - (b) must ensure that each employee of the designer whose duties include carrying on design work under the designer's procedure design certificate has ready access to the manual; and
 - (c) must amend the manual whenever it is necessary to do so to keep it in an up-to-date form.
- (3) A certified designer must ensure:
 - (a) that all amendments of the manual are incorporated in all copies of the manual kept by the certified designer; and
 - (b) that copies of the amendments are given to CASA.

173.080 Compliance with operations manual

A certified designer must, in carrying on design work authorised under the designer's procedure design certificate, comply with the designer's operations manual.

173.085 Standards for design of terminal instrument flight procedures etc

- (1) A certified designer designing a terminal instrument flight procedure under the certified designer's procedure design certificate must ensure that the procedure is designed in accordance with:
 - (a) any applicable standards set out or referred to in ICAO Doc. 8168 (PANS-OPS); and
 - (b) any applicable standards set out in the Manual of Standards.
- (2) If, apart from this subregulation, a certified designer would be required to ensure that a terminal instrument flight procedure is designed in accordance with a standard set out or referred to in the ICAO Doc. 8168 (PANS-OPS) and a standard set out in the Manual of Standards, and it is not possible to comply with both standards, the designer is only required to ensure that the procedure is designed in accordance with the Manual of Standards.

173.090 Verification of terminal instrument flight procedures

- (1) A certified designer must establish procedures for verifying terminal instrument procedures that it is authorised to design under the designer's procedure design certificate or on which the designer is authorised to carry on design work.
- (2) The verification procedures:
 - (a) must provide for 2 qualified designers to check independently the design of each terminal instrument flight procedure designed, or on which design work is carried on, under the certified designer's procedure design certificate; and

Regulation 173.095

- (b) must provide for one of those checks to be made by a qualified designer who did not carry on the design work concerned.
- (3) In this regulation, a reference to verifying a terminal instrument flight procedure is a reference to the process of checking the procedure (including all data, computations and drawings for the procedure) in accordance with any applicable standards set out in the Manual of Standards.
- (4) In this regulation:
qualified designer, in relation to a terminal instrument flight procedure, means an individual who:
 - (a) is the holder, or an employee of the holder, of a procedure design certificate that authorises the holder to design terminal instrument flight procedures of the same type as the terminal instrument flight procedure concerned; and
 - (b) has successfully completed:
 - (i) an approved course of training in the methods and practices contained in ICAO Doc. 8168 (PANS-OPS); and
 - (ii) any training for persons carrying on design work on terminal instrument flight procedures that is specified in the operations manual under which the qualified designer performs the designer's duties; and
 - (c) meets the experience requirements for performing the functions of a qualified designer set out in the Manual of Standards.

173.095 Validation of terminal instrument flight procedures

- (1) A certified designer must ensure that each terminal instrument flight procedure designed under the designer's procedure design certificate is validated by a CASA pilot in accordance with any applicable standards set out in the Manual of Standards.
- (2) In this regulation:
CASA pilot means a pilot:

Regulation 173.110

- (a) who is an officer of CASA; and
- (b) who meets the standards set out in the Manual of Standards for carrying out a validation flight check of a terminal instrument flight procedure.

validation flight check has the same meaning as in the Manual of Standards.

173.100 Publication of terminal instrument flight procedures

- (1) A certified designer must ensure that each terminal instrument flight procedure designed under the designer's procedure design certificate is given to the AIS for publication in the AIP together with a certificate by the certified designer's chief designer to the effect that the procedure is designed and validated in accordance with any applicable standards set out or referred to in ICAO Doc. 8168 (PANS-OPS) and the Manual of Standards.
- (2) However, the designer need not give a terminal instrument flight procedure to the AIS if the procedure is for use only by an aircraft in a specialised helicopter operation.
- (3) A certified designer must ensure that all procedures designed under its procedure design certificate that are not given to the AIS for publication in the AIP are given to CASA.

173.105 Radio navigation aids

A certified designer must ensure that a terminal instrument flight procedure designed under the designer's procedure design certificate does not require the use of a ground-based radio-navigation aid other than one that is operated and maintained by a person certificated to do so under Part 171.

173.110 Maintenance of terminal instrument flight procedures

- (1) Subject to subregulation (2), a certified designer is responsible for maintaining, in accordance with the standards for the maintenance of terminal instrument flight procedures set out in the Manual of Standards, a terminal instrument flight procedure designed under the designer's procedure design

Regulation 173.115

certificate or for which that responsibility is transferred to the certified designer under regulation 173.215.

- (2) The certified designer ceases to be responsible for the maintenance of the procedure:
 - (a) if the certified designer has notified CASA and, if the procedure is published in the AIP, the AIS, under regulation 173.210, that the designer has ceased to have that responsibility:
 - (i) on the day when the notice is given; or
 - (ii) if a later day is specified in the notice — on the later day; or
 - (b) if the certified designer's responsibility for the maintenance of the procedure is transferred to another certified designer in accordance with regulation 173.215 — on the day when the responsibility is transferred; or
 - (c) if the certified designer has notified CASA and, if the procedure is published in the AIP, the AIS, under regulation 173.200, that the designer has ceased to design the type of terminal instrument flight procedure concerned:
 - (i) on the day when the notice is given; or
 - (ii) if a later day is specified in the notice — on the later day; or
 - (d) if the certified designer's procedure design certificate is varied under Subpart 173.E to exclude that type of procedure — on the day when the variation takes effect; or
 - (e) if the certified designer ceases to be a certified designer — on the day when the designer ceases to be a certified designer.

173.115 Certified designer to provide facilities etc

- (1) A certified designer must provide and maintain adequate facilities for carrying on design work on terminal instrument flight procedures under the designer's procedure design certificate, including:

Regulation 173.125

- (a) providing premises and equipment appropriate for the certified designer's employees to carry on the design work; and
 - (b) ensuring that those employees have access to all necessary data for designing the procedures including:
 - (i) accurate and current databases or charts detailing terrain and obstacle information; and
 - (ii) accurate and current navigation aid coordinate data; and
 - (iii) accurate and current aerodrome reference point and threshold data.
- (2) A certified designer must, if an aeronautical database and aeronautical data is required for designing a terminal instrument flight procedure under the designer's procedure design certificate, have, and put into effect, procedures to ensure the integrity of the database and the data.

173.120 Certified designer to have appropriate organisation

A certified designer must, at all times, maintain an appropriate organisation with a sound and effective management structure to enable the designer to carry on design work on terminal instrument flight procedures under the designer's procedure design certificate in accordance with these Regulations.

173.125 Certified designer to have sufficient personnel

A certified designer:

- (a) must employ a sufficient number of personnel to enable the designer to carry on design work on terminal instrument flight procedures under the designer's procedure design certificate in accordance with these Regulations; and
- (b) must ensure that those personnel:
 - (i) are suitably qualified and competent to perform their duties; and
 - (ii) are trained in accordance with the Manual of Standards and the designer's operations manual.

Regulation 173.130

173.130 Supervisory personnel

A certified designer must ensure that each employee who is occupying or acting in a supervisory position in the designer's organisation in relation to design work on terminal instrument flight procedures carried on under the designer's procedure design certificate meets the standards for supervisory positions set out in the Manual of Standards.

173.135 Certified designer to appoint chief designer

A certified designer must not carry on design work on a terminal instrument flight procedure under the designer's procedure design certificate unless:

- (a) the certified designer has appointed a person to be the chief designer for the designer's organisation; and
- (b) the appointment is approved by CASA and is in force; and
- (c) the functions of the chief designer are being carried out by the person or, if the chief designer is temporarily absent from duty, another person:
 - (i) who is appointed by the certified designer to act as chief designer; and
 - (ii) whose appointment is approved by CASA and is in force.

173.140 Certified designer to provide training and checking program

A certified designer must provide a training and checking program that is of an adequate standard to ensure that the employees of the designer maintain their competence and are provided with ongoing training appropriate to their duties.

173.145 Certified designer to have safety management system

- (1) A certified designer must have, and put into effect, a safety management system that includes the policies, procedures, and practices necessary for managing design work on terminal instrument flight procedures carried on under the designer's procedure design certificate.

Regulation 173.160

- (2) The safety management system must be in accordance with the standards set out in the Manual of Standards.
- (3) The designer must keep its safety management system under review and take any necessary corrective action to ensure that it operates properly.

173.150 Certified designer to maintain reference materials

- (1) A certified designer must maintain reference materials of the kinds specified in the Manual of Standards.
- (2) A certified designer must keep the reference materials up-to-date and in a readily accessible form.
- (3) Each employee of the certified designer who carries on design work on a terminal instrument flight procedure under the certified designer's procedure design certificate must have ready access to the reference materials.

173.155 Certified designer to keep documents and records

- (1) A certified designer must keep documents and records of the kinds specified in the Manual of Standards.
- (2) A document or record must be retained for as long as the Manual of Standards specifies for the particular kind of document or record.
- (3) The designer must, at CASA's request, make the documents and records, or copies of them or extracts from them, available for inspection by CASA.

173.160 Certified designer to have document and record control system

- (1) A certified designer must establish, and put into effect, a system for controlling documents and records relating to the terminal instrument flight procedures on which the designer carries on design work under the certified designer's procedure design certificate, including the policies and procedures for making, amending, preserving and disposing of those documents and records.

Regulation 173.165

- (2) The system must be in accordance with the standards set out in the Manual of Standards.
- (3) The documents and records must include the documents and records required to be kept under this Division.

Division 173.B.3 Chief designer

173.165 Approval for appointment of chief designer

- (1) A certified designer must not appoint a person as chief designer unless the appointment is approved by CASA.
- (2) To be appointed as chief designer, a person must, at the time of appointment, meet the standards for the chief designer for a certified designer's organisation set out in the Manual of Standards.

173.170 Approval for appointment to act as chief designer

- (1) A certified designer must not appoint a person to act as chief designer for the certified designer unless the appointment is approved by CASA.
- (2) To be appointed to act as chief designer, a person must, at the time of appointment, have sufficient qualifications and experience to enable the individual to carry out the functions of the appointment properly, having regard to the nature and scope of the design work carried on by the chief designer.

173.175 Appointment likely to have adverse effect on air safety

- (1) Without limiting the matters that CASA may take into account in deciding whether to approve an appointment of a person as chief designer or an appointment of a person to act as chief designer, CASA is not required to approve the appointment if the approval would be likely to have an adverse effect on the safety of air navigation.

Regulation 173.180

- (2) In deciding whether approval of the appointment of a person would be likely to have an adverse effect on the safety of air navigation, CASA may take into account the following:
- (a) the person's record of compliance with regulatory requirements (in Australia or elsewhere) relating to aviation safety and other transport safety;
 - (b) the experience of the person in aviation;
 - (c) the person's knowledge of the regulatory requirements applicable to civil aviation in Australia;
 - (d) any evidence held by CASA that the person has contravened:
 - (i) the Act or these Regulations; or
 - (ii) a law of another country relating to aviation safety; or
 - (iii) another law (of Australia or of another country) relating to transport safety.

Note Section 30A of the Act allows the Court to make an order excluding a person from a particular aviation activity. Such an order may have the effect of precluding the approval or acceptance of an appointment while the order is in force.

173.180 Chief designer's functions and duties

The chief designer for a certified designer's organisation is responsible to the certified designer for the following:

- (a) ensuring that any design work on the terminal instrument flight procedures that is carried on under the designer's procedure design certificate is carried on in accordance with these Regulations;
- (b) appointing persons as employees of the certified designer to carry on design work on terminal instrument flight procedures under the designer's procedure design certificate;
- (c) effectively managing work done in relation to those terminal instrument flight procedures by those persons;
- (d) issuing certificates as required by regulation 173.100.

Regulation 173.185

173.185 Duration of approval

- (1) An approval under regulation 173.165 or 173.170 stops being in force if:
 - (a) the appointment to which it relates ends; or
 - (b) it is withdrawn.
- (2) An approval is not in force during any period in which it is suspended.

173.190 Withdrawal or suspension of approval of appointment

- (1) CASA may, by notice in writing to a person appointed as the chief designer, or to act as the chief designer, for a certified designer's organisation, withdraw or suspend approval of the person's appointment if continuing approval of the appointment would be likely to have an adverse effect on the safety of air navigation.
- (2) In deciding whether continuing approval of a person's appointment would be likely to have an adverse effect on the safety of air navigation, CASA may take into account the matters mentioned in subregulation 173.175 (2).
- (3) The notice:
 - (a) must set out the reasons for the withdrawal or suspension; and
 - (b) in the case of a suspension, must specify the period of suspension or state when, or in what circumstances, it will end.
- (4) CASA must give a copy of the notice to the certified designer.
- (5) If CASA suspends approval of a person's appointment, the person must not carry out the functions of the appointment during the period of the suspension.
- (6) If CASA withdraws approval of a person's appointment:
 - (a) for the purposes of these Regulations, the appointment is taken to end; and

- (b) the person must not continue to carry out the functions of the position to which the appointment relates.

Division 173.B.4 Miscellaneous

173.195 Advice on organisational changes

A certified designer must tell CASA, in writing, of a change of circumstances that materially affects its capacity to design a terminal flight instrument procedure under the designer's procedure design certificate, or engage in any design work on that procedure, within 7 days after the change occurs.

173.200 Discontinuing design work on terminal instrument flight procedures of a particular type

- (1) If a certified designer ceases to carry on design work on terminal instrument flight procedures of a particular type, the certified designer must give written notice to that effect to CASA, and, if any of the procedures are published in the AIP, the AIS, within 7 days after ceasing to carry on the design work concerned.
- (2) Subregulation (1) does not apply if, having regard to the certified designer's circumstances, it is not reasonably practicable for the designer to give CASA or, if applicable, the AIS, at least 7 days notice and the notice is given as soon as is reasonably practicable.

173.205 Notifying the AIS of a variation to a procedure design certificate

If a certified designer's procedure design certificate is varied under Subpart 173.E to exclude a particular type of terminal instrument flight procedure and the designer has given any procedures of that type to the AIS for publication in the AIP, the designer must give written notice to the AIS of the variation within 7 days after the day when the variation takes effect.

Regulation 173.210

173.210 Discontinuing maintenance of particular terminal instrument flight procedures

- (1) If a certified designer ceases to be responsible for the maintenance of a terminal instrument flight procedure, the certified designer must give written notice to that effect to CASA and, if the procedure is published in the AIP, to the AIS, within 7 days after ceasing to have that responsibility.
- (2) Subregulation (1) does not apply if, having regard to the certified designer's circumstances, it is not reasonably practicable for the designer to give CASA at least 7 days notice and the notice is given as soon as is reasonably practicable.

173.215 Transfer of maintenance responsibility

- (1) A certified designer may transfer the designer's responsibility for maintaining a terminal instrument flight procedure under regulation 173.110 to another certified designer whose procedure design certificate authorises that designer to design terminal instrument flight procedures of the same type as the procedure concerned.
- (2) If a certified designer accepts responsibility for the maintenance of a terminal instrument flight procedure under this regulation, the designer:
 - (a) must give written notice to the transferor to that effect; and
 - (b) must give written notice of the transfer to CASA and, if the procedure is published in the AIP, to the AIS, within 14 days after the transfer.
- (3) A transfer takes effect on the day when the certified designer accepting responsibility for maintaining the procedure gives notice to the transferor under paragraph (2) (a) or, if a later day is specified in the notice, on the later day.
- (4) If a certified designer transfers the designer's responsibility for maintaining a terminal instrument flight procedure, the designer must give written notice of the transfer to CASA and, if the procedure is published in the AIP, to the AIS, within 14 days after the transfer.

Subpart 173.C Authorised designers

Division 173.C.1 Authorisation as authorised designer

173.220 Applications for procedure design authorisations

- (1) A person must apply for the grant of a procedure design authorisation in the way set out in this regulation.
- (2) The application:
 - (a) must be made, in writing, to CASA; and
 - (b) must state:
 - (i) the applicant's name and address; or
 - (ii) if the applicant is incorporated by or under a law of the Commonwealth or of a State or Territory, the applicant's name, registered address and ACN and the names and addresses of the people responsible for its management and control; and
 - (c) must contain or be accompanied by:
 - (i) a written statement specifying the activity mentioned in subparagraph 173.030 (b) (i) or (ii) that is proposed to be authorised under the authorisation, including specifying the type or each type of terminal instrument flight procedure proposed to be covered by the authorisation; and
 - (ii) a written statement setting out the qualifications and relevant experience of each member of the applicant's personnel whose duties would, if the authorisation were granted to the applicant, include carrying on the design work concerned; and
 - (d) must be accompanied by a copy of the operations manual under which the applicant proposes to carry on that activity.
- (3) If the applicant has previously been granted a procedure design authorisation to carry on an activity, and the authorisation was cancelled, the applicant must include with the application any information showing that the applicant could now properly carry on that activity.

Regulation 173.225

173.225 Criteria for grant of procedure design authorisations

For regulation 173.335, a person who has applied for the grant of a procedure design authorisation must, if the authorisation is granted, be able to comply with the requirements of Division 173.C.2.

173.230 Notice of procedure design authorisation

If CASA grants a procedure design authorisation to a person under Subpart 173.E, CASA must include in the notice of decision under that Subpart:

- (a) a description of the activity authorised by the authorisation, including a statement setting out the type or each type of terminal instrument flight procedure concerned; and
- (b) a statement setting out any conditions of the authorisation; and
- (c) a statement setting out the date when it comes into force; and
- (d) any other information that CASA thinks should be included.

173.235 Procedure design authorisations subject to conditions

An authorised designer must comply with any conditions of the procedure design authorisation set out in the notice mentioned in regulation 173.230.

173.240 How long procedure design authorisation remains in force

- (1) A procedure design authorisation:
 - (a) comes into force on the date stated in the notice mentioned in regulation 173.230; and
 - (b) remains in force unless it is cancelled.
- (2) However, the authorisation is not in force during any period in which it is suspended.

173.245 Variation of procedure design authorisation

- (1) If an authorised designer wants to vary a procedure design authorisation or a condition of the procedure design authorisation, application must be made to CASA, under Subpart 173.E, for that purpose.
- (2) The application must contain, or have with it, a copy of the proposed variation.
- (3) If CASA approves the application under Subpart 173.E, the variation takes effect:
 - (a) if a day is specified in the written notice given to the applicant under Subpart 173.E — on that day; or
 - (b) if no day is specified — on the day when the notice is given to the applicant.

Division 173.C.2 Requirements to be complied with by authorised designers

173.250 Operations manual

- (1) An authorised designer must, at all times, maintain an operations manual that meets the standards set out in the Manual of Standards.
- (2) An authorised designer:
 - (a) must keep the manual in a readily accessible form; and
 - (b) must ensure that each employee of the designer whose duties include carrying on design work authorised by the designer's procedure design authorisation has ready access to the manual; and
 - (c) must amend the manual whenever it is necessary to do so to keep it in an up-to-date form.
- (3) An authorised designer must ensure:
 - (a) that all amendments of the manual are incorporated in all copies of the manual kept by the designer; and
 - (b) that copies of the amendments are given to CASA.

Regulation 173.255

173.255 Compliance with operations manual

An authorised designer must, in carrying on the activity authorised by the designer's procedure design authorisation, comply with the designer's operations manual.

173.260 Standards for design of terminal instrument flight procedures etc

- (1) An authorised designer designing a terminal instrument flight procedure under the authorised designer's procedure design authorisation must ensure that the procedure is designed in accordance with:
 - (a) any applicable standards set out or referred to in ICAO Doc. 8168 (PANS-OPS); and
 - (b) any applicable standards set out in the Manual of Standards.
- (2) If, apart from this subregulation, an authorised designer would be required to ensure that a terminal instrument flight procedure is designed in accordance with a standard set out or referred to in the ICAO Doc. 8168 (PANS-OPS) and a standard set out in the Manual of Standards, and it is not possible to comply with both standards, the designer is only required to ensure that the procedure is designed in accordance with the Manual of Standards.

173.265 Off-shore installations

- (1) This regulation applies to an authorised designer who is authorised to carry on design work on a terminal instrument flight procedure that:
 - (a) is of a type covered by the authorisation; and
 - (b) is for use by Australian aircraft operating under the IFR at, or in the vicinity of, an off-shore installation located no closer than 30 nm from the nearest land.
- (2) The authorised designer must ensure that a copy of each terminal instrument flight procedure designed under the designer's procedure design authorisation is given to CASA.

Regulation 173.270

- (3) The authorised designer must ensure that a terminal instrument flight procedure designed under the designer's procedure design authorisation does not require the use of a ground-based radio-navigation aid other than one that is operated and maintained by a person certificated to do so under Part 171.

173.270 Maintenance of terminal instrument flight procedures

- (1) Subject to subregulation (2), an authorised designer is responsible for maintaining, in accordance with the standards for the maintenance of terminal instrument flight procedures set out in the Manual of Standards, a terminal instrument flight procedure designed under the designer's procedure design authorisation or a terminal instrument flight procedure for which that responsibility is transferred to the authorised designer under regulation 173.305.
- (2) The authorised designer ceases to be responsible for the maintenance of the procedure:
 - (a) if the authorised designer has notified CASA, under regulation 173.300, that the designer has ceased to have that responsibility:
 - (i) on the day when the notice is given; or
 - (ii) if a later day is specified in the notice — on the later day; or
 - (b) if the authorised designer's responsibility for the maintenance of the procedure is transferred to a certified designer or another authorised designer under regulation 173.305 — on the day when the responsibility is transferred; or
 - (c) if the authorised designer has notified CASA, under regulation 173.295, that the designer has ceased to design the type of terminal instrument flight procedure concerned:
 - (i) on the day when the notice is given; or
 - (ii) if a later day is specified in the notice — on the later day; or

Regulation 173.275

- (d) if the authorised designer's procedure design authorisation is varied under Subpart 173.E to exclude that type of procedure — on the day when the authorisation is varied; or
- (e) if the authorised designer ceases to be an authorised designer — on the day when the designer ceases to be an authorised designer.

173.275 Authorised designer to have sufficient personnel

An authorised designer:

- (a) must employ a sufficient number of personnel to enable the designer to carry on the activity authorised by the designer's procedure design authorisation in accordance with these Regulations; and
- (b) must ensure that those personnel:
 - (i) are suitably qualified and competent to perform their duties; and
 - (ii) are trained in accordance with the Manual of Standards and the designer's operations manual.

173.280 Authorised designer to maintain reference materials

- (1) An authorised designer must maintain reference materials of the kinds specified in the Manual of Standards.
- (2) An authorised designer must keep the reference materials up-to-date and in a readily accessible form.
- (3) Each employee of the authorised designer whose duties include carrying on design work that is authorised under the designer's procedure design authorisation must have ready access to the reference materials.

173.285 Authorised designer to keep documents and records

- (1) An authorised designer must keep documents and records of the kinds specified in the Manual of Standards.

Regulation 173.295

- (2) A document or record must be retained for as long as the Manual of Standards specifies for the particular kind of document or record.
- (3) The designer must, at CASA's request, make the documents and records, or copies of them or extracts from them, available for inspection by CASA.

173.290 Authorised designer to have document and record control system

- (1) An authorised designer must establish, and put into effect, a system for controlling documents and records relating to the activity authorised under the authorised designer's procedure design authorisation, including the policies and procedures for making, amending, preserving and disposing those documents and records.
- (2) The system must be in accordance with the standards set out in the Manual of Standards.
- (3) The documents and records must include the documents and records required to be kept under this Division.

Division 173.C.3 Miscellaneous

173.295 Discontinuing design work on terminal instrument flight of a particular type

- (1) If an authorised designer ceases to carry on design work on terminal instrument flight procedures of a particular type, the authorised designer must give written notice to CASA to that effect within 7 days after ceasing to carry on the design work concerned.
- (2) Subregulation (1) does not apply if, having regard to the authorised designer's circumstances, it is not reasonably practicable for the designer to give CASA at least 7 days notice and the notice is given as soon as is reasonably practicable.

Regulation 173.300

173.300 Discontinuing maintenance of terminal instrument flight procedures

- (1) If an authorised designer ceases to be responsible for the maintenance of a terminal instrument flight procedure, the authorised designer must give written notice to CASA to that effect within 7 days after ceasing to have that responsibility.
- (2) Subregulation (1) does not apply if, having regard to the authorised designer's circumstances, it is not reasonably practicable for the designer to give CASA at least 7 days notice and the notice is given as soon as is reasonably practicable.

173.305 Transfer of maintenance responsibility

- (1) An authorised designer may transfer the designer's responsibility for maintaining a terminal instrument flight procedure under regulation 173.270:
 - (a) to a certified designer whose procedure design certificate authorises that designer to design terminal instrument flight procedures of the same type as the procedure concerned; or
 - (b) to another authorised designer whose procedure design authorisation authorises that designer to design such a terminal instrument flight procedure.
- (2) If a certified designer or an authorised designer accepts responsibility for the maintenance of a terminal instrument flight procedure under this regulation, the designer:
 - (a) must give written notice to the transferor to that effect; and
 - (b) must give written notice of the transfer to CASA within 14 days after the transfer.
- (3) A transfer takes effect on the day when the certified designer or authorised designer accepting responsibility for maintaining the procedure gives notice to the transferor under subregulation (2) or, if a later day is specified in the notice, on the later day.
- (4) If an authorised designer transfers the designer's responsibility for maintaining a terminal instrument flight procedure, the designer must give written notice of the transfer to CASA within 14 days after the transfer.

Subpart 173.D Performance of design work

173.310 Certified designer not to exceed the limitations of the designer's procedure design certificate

A certified designer must not carry on design work on a terminal instrument flight procedure that is not of a type covered by the designer's procedure design certificate.

173.315 Authorised designer not to exceed the limitations of authorisation

A authorised designer must not carry on an activity mentioned in paragraph 173.030 (b) (i) or (ii) unless that activity is authorised by the designer's procedure design authorisation.

Subpart 173.E Administration

Note This Subpart is an interim measure while a separate Part of these Regulations dealing with regulatory administrative procedures is being developed.

Division 173.E.1 Application for, and grant of, procedure design certificates and procedure design authorisations and related matters

173.320 Request for information

- (1) If CASA reasonably needs more information or another document to allow it to consider an application under this Part, CASA may, by written notice, ask the applicant to give to it the information, document or a copy of the document, specified in the notice.
- (2) If CASA asks for more information, a document, or a copy of a document, under subregulation (1), CASA need not begin to consider, or may stop considering, the application until the applicant gives it the information, document or copy.

Regulation 173.325

**173.325 Other things CASA can ask applicant to do —
interview**

- (1) CASA may, by written notice, ask an individual who is an applicant under this Part to attend an interview at a reasonable place and time specified in the notice.
- (2) In the case of an applicant that is a body corporate, CASA may, by written notice, ask the applicant, in writing, to have a specified officer or specified officers of the applicant attend an interview at a reasonable place and time specified in the notice.
- (3) CASA must give to the applicant a copy of the record of any interview conducted under subregulation (1) or (2).
- (4) If CASA makes a request under subregulation (1) or (2), CASA need not begin to consider, or may stop considering, the application until the applicant complies with the notice.

173.330 CASA may require demonstrations of equipment etc

- (1) CASA may, by written notice, ask an applicant under this Part:
 - (a) to give a practical demonstration of the ability of the applicant to carry on the design work sought under the application; or
 - (b) to demonstrate the operation of any facility or equipment to be used in the course of carrying on that work; or
 - (c) to allow CASA to inspect the relevant facility or equipment (whether or not it is operating).
- (2) If CASA asks an applicant to allow CASA to inspect any relevant facility or equipment or asks an applicant to conduct a demonstration under subregulation (1), CASA need not begin to consider, or may stop considering, the application until the applicant allows the inspection or conducts the demonstration.

**173.335 Grant of procedure design certificate or procedure
design authorisation**

- (1) Subject to regulation 173.340 and section 30A of the Act, if an applicant has applied for the grant of a procedure design certificate or procedure design authorisation in accordance with

Regulation 173.340

this Part, CASA must grant the certificate or the authorisation, if:

- (a) the applicant meets the criteria specified in this Part for the grant of the certificate or authorisation; and
 - (b) any other requirements in relation to the applicant specified in these Regulations are satisfied; and
 - (c) no provision of these Regulations forbids CASA to grant the certificate or authorisation, or makes the applicant ineligible for the certificate or authorisation; and
 - (d) granting the certificate or authorisation would not be likely to have an adverse effect on the safety of air navigation.
- (2) CASA may grant a procedure design certificate or procedure design authorisation in respect of only some of the matters sought in the application.

173.340 Material that CASA may or must take into account

- (1) In deciding whether granting a procedure design certificate or procedure design authorisation would be likely to have an adverse effect on the safety of air navigation, CASA may take into account the following:
- (a) the individual's record of compliance with regulatory requirements (in Australia or elsewhere) relating to aviation safety and other transport safety;
 - (b) the experience of the individual in aviation;
 - (c) the individual's knowledge of the regulatory requirements applicable to civil aviation in Australia;
 - (d) any evidence held by CASA that the individual has contravened:
 - (i) the Act or these Regulations; or
 - (ii) a law of another country relating to aviation safety; or
 - (iii) another law (of Australia or of another country) relating to transport safety.

Note Section 30A of the Act allows the Court to make an order excluding a person from a particular aviation activity. Such an order may have the effect of precluding the approval or acceptance of an appointment while the order is in force.

Regulation 173.340

- (2) For the application of subregulation (1) in relation to an applicant that is a body corporate, references to the applicant include each of the officers (other than employees) of the applicant.
- (3) In making a decision on an application, CASA may take into account:
 - (a) anything in the application or in any other document submitted by the applicant; and
 - (b) the record of any interview under this Subpart; and
 - (c) anything else in its records about the applicant; and
 - (d) the results of any demonstration or inspection under this Subpart.
- (4) However, before taking into account anything in its records about an applicant, CASA must:
 - (a) tell the applicant, in writing, that it intends to do so, and the substance of what CASA intends to take into account; and
 - (b) invite the applicant, in writing, to make a written submission about the matter within a specified reasonable time.
- (5) If the applicant makes a written submission within the specified time, CASA must take the submission into account.
- (6) In deciding whether to grant a procedure design certificate or a procedure design authorisation to an applicant who was previously a certified designer or an authorised designer and whose certification or authorisation was cancelled under this Subpart, CASA must take into account:
 - (a) the fact of the cancellation; and
 - (b) the reasons for the cancellation given at the time of the cancellation; and
 - (c) any information that the applicant submits to show that the applicant could now properly design terminal instrument flight procedures of the type or types to be covered by the certificate or authorisation.

Regulation 173.350

- (7) However, in making a decision in relation to an applicant referred to in subregulation (6), CASA is not obliged to reconsider, or inquire into the circumstances of, the cancellation.

173.345 CASA may grant certificate or authorisation subject to conditions

- (1) CASA may grant a procedure design certificate or procedure design authorisation subject to any condition that CASA considers necessary to impose in the interests of the safety of air navigation.
- (2) In particular, CASA may grant a procedure design certificate or procedure design authorisation subject to a condition requiring its holder to permit an authorised inspector (within the meaning given by Division 173.E.5) to exercise the powers of an authorised inspector under that Division in relation to the certificate or authorisation.
- (3) However, such a condition is not taken to require the holder to permit the exercise of those powers:
- (a) unless the inspector first shows his or her identity card to the holder, or another person on behalf of the holder, if asked to do so by the holder or other person; or
 - (b) at a time other than during normal business hours.
- (4) Such a condition is not taken to authorise the inspector to use force to any extent in exercising those powers.

173.350 When decision must be made

- (1) If CASA does not make a decision about an application under this Part within 6 months after receiving it, CASA is taken to have refused the application.
- (2) However, if CASA makes a request under regulation 173.320, 173.325 or 173.330, the time between when CASA makes the request, and when the applicant conducts the demonstration, attends the interview, or gives CASA the information or copy requested, does not count towards the period.

Regulation 173.355

- (3) Also, if CASA invites an applicant to make a written submission under subregulation 173.340 (4), the time between when CASA gives the invitation and when the applicant makes the submission does not count towards the period.

173.355 Notice of decision

- (1) After making a decision on an application under this Part, CASA must notify the applicant in writing, as soon as practicable:
- (a) of the decision; and
 - (b) if the decision was to refuse the application, or to grant the relevant procedure design certificate or procedure design authorisation subject to a condition not sought by the applicant — of the reasons for the decision.
- (2) If CASA grants to an applicant a procedure design certificate, subregulation (1) does not require CASA to send to the applicant a separate notice of its decision.

Note Most decisions in relation to certificates and authorisations are reviewable by the Administrative Appeals Tribunal. See section 31 of the Act and regulation 201.004.

173.360 Return of certificate if procedure design certificate cancelled

- (1) A person who ceases to be a certified designer must return any procedure design certificate or replacement certificate issued to the person under this Subpart within 14 days after ceasing to be a certified designer.

Penalty: 1 penalty unit.

- (2) An offence against subregulation (1) is an offence of strict liability.

**Division 173.E.2 Variation of procedure design
certificates and procedure design
authorisations**

173.365 Applicability of this Division

This Division applies in relation to variation of a procedure design certificate or procedure design authorisation (including imposing, removing or varying a condition applicable to the certificate or authorisation).

173.370 Application for variation

- (1) Subpart 173.B and Division 173.E.1 apply in relation to an application to vary a certified designer's procedure design certificate except that the designer need give to CASA information, or a document, that the designer has already given to CASA only if the information or document has changed since it was last given to CASA.
- (2) Subpart 173.C and Division 173.E.1 apply in relation to an application to vary an authorised designer's procedure design authorisation except that the designer need give to CASA information, or a document, that the designer has already given to CASA only if the information or document has changed since it was last given to CASA.

**Division 173.E.3 Directions to amend certified designer's
or authorised designer's operations
manual**

**173.375 CASA may direct amendments to designer's
operations manual**

- (1) If necessary in the interests of the safety of air navigation, CASA may, in writing, direct a certified designer or an authorised designer, within a reasonable period specified in the direction, to amend the designer's operations manual by:
 - (a) including in the manual the information or other things set out or described in the direction; or

Regulation 173.380

- (b) altering the information or other things in the manual in the manner set out in the direction.
- (2) CASA may extend the period by written notice, before or after the end of the period referred to in subregulation (1).

**Division 173.E.4 Suspension and cancellation of
procedure design certificates and
procedure design authorisations**

**173.380 Suspension or cancellation of procedure design
certificate or procedure design authorisation by
CASA**

- (1) CASA may, by written notice given to a certified designer or authorised designer, suspend or cancel the designer's procedure design certificate or procedure design authorisation if there are reasonable grounds for believing that the designer:
 - (a) has breached a condition of the certificate or authorisation;
or
 - (b) has contravened a provision of this Part; or
 - (c) does not meet, or continue to meet, a requirement of this Part for getting or holding the certificate or authorisation;
or
 - (d) has otherwise been guilty of conduct that renders the designer's continued holding of the certificate or authorisation likely to have an adverse effect on the safety of air navigation.
- (2) Before suspending or cancelling a certified designer's procedure design certificate or an authorised designer's procedure design authorisation, CASA:
 - (a) must give written notice to the designer of the facts or circumstances that, in the opinion of CASA, amount to grounds for the suspension or cancellation of the certificate; and
 - (b) must invite the designer to show cause in writing, within 30 days after the date of the notice, why the certificate or authorisation should not be suspended or cancelled; and

Regulation 173.395

- (c) must take into account any written representations made, within the time allowed under paragraph (b), by or on behalf of the designer explaining why the certificate should not be cancelled.

Note Most decisions in relation to certificates and authorisations are reviewable by the Administrative Appeals Tribunal. See section 31 of the Act and regulation 201.4.

173.385 Cancellation at request of certified designer or authorised designer

- (1) Despite anything else in this Part, CASA must cancel a certified designer's procedure design certificate or an authorised designer's procedure design authorisation if asked to do so, in writing, by the designer.
- (2) The cancellation takes effect when the request is given to CASA, or if a later day is stated in the request, on the later day.

Division 173.E.5 Authorised inspectors

173.390 CASA may appoint authorised inspectors

- (1) The Director may, in writing, appoint an officer of CASA as an authorised inspector.
- (2) The instrument of appointment may:
 - (a) describe the premises and activities in relation to which the inspector may use his or her powers under regulation 173.400; and
 - (b) specify the duration of the appointment; and
 - (c) specify that the appointment is subject to 1 or more conditions.

173.395 Identity card

- (1) CASA must issue each authorised inspector with an identity card that includes a recent photograph of the inspector.

Regulation 173.400

- (2) No more than 7 days after ceasing to be an authorised inspector, a person must return his or her identity card to CASA.

Penalty: 1 penalty unit.

- (3) An offence against subregulation (2) is an offence of strict liability.

173.400 Powers of authorised inspector

- (1) The powers that an authorised inspector may exercise are the powers to do any or all of the following:
- (a) enter and inspect premises connected with, or used for the purposes of, design work that is carried on by, or for, a certified designer or authorised designer or where any documents or records relating to that work are kept;
 - (b) observe the practices and procedures of the certified designer or authorised designer (including the designer's employees) in carrying on design work under designer's procedure design certificate or procedure design authorisation;
 - (c) inspect the designer's facilities used for, or in relation to, that work;
 - (d) inspect and test any systems and equipment used for, or in relation to, that work;
 - (e) inspect any documents or records maintained, or required to be kept under this Part, by the designer in relation to that work;
 - (f) make a copy of any document or record that the authorised designer inspects.
- (2) However, an authorised inspector may exercise his or her powers only:
- (a) at premises connected with, or used for the purposes of, design work that is carried on by, or for, a certified designer or authorised designer or where any documents or records relating to that work are kept; and
 - (b) with the permission of the certified designer or authorised designer; and

Regulation 173.400

- (c) if the designer, or a person on behalf of the designer, so requests — after the designer or person has been shown the inspector's identity card; and
 - (d) during normal business hours; and
 - (e) to ensure that design work is being carried on in accordance with these Regulations.
- (3) The cost of any copying carried out for the purposes of paragraph (1) (f) must be met by CASA.

Part 183 Authorised representatives

Note This Part heading is reserved for future use.

Regulation 200.001

Part 200 Aircraft to which CASR do not apply

Note *This Part is made up as follows:*

Subpart 200.B Exemption from Regulations

- | | |
|---------|--|
| 200.001 | Hang gliders |
| 200.002 | Privately built single-place ultralight aeroplanes |
| 200.003 | Gyroplanes having an empty weight not in excess of 250 kilograms |
| 200.004 | Two-place gyroplanes with empty weight not over 300 kilograms |
| 200.005 | Parasails and gyrogliders |
| 200.008 | Defence Force aircraft operated by civilian flight crew |
| 200.010 | Military aircraft undergoing production or acceptance flight testing |
| 200.013 | Weight-shift-controlled aeroplanes and powered parachutes |
| 200.014 | Certain ultralight aeroplanes |

Subpart 200.C Authorisation to fly

- | | |
|---------|--|
| 200.020 | Authorised flight without certificate of airworthiness |
|---------|--|

Subpart 200.B Exemption from Regulations

200.001 Hang gliders

- (1) A hang glider used:
 - (a) solely in private operations and only for recreational purposes; or
 - (b) for flying training for the issue of a pilot certificate;is exempt from CASR if the conditions in subsection 95.8 (4) of the Civil Aviation Orders, as in force from time to time, are complied with.
- (2) In this regulation:

empty weight, for a hang glider, means the weight of the hang glider in its airborne configuration, including all fittings and equipment but excluding recovery or personnel parachutes.

Regulation 200.002

hang glider means a glider, or a powered paraglider, with an empty weight not over 70 kilograms.

powered paraglider means an aircraft without rigid wings that:

- (a) is launched by its pilot's feet; and
- (b) is powered by a power unit worn on its pilot's back.

200.002 Privately built single-place ultralight aeroplanes

- (1) This regulation applies to a privately built single-place aeroplane if it:
 - (a) is registered with the RAA; and
 - (b) has a take-off weight not over 300 kilograms; and
 - (c) for an aeroplane that first became registered with the RAA on or after 1 March 1990:
 - (i) has a wing loading not over 30 kilograms per square metre at maximum all-up weight; and
 - (ii) if it is owned by a person who is not its builder — has been certificated by the RAA as meeting the requirements set out in the RAA Technical Manual.
- (2) The aeroplane is exempt from CASR if the conditions in section 95.10 of the Civil Aviation Orders, as in force from time to time, are complied with.
- (3) In this regulation:

RAA means Recreational Aviation Australia Inc.

RAA Technical Manual means the manual prepared by RAA and approved by CASA, as in force from time to time, that contains:

- (a) airworthiness, design and maintenance standards; and
- (b) aeronautical practices, test procedures and processes.

take-off weight, for an aeroplane, means the aeroplane's total weight when it starts to taxi before taking-off, including the weight of the pilot and of fuel, oil, recovery and personnel parachutes, flotation equipment, items of optional equipment, tools and baggage.

Regulation 200.003

200.003 Gyroplanes having an empty weight not in excess of 250 kilograms

An aircraft to which Civil Aviation Order 95.12, as in force from time to time, applies is exempt from CASR if the conditions in that Order are satisfied.

200.004 Two-place gyroplanes and single-place gyroplanes certificated as light sport aircraft

An aircraft to which Civil Aviation Order 95.12.1, as in force from time to time, applies is exempt from CASR if the conditions in that Order are satisfied.

200.005 Parasails and gyrogliders

- (1) A parasail or gyroglider is exempt from CASR if the conditions in subsection 95.14 (4) of the Civil Aviation Orders, as in force from time to time, are complied with.

- (2) In this regulation:

gyroglider means a non-power-driven heavier-than-air aircraft supported in flight by the reaction of the air on 1 or more rotors that rotate freely on substantially vertical axes.

parasail means a parachute tethered to a point or vehicle on the ground or to a watercraft and deriving lift chiefly from aerodynamic reactions on flexible surfaces remaining fixed under given conditions of flight.

200.008 Defence Force aircraft operated by civilian flight crew

- (1) This regulation applies to a Defence Force aircraft that is being flown and operated by persons, other than members of the Defence Force, who hold commercial or higher category licences, and that is engaged in:
 - (a) flight testing; or
 - (b) search and rescue; or
 - (c) support of aircraft development and flight test programs; or
 - (d) any other activity authorised by the Defence Force.

Regulation 200.013

- (2) The aircraft is exempt from CASR if the conditions in subsection 95.20 (4) of the Civil Aviation Orders, as in force from time to time, are complied with.
- (3) In this regulation:
 - flight testing*, of an aircraft, means flying performed on behalf of the contractor or Defence Force to establish that the aircraft meets all the requirements of the contractor or Defence Force after manufacture or major servicing and inspection.

200.010 Military aircraft undergoing production or acceptance flight testing

- (1) A military aircraft that is undergoing production flight testing or acceptance flight testing is exempt from CAR, and from CASR (other than this regulation), if the conditions (if any) set out in the relevant section of Part 95 of the Civil Aviation Orders (as in force from time to time) are complied with.
- (2) In this regulation:
 - acceptance flight testing* of a military aircraft means flight testing on behalf of the Defence Force to find out whether the aircraft meets the Force's requirements.
 - production flight testing* of a military aircraft means flight testing on behalf of a contractor to find out whether the aircraft meets the contractor's requirements.
 - relevant section of Part 95 of the Civil Aviation Orders*, in relation to a military aircraft of a particular type, means the section of that Part that applies to aircraft of that type.

200.013 Weight-shift-controlled aeroplanes and powered parachutes

An aeroplane to which Civil Aviation Order 95.32, as in force from time to time, applies is exempt from CASR if the conditions in that Order are satisfied.

Regulation 200.014

200.014 Certain ultralight aeroplanes

An aeroplane to which Civil Aviation Order 95.55, as in force from time to time, applies is exempt from CASR if the conditions in that Order are satisfied.

Subpart 200.C Authorisation to fly

200.020 Authorised flight without certificate of airworthiness

For paragraph 20AA (3) (b) of the Act, an Australian aircraft that is exempt from CASR is authorised to fly without a certificate of airworthiness.

Regulation 201.003

Part 201 Miscellaneous

Note *This Part is made up as follows:*

201.001	Appointment of authorised persons
201.003	Commonwealth and CASA not liable in certain cases
201.004	Review of decisions
201.005	Notice of change of name or trading name
201.010	Notice of change of nationality
201.015	Notice of change of address etc
201.016	Disclosure of personal information
201.020	Service of documents

201.001 Appointment of authorised persons

- (1) CASA may appoint a person, or the persons included in a class of persons, to be an authorised person for CASR or a particular provision of CASR.
- (2) CASA may appoint a person only if CASA is satisfied that the person has the qualifications and experience to be an authorised person.
- (3) CASA may appoint a class of persons only if CASA is satisfied that each person included in the class has the qualifications and experience to be an authorised person.
- (4) An appointment may be made subject to conditions stated in the instrument of appointment.

201.003 Commonwealth and CASA not liable in certain cases

Neither the Commonwealth nor CASA is liable in negligence or otherwise for any loss or damage incurred by anyone because of, or arising out of, the design, construction, restoration, repair, maintenance or operation of a limited category aircraft or an experimental aircraft, or any act or omission of CASA done or made in good faith in relation to any of those things.

Regulation 201.004

201.004 Review of decisions

An application may be made to the Administrative Appeals Tribunal for review of:

- (a) a decision refusing to issue, or cancelling, suspending or varying, an approval, authorisation, authority, certificate or permit issued under CASR; or
- (b) a decision imposing a condition on an approval, authorisation, authority, certificate or permit; or
- (c) a decision under regulation 21.043 not to consider an application; or
- (d) a decision refusing to grant a request made under subregulation 39.004 (1) or 39.005 (1) or regulation 39.006; or
- (e) a decision under regulation 21.855 to refuse approval to remove or alter information on a critical part; or
- (f) a decision under regulation 21.870 that it is impractical to mark information on a part; or
- (g) a decision under subregulation 45.090 (1) to refuse approval to place a design, mark or symbol on an aircraft; or
- (h) a decision under subregulation 45.105 (2) directing where to place an aircraft's markings, or refusing to give such a direction; or
- (i) a decision under subregulation 45.150 (3) directing where to place an aircraft's aircraft registration identification plate, or refusing to give such a direction; or
- (j) a decision under regulation 45.155 refusing approval to remove an aircraft's aircraft registration identification plate, or remove or alter a marking on such a plate; or
- (k) a decision to cancel the registration of an aircraft; and
- (l) a decision under regulation 47.175 to assign fewer dealer's marks to a dealer than were applied for; and
- (m) a decision under Subpart 67.C:
 - (i) to refuse to appoint a person as a DAME or DAO; or
 - (ii) to impose a condition, restriction or limitation on the appointment of a person as a DAME under paragraph 67.060 (4) (a); or

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- (iii) to impose a condition, restriction or limitation on the appointment of a person as a DAO under paragraph 67.080 (5) (a); or
- (iv) to cancel, for a reason mentioned in subregulation 67.095 (1), the appointment of a person as a DAME or DAO; or
- (n) a decision under regulation 92.155 to refuse to exclude a person or class of persons from the obligation to comply with the requirements mentioned in that regulation, or to grant such an exclusion subject to a condition; or
- (na) a decision under subregulation 137.040 (1) to refuse to approve a standard operations manual; or
- (nb) a decision under subregulation 137.045 (6) to refuse to accept:
 - (i) an application for an AOC submitted later than required under subregulation 137.045 (1); or
 - (ii) a manual or schedule of differences that is submitted later than required under subregulation 137.045 (4); or
 - (iii) an application for the variation of an AOC submitted later than required under subregulation 137.045 (5); or
- (nc) a decision under subregulation 137.050 (1) to refuse to approve an application for an AOC or a variation of an AOC; or
- (nd) a decision under subregulation 137.080 (3) to refuse to approve a proposed amendment to an operations manual; or
- (ne) a decision under subregulation 137.085 (3) to refuse to approve a proposed amendment to a standard operations manual; or
- (nf) a decision under subregulation 137.090 (3) to refuse to approve a proposed amendment to a schedule of differences.
- (o) a decision under regulation 139.020 not to grant an exemption under that regulation; or
- (p) a direction given by CASA under regulation 139.145; or

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- (q) a decision under Subpart 139.C refusing to register, or suspending or cancelling the registration of, an aerodrome.

Note Section 27A of the *Administrative Appeals Tribunal Act 1975* requires a person who makes a reviewable decision to give a person whose interests are affected by the decision notice of the making of the decision and of the person's right to have the notice reviewed.

201.005 Notice of change of name or trading name

- (1) In this regulation:

authorisation has the same meaning as in Part 11.

- (2) A person is guilty of an offence if the person:

- (a) is the holder of an authorisation; and
- (b) changes his, her or its name; and
- (c) does not tell CASA in writing of the change within 14 days.

Penalty: 5 penalty units.

Note Giving notice of a change of name is also a condition of the authorisation — see regulation 11.070.

- (3) A person is guilty of an offence if the person:

- (a) is the holder of an authorisation; and
- (b) uses the authorisation in connection with an aviation-related activity of a business; and
- (c) carries on the business under a name that is registered as a trading or business name under the law of a State or Territory; and
- (d) changes that name, ceases to use that name, or begins to use another name; and
- (e) does not tell CASA in writing of the change within 14 days.

Penalty: 5 penalty units.

- (4) Strict liability applies to paragraphs (2) (c) and (3) (e).

201.010 Notice of change of nationality

- (1) In this regulation:

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authorisation has the same meaning as in Part 11.

- (2) A person is guilty of an offence if the person:
- (a) is the holder of an authorisation on which is noted his or her nationality; and
 - (b) changes his or her nationality; and
 - (c) does not tell CASA in writing of the change within 14 days.

Penalty: 5 penalty units.

Note Giving notice of a change of nationality is also a condition of the authorisation — see regulation 11.070.

- (3) Strict liability applies to paragraph (2) (c).

201.015 Notice of change of address etc

- (1) In this regulation:
- authorisation* has the same meaning as in Part 11.
- (2) A person is guilty of an offence if:
- (a) the person is the holder of an authorisation; and
 - (b) the person changes:
 - (i) in the case of a holder who is an individual — his or her residential address; or
 - (ii) in the case of a holder that is a corporation — the address of its registered office; or
 - (iii) if the holder has told CASA of an address to which notices may be sent — that address; and
 - (c) the person does not tell CASA in writing of the change within 14 days.

Penalty: 5 penalty units.

Note Giving notice of a change of address is also a condition of the authorisation — see regulation 11.070.

- (3) A person is guilty of an offence if:
- (a) the person is the holder of an authorisation; and
 - (b) the person uses the authorisation in connection with an aviation-related activity of a business; and

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- (c) the person changes:
 - (i) in the case of a holder that is a corporation — the address of its registered office; or
 - (ii) his or her place of business; and
- (d) the person does not tell CASA in writing of the change within 7 days.

Penalty: 5 penalty units.

Note Giving notice of a change of address is also a condition of the authorisation — see regulation 11.070.

- (4) Strict liability applies to paragraphs (2) (c) and (3) (d).

201.016 Disclosure of personal information

- (1) CASA may, in the circumstances set out in this regulation, disclose personal information (within the meaning given by the *Privacy Act 1988*) that is in CASA's possession or under its control.
- (2) The information is the following about an individual who holds a civil aviation authorisation:
 - (b) the person's ARN (if any);
 - (b) the unique identifier (if any) assigned to the person by CASA for the purposes of CASA's records;
 - (c) the person's address;
 - (d) the person's telephone number;
 - (e) details of each civil aviation authorisation and any medical certificate that the person holds.
- (3) If it is necessary for the safety of air navigation, CASA may disclose the information mentioned in any paragraph of subregulation (2) to:
 - (a) a person providing an air traffic service (within the meaning given in Part 172) in Australian territory; or
 - (b) a person carrying out search and rescue operations in Australian territory.

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201.020 Service of documents

Service may be effected on CASA at its principal office at:

CASA Building

Corner Northbourne Avenue and Barry Drive

Canberra City, Australian Capital Territory.

Part 202 Transitional

Note *This Part is made up as follows:*

Subpart 202.AB Transitional provisions for Part 1 (Preliminary)

Subpart 202.AD Transitional provisions for Part 11 (Regulatory administrative procedures)

202.010 Continuation of existing delegations

202.011 Continuation of certain exemptions

202.012 Consultation on certain Manuals of Standards

Subpart 202.AF Transitional provisions for Part 13 (Enforcement)

Subpart 202.AJ Transitional provisions for Part 21 (Certification and airworthiness requirements for aircraft and parts)

202.050 Certificates of type approval

202.051 Certificates of airworthiness

202.052 Export certificate of airworthiness

Subpart 202.AK Transitional provisions for Part 22 (Airworthiness standards for sailplanes and powered sailplanes)

Subpart 202.AL Transitional provisions for Part 23 (Airworthiness standards for aeroplanes in the normal, utility, acrobatic or commuter category)

Subpart 202.AN Transitional provisions for Part 25 (Airworthiness standards for aeroplanes in the transport category)

Subpart 202.AO Transitional provisions for Part 26 (Airworthiness standards for aircraft in the primary category or intermediate category)

Subpart 202.AP Transitional provisions for Part 27 (Airworthiness standards for rotorcraft in the normal category)

Subpart 202.AR Transitional provisions for Part 29 (Airworthiness standards for rotorcraft in the transport category)

Subpart 202.AT Transitional provisions for Part 31 (Airworthiness standards for manned free balloons)

Subpart 202.AU Transitional provisions for Part 32 (Airworthiness standards for engines for very light aeroplanes)

Subpart 202.AV Transitional provisions for Part 33 (Airworthiness standards for aircraft engines)

Subpart 202.AX Transitional provisions for Part 35 (Airworthiness standards for aircraft propellers)

Subpart 202.AZ Transitional provisions for Part 39 (Airworthiness directives)

- 202.170 Airworthiness directives
- 202.171 Application for exemption from, or variation of, requirement of airworthiness directive
- 202.172 Exemption from requirement of airworthiness directive

Subpart 202.BB Transitional provisions for Part 43 (Maintainers' responsibilities)**Subpart 202.BD Transitional provisions for Part 45 (Display of nationality and registration marks)**

- 202.200 Australian aircraft marked in accordance with CAR

Subpart 202.BF Transitional provisions for Part 47 (Registration of aircraft)

- 202.220 Definitions for Subpart 202.BF
- 202.221 Continuation of Aircraft Register
- 202.222 Reference to *holder of a certificate of registration*
- 202.223 Registration under CAR to continue
- 202.224 Pending applications or notices
- 202.225 Application to register aircraft under Part 47

Subpart 202.CA Transitional provisions for Part 60 (Synthetic training devices)

- 202.240 Definitions for this Subpart
- 202.241 Transitional accreditation — flight simulators

Subpart 202.CB Transitional provisions for Part 61 (Pilot licensing)**Subpart 202.CD Transitional provisions for Part 63 (Flight crew licensing other than pilots)****Subpart 202.CE Transitional provisions for Part 64 (Ground authorisations)****Subpart 202.CF Transitional provisions for Part 65 (Air traffic services licensing)**

- 202.320 Manual of Standards for Part 65
- 202.321 Persons holding certain licences

Subpart 202.CG Transitional provisions for Part 66 (Maintenance personnel licensing)**Subpart 202.CH Transitional provisions for Part 67 (Medical)**

- 202.360 Medical certificates issued under *Civil Aviation Regulations 1988*
- 202.361 Designated aviation medical examiners appointed under *Civil Aviation Regulations 1988*
- 202.362 Actions by Director of Aviation Medicine

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- 202.363 Applications for issue of medical certificates pending on 3 September 2003
- Subpart 202.DA Transitional provisions for Part 71 (Airspace)**
- Subpart 202.EA Transitional provisions for Part 90 (Additional airworthiness requirements)**
- Subpart 202.EB Transitional provisions for Part 91 (General operating and flight rules)**
- Subpart 202.EC Transitional provisions for Part 92 (Consignment and carriage of dangerous goods by air)**
- 202.440 Approval of certain training courses and instructors
- Subpart 202.FA Transitional provisions for Part 101 (Unmanned aircraft and rocket)**
- 202.460 Authorisations, permissions and approvals in force immediately before 1 July 2002
- Subpart 202.FC Transitional provisions for Part 103 (Sport and recreational aviation operations)**
- Subpart 202.FE Transitional provisions for Part 105 (Sport and recreational parachuting from aircraft)**
- Subpart 202.FJ Transitional provisions for Part 115 (Operations using sport aviation aircraft for non-recreational activities)**
- Subpart 202.FL Transitional provisions for Part 119 (Air operator certification — air transport)**
- Subpart 202.FN Transitional provisions for Part 121A (Air transport operations — large aeroplanes)**
- Subpart 202.FO Transitional provisions for Part 121B (Air transport operations — small aeroplanes)**
- Subpart 202.FR Transitional provisions for Part 129 (Air operator certification — foreign operators)**
- Subpart 202.FT Transitional provisions for Part 133 (Air transport and aerial work operations — rotorcraft)**
- Subpart 202.FV Transitional provisions for Part 136 (Aerial work operations — other than those covered by Parts 133, 137, 138, 141 and 142)**
- Subpart 202.FW Transitional provisions for Part 137 (Aerial agriculture operations — other than rotorcraft)**
- Subpart 202.FX Transitional provisions for Part 138 (Search and rescue operations)**
- Subpart 202.FY Transitional provisions for Part 139 (Aerodromes)**
- 202.700 Definitions for this Subpart
- 202.701 Aerodrome licences issued under CAR

202.702	Conditions of transitional aerodrome licences
202.703	Duration of transitional aerodrome licences
202.704	Previous aerodrome manuals and standards for aerodromes
202.705	Exemptions
Subpart 202.FYH Transitional provisions for Subpart 139.H (Aerodrome rescue and fire fighting services)	
202.710	Manual of Standards for Subpart 139.H
Subpart 202.GA Transitional provisions for Part 141 (Flight training organisations)	
Subpart 202.GB Transitional provisions for Part 142 (Training and checking organisations)	
Subpart 202.GC Transitional provisions for Part 143 (Air traffic services training providers)	
202.760	Manual of Standards for Part 143
Subpart 202.GD Transitional provisions for Part 144 (Product distribution organisations)	
Subpart 202.GE Transitional provisions for Part 145 (Maintenance organisations)	
Subpart 202.GF Transitional provisions for Part 146 (Design approval organisations)	
Subpart 202.GG Transitional provisions for Part 147 (Maintenance training organisations)	
Subpart 202.GI Transitional provisions for Part 149 (Recreational aviation administration organisations)	
Subpart 202.HA Transitional provisions for Part 171 (Aeronautical telecommunication service and radionavigation service providers)	
202.880	Manual of Standards for Part 171
Subpart 202.HB Transitional provisions for Part 172 (Air traffic service providers)	
202.900	Manual of Standards for Part 172
Subpart 202.HC Transitional provisions for Part 173 (Instrument flight procedure design)	
Subpart 202.HD Transitional provisions for Part 174 (Aviation meteorological services)	
Subpart 202.HJ Transitional provisions for Part 183 (Authorised representatives)	
Subpart 202.HL Transitional provisions for Part 200 (Exemptions)	
Subpart 202.HM Transitional provisions for Part 201 (Miscellaneous)	

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**Subpart 202.AB Transitional provisions for Part 1
(Preliminary)**

Note 1 This Subpart heading is reserved for future use.

Note 2 Regulation numbers 202.010 to 202.019 are reserved for use in this Subpart.

**Subpart 202.AD Transitional provisions for Part 11
(Regulatory administrative
procedures)**

202.010 Continuation of certain existing delegations

- (1) Despite any amendment of regulation 7 of CAR that has the effect of preventing any delegation under it of a power or function under CASR, a delegation, under that regulation, of such a power or function continues to have effect according to its terms (including any condition imposed on such a delegation).
- (2) Despite any repeal of regulation 201.002, a delegation made under that regulation continues to have effect according to its terms (including any condition imposed on such a delegation).
- (3) A delegation referred to in subregulation (1) or (2) continues to be subject to any direction given by the Director under subregulation 7 (3) of CAR, or subregulation 201.002 (3), as the case may be.
- (4) Subregulation (1) does not prevent the revocation of a delegation referred to in that subregulation.
- (5) Subregulation (2) does not prevent the revocation of a delegation referred to in that subregulation.

202.011 Continuation of certain exemptions

- (1) Despite anything in Subpart 11.F, an exemption from compliance with a provision of CASR issued under regulation 308 of CAR continues to have effect according to its terms.

- (2) Such an exemption may be revoked under regulation 308 as if that regulation continued to permit it to be made.

202.012 Consultation on certain Manuals of Standards

- (1) In this regulation:
MOS has the same meaning as in Subpart 11.J.
- (2) If before this regulation commenced CASA had undertaken consultation on a MOS, being consultation that would have satisfied the requirements of Subpart 11.J if that Subpart had been in force, that Subpart does not require CASA to repeat that consultation.

Subpart 202.AF Transitional provisions for Part 13 (Enforcement)

Note 1 This Subpart heading is reserved for future use.

Note 2 Regulation numbers 202.030 to 202.049 are reserved for use in this Subpart.

Subpart 202.AJ Transitional provisions for Part 21 (Certification and airworthiness requirements for aircraft and parts)

202.050 Certificates of type approval

- (1) A certificate of type approval for an aircraft, or an aircraft engine or a propeller, that was, immediately before 1 October 1998, in force under regulation 22 of CAR 1988 as then in force continues in force on and after that date as if it were a type certificate issued under regulation 21.013A or 21.029.
- (2) A certificate of type approval for an aircraft that was, immediately before 1 October 1998, in force under regulation 22A of CAR 1988 as then in force continues in force on and after that date as if it were a type acceptance certificate issued under regulation 21.029A.

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- (3) A certificate of type approval continued in force under this regulation remains subject to any condition to which it was subject immediately before 1 October 1998.

202.051 Certificates of airworthiness

- (1) A certificate of airworthiness that was, immediately before 1 October 1998, in force under regulation 24 of CAR 1988 as then in force continues in force on and after that date as if it were a certificate of airworthiness issued under regulation 21.176.
- (2) A certificate of airworthiness continued in force under subregulation (1) remains subject to any condition to which it was subject immediately before 1 October 1998.
- (3) Subject to Division 7 of Part 4A of CAR 1988, a direction that was, immediately before 1 October 1998, in force under paragraph 25 (1) (b) of CAR 1988 as then in force continues in force on and after that date according to its terms.

202.052 Export certificate of airworthiness

An export certificate of airworthiness that was, immediately before 1 October 1998, in force under regulation 28 of CAR 1988 as then in force continues in force on and after that date as if it were an export airworthiness approval issued under regulation 21.324.

**Subpart 202.AK Transitional provisions for Part 22
(Airworthiness standards for
sailplanes and powered
sailplanes)**

**202.060 Approvals under airworthiness instruments in force
before 1 July 2009**

- (1) Despite the amendments of Part 22 taking effect on 1 July 2009:
 - (a) an approval that:

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- (i) was given by CASA under a repealed provision; and
- (ii) was in effect immediately before 1 July 2009;
has effect on and after 1 July 2009 as if those amendments had not been made; and
- (b) CASA may suspend or cancel an approval mentioned in paragraph (a) if it is necessary in the interests of aviation safety.

(2) In this regulation:
repealed provision means regulation 22.006, 22.007, 22.008 or 22.009 as in force immediately before 1 July 2009.

**Subpart 202.AL Transitional provisions for Part 23
(Airworthiness standards for
aeroplanes in the normal, utility,
acrobatic or commuter category)**

**202.070 Approvals under airworthiness instruments in force
before 1 July 2009**

- (1) Despite the amendments of Part 23 taking effect on 1 July 2009:
 - (a) an approval that:
 - (i) was given by CASA under a repealed provision; and
 - (ii) was in effect immediately before 1 July 2009;
has effect on and after 1 July 2009 as if those amendments had not been made; and
 - (b) CASA may suspend or cancel an approval mentioned in paragraph (a) if it is necessary in the interests of aviation safety.
- (2) In this regulation:
repealed provision means regulation 23.007 or 23.008 as in force immediately before 1 July 2009.

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**Subpart 202.AN Transitional provisions for Part 25
(Airworthiness standards for
aeroplanes in the transport
category)**

**202.090 Approvals under airworthiness instruments in force
before 1 July 2009**

- (1) Despite the amendments of Part 25 taking effect on 1 July 2009:
 - (a) an approval that:
 - (i) was given by CASA under the former regulation 25.006; and
 - (ii) was in effect immediately before 1 July 2009;
has effect on and after 1 July 2009 as if those amendments had not been made; and
 - (b) CASA may suspend or cancel an approval mentioned in paragraph (a) if it is necessary in the interests of aviation safety.
- (2) In this regulation:
the former regulation 25.006 means regulation 25.006 as in force immediately before 1 July 2009.

**Subpart 202.AO Transitional provisions for Part 26
(Airworthiness standards for
aircraft in the primary category or
intermediate category)**

Note 1 This Subpart heading is reserved for future use.

Note 2 Regulation numbers 202.100 to 202.109 are reserved for use in this Subpart.

**Subpart 202.AP Transitional provisions for Part 27
(Airworthiness standards for
rotorcraft in the normal category)**

Note 1 This Subpart heading is reserved for future use.

Note 2 Regulation numbers 202.110 to 202.119 are reserved for use in this Subpart.

**Subpart 202.AR Transitional provisions for Part 29
(Airworthiness standards for
rotorcraft in the transport
category)**

Note 1 This Subpart heading is reserved for future use.

Note 2 Regulation numbers 202.120 to 202.129 are reserved for use in this Subpart.

**Subpart 202.AT Transitional provisions for Part 31
(Airworthiness standards for
manned free balloons)**

Note 1 This Subpart heading is reserved for future use.

Note 2 Regulation numbers 202.130 to 202.139 are reserved for use in this Subpart.

**Subpart 202.AU Transitional provisions for Part 32
(Airworthiness standards for
engines for very light aeroplanes)**

**202.140 Approvals under airworthiness instruments in force
before 1 July 2009**

- (1) Despite the amendments of Part 32 taking effect on 1 July 2009:
 - (a) an approval that:
 - (i) was given by CASA under the former regulation 32.004; and
 - (ii) was in effect immediately before 1 July 2009; has effect on and after 1 July 2009 as if those amendments had not been made; and
 - (b) CASA may suspend or cancel an approval mentioned in paragraph (a) if it is necessary in the interests of aviation safety.
- (2) In this regulation:
the former regulation 32.004 means regulation 32.004 as in force immediately before 1 July 2009.

**Subpart 202.AV Transitional provisions for Part 33
(Airworthiness standards for
aircraft engines)**

Note 1 This Subpart heading is reserved for future use.

Note 2 Regulation numbers 202.150 to 202.159 are reserved for use in this Subpart.

Subpart 202.AX Transitional provisions for Part 35 (Airworthiness standards for aircraft propellers)

Note 1 This Subpart heading is reserved for future use.

Note 2 Regulation numbers 202.160 to 202.169 are reserved for use in this Subpart.

Subpart 202.AZ Transitional provisions for Part 39 (Airworthiness directives)

202.170 Airworthiness directives

If an airworthiness directive issued under regulation 37A of CAR, or such an airworthiness directive as subsequently varied, had effect immediately before 1 January 2000, then, subject to these Regulations, the airworthiness directive, or the airworthiness directive as varied, continues to have effect on and after that day as if it were an airworthiness directive issued by CASA under regulation 39.001.

202.171 Application for exemption from, or variation of, requirement of airworthiness directive

If an application under regulation 42ZR of CAR for an exemption from, or a variation of, a requirement of an airworthiness directive, in so far as it relates to a particular aircraft, was still pending immediately before 1 January 2000, the application has effect as if it were a written request made by the applicant, on that day, for CASA to exclude, under regulation 39.004, the aircraft from the operation of the airworthiness directive.

202.172 Exemption from requirement of airworthiness directive

If an exemption from a requirement of an airworthiness directive granted, under regulation 42ZS of CAR, in relation to an aircraft was still in force immediately before 1 January

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2000, then, subject to these Regulations, the exemption has effect as if it were an instrument issued under regulation 39.004, on that day, excluding the aircraft from the operation of the airworthiness directive.

**Subpart 202.BB Transitional provisions for Part 43
(Maintainers' responsibilities)**

Note 1 This Subpart heading is reserved for future use.

Note 2 Regulation numbers 202.180 to 202.199 are reserved for use in this Subpart.

**Subpart 202.BD Transitional provisions for Part 45
(Display of nationality and
registration marks)**

202.200 Australian aircraft marked in accordance with CAR

Despite Part 45, an Australian aircraft registered before 1 October 2000 need not bear markings that comply with that Part until it is repainted if, until then, the aircraft bears nationality marks and registration marks in accordance with Division 7 of Part 3 of CAR (as in force immediately before 1 October 2000).

**Subpart 202.BF Transitional provisions for Part 47
(Registration of aircraft and related
matters)**

202.220 Definitions for Subpart 202.BF

In this Subpart:

certificate of registration means a certificate of registration issued under the old Regulations.

eligible person has the meaning given by regulation 47.010.

old Regulations means CAR as in force immediately before 15 November 2004.

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Property interest has the meaning given by the old Regulations.

registered operator has the meaning given by regulation 47.100.

202.221 Continuation of Aircraft Register

- (1) For Subpart 47.B, the Aircraft Register mentioned in regulation 8 of the old Regulations (the *Aircraft Register*) continues in existence under the name *Australian Civil Aircraft Register*.
- (2) Entries made in the Aircraft Register under Part 3 of the old Regulations are incorporated in, and form part of, the Australian Civil Aircraft Register.

202.222 Reference to *holder of a certificate of registration*

- (1) A reference in CAR to the holder of a certificate of registration of an aircraft is taken to be a reference to the registered operator of the aircraft.
- (2) A duty imposed on the holder of a certificate of registration of an aircraft is taken to be imposed on the registered operator of the aircraft.

202.223 Registration under CAR to continue

- (1) The registration of an aircraft in the Aircraft Register continues as if the old Regulations were still in force until:
 - (a) the day when CASA registers, or refuses to register, the aircraft under Part 47; or
 - (b) CASA cancels the registration.

Note After 15 November 2005, CASA may cancel or suspend the registration of an aircraft if the owner of the aircraft does not reply to a request made under subregulation 202.225 (5).

- (2) However, CASA must not accept an application for a change of any details about an aircraft that are kept in the Aircraft Register, other than an application for:

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- (a) a change of name or address of the holder of the certificate of registration, or a property interest holder, of the aircraft; or
 - (b) the cancellation of the registration of the aircraft.
- (3) If the registration of an aircraft is suspended under the old Regulations, the suspension continues as if the old Regulations were still in force.

202.224 Pending applications or notices

- (1) This regulation applies if:
- (a) before 15 November 2004, a person applied to CASA or sent CASA a notice under Part 3 of the old Regulations; and
 - (b) on or after 15 November 2004, CASA had not decided about the application or acted on the notice.
- (2) CASA must decide about the application or act on the notice as if the old Regulations were still in force.

202.225 Application to register aircraft under Part 47

- (1) The owner of an aircraft that is registered in the Aircraft Register may apply to CASA to register the aircraft under Part 47.
- (2) The application must be made in an approved form and include:
- (a) the aircraft's registration mark, manufacturer, model and serial number; and
 - (b) the name, address and signature of the owner of the aircraft; and
 - (c) the registered operator's name and postal address, and:
 - (i) if the registered operator is an individual — his or her home address; or
 - (ii) if the registered operator is a corporation — the address of the corporation's registered office; and
 - (d) the name, address and signature of the person who holds the certificate of registration; and

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- (e) the name, address and signature of each person who holds a property interest in the aircraft.
- (3) If CASA receives an application in accordance with subregulation (2), CASA must register the aircraft.
- (4) However, CASA may approve an application without 1 or more of the signatures required by paragraph (2) (e), if there is other evidence available to demonstrate that the application is genuine.
- (5) If, after 15 November 2005, CASA asks an applicant, or the owner of an aircraft, to provide information, or take an action, to complete an application in the approved form, the applicant, or owner, must provide the information, or take the action, within 90 days of CASA making the request.

Note Regulation 47.045 of CASR sets out relevant directions about communicating with CASA.

- (6) CASA may cancel or suspend the registration of the aircraft if the applicant, or owner of the aircraft, fails to comply with subregulation (5).

Note An explanation of the procedures that apply in relation to a suspension are set out in the advisory circular AC 47-1 which can be viewed at, or downloaded from, CASA's website: www.casa.gov.au.

Subpart 202.CA Transitional provisions for Part 60 (Synthetic training devices)

202.240 Definitions for this Subpart

In this Subpart:

accreditation, of a flight simulator, means accreditation of the flight simulator under Part 45 of the Civil Aviation Orders for the purpose of granting an approval of the flight simulator under the old regulations, and includes an accreditation certificate issued for that purpose.

flight simulator qualification has the meaning given by regulation 60.015.

old regulations means CAR as in force immediately before 18 September 2003.

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Transitional accreditation, of a flight simulator, means accreditation of the flight simulator that is continued in force on and after 18 September 2003 by regulation 202.241 as if it were a flight simulator qualification.

202.241 Transitional accreditation — flight simulators

- (1) The accreditation of a flight simulator that was in force immediately before 18 September 2003 at a level (the ***old level***) specified in column 2 of an item in table 202.241 continues to be in force on and after that day, subject to subregulations (2), (3) and (4), as if it were a flight simulator qualification for the flight simulator at the level (the ***new level***) specified in column 3 of that item.
- (2) A transitional accreditation remains subject to any conditions to which it was subject immediately before 18 September 2003.
- (3) A transitional accreditation continues in force until the sooner of the following:
 - (a) the date of expiry of the accreditation;
 - (b) 18 September 2004.
- (4) However, a transition accreditation ceases if:
 - (a) it is cancelled; or
 - (b) there is a change of operator of the simulator or device; or
 - (c) the simulator or device is deactivated or relocated.

Table 202.241 Accreditation and qualification levels

Item	Old level	New level
1	3	B
2	4	C
3	5	D

Subpart 202.CB Transitional provisions for Part 61 (Pilot licensing)

Note 1 This Subpart heading is reserved for future use.

Note 2 Regulation numbers 202.260 to 202.279 are reserved for use in this Subpart.

Subpart 202.CD Transitional provisions for Part 63 (Flight crew licensing other than pilots)

Note 1 This Subpart heading is reserved for future use.

Note 2 Regulation numbers 202.280 to 202.299 are reserved for use in this Subpart.

Subpart 202.CE Transitional provisions for Part 64 (Ground authorisations)

Note 1 This Subpart heading is reserved for future use.

Note 2 Regulation numbers 202.300 to 202.319 are reserved for use in this Subpart.

Subpart 202.CF Transitional provisions for Part 65 (Air traffic services licensing)

202.320 Manual of Standards for Part 65

- (1) A document called ‘Manual of Standards (MOS) – Part 65’ published by CASA before 1 May 2003 is taken to be a Manual of Standards issued under regulation 65.033.
- (2) The procedures in regulations 65.033A, 65.033B and 65.033C (as in force on 1 May 2003) are taken to have been complied with in relation to the issue of the Manual of Standards.

202.321 Persons holding certain licences

- (1) In this regulation:

Regulation 202.321

old licence means an air traffic controller licence or a flight service officer licence issued under CAR and in force (or suspended) immediately before 1 May 2003.

- (2) A person who, immediately before 1 May 2003, held an old licence (including a licence that is suspended) is taken to hold a corresponding licence issued under Part 65.
- (3) A rating, endorsement or qualification endorsed on an old licence is taken to continue in force for the period during which it would have been in force but for that Part.
- (4) A licence that a person is taken to hold under subregulation (2), or a rating, endorsement or qualification mentioned in subregulation (3), may be suspended or cancelled as if it had been granted under that Part.
- (5) An old licence that, immediately before 1 May 2003, was suspended is taken, on and after that day, to continue to be suspended.
- (6) For the purposes of action against the holder of an old licence mentioned in subregulation (5), the amendments of CAR by regulation 4 of, and Schedule 2 to, the *Civil Aviation Amendment Regulations 2002 (No. 2)* are to be disregarded.

**Subpart 202.CG Transitional provisions for Part 66
(Maintenance personnel licensing)**

Note 1 This Subpart heading is reserved for future use.

Note 2 Regulation numbers 202.340 to 202.359 are reserved for use in this Subpart.

Subpart 202.CH Transitional provisions for Part 67 (Medical)

202.360 Medical certificates issued under *Civil Aviation Regulations 1988*

- (1) A medical certificate or special medical certificate issued before 3 September 2003, under Part 6 of CAR, as in force at any time before that day, continues to have, on and after that day, the same force and effect as it would have had if that Part had continued in force.
- (2) Such a certificate may be suspended or cancelled under Part 67.
- (3) Subject to subregulation (4), such a certificate expires at the time it would have expired if Part 6 of CAR had continued in force.
- (4) The period during which such a certificate is in force may be extended under Part 67, but not beyond the end of 1 year after the day when the certificate would expire if the period had not been extended.

202.361 Designated aviation medical examiners appointed under *Civil Aviation Regulations 1988*

- (1) The appointment of a person, before 3 September 2003, as a designated aviation medical examiner continues to have effect according to its terms.
- (2) Such an appointment may be cancelled in accordance with Part 67.

202.362 Actions by Director of Aviation Medicine

- (1) In this regulation:
Principal Medical Officer means the officer of CASA occupying, or performing the duties of, the position in CASA of that title, and includes a person who occupied, or performed the duties of, the former position in CASA known as 'Director of Aviation Medicine'.

Regulation 202.363

- (2) An approval given by the Principal Medical Officer, before 3 September 2003, for the purposes of a provision of Schedule 1 to CAR, as in force at any time before that day, continues to have effect according to its terms, on and after that day, as if CASA had given the approval for the purposes of the corresponding provision of table 67.150, table 67.155 or table 67.160.

202.363 Applications for issue of medical certificates pending on 3 September 2003

- (1) This regulation applies if:
 - (a) an application under Part 6 of the old regulations for the issue of a medical certificate was pending immediately before 3 September 2003; and
 - (b) the application was in accordance with that Part as then in force.
- (2) The application is taken, for these Regulations, to be an application for the issue of the medical certificate, made, on 3 September 2003, in accordance with Subpart 67.C.
- (3) If an examination required for the issue of the medical certificate under Part 6 of the old regulations had commenced but was not completed before 3 September 2003, the examination is taken to have commenced under Subpart 67.C.
- (4) In this regulation:
old regulations means CAR as in force at any time before 3 September 2003.

Subpart 202.DA Transitional provisions for Part 71 (Airspace)

Note 1 This Subpart heading is reserved for future use.

Note 2 Regulation numbers 202.380 to 202.399 are reserved for use in this Subpart.

Subpart 202.EA Transitional provisions for Part 90 (Additional airworthiness requirements)

Note 1 This Subpart heading is reserved for future use.

Note 2 Regulation numbers 202.400 to 202.419 are reserved for use in this Subpart.

Subpart 202.EB Transitional provisions for Part 91 (General operating and flight rules)

Note 1 This Subpart heading is reserved for future use.

Note 2 Regulation numbers 202.420 to 202.439 are reserved for use in this Subpart.

Subpart 202.EC Transitional provisions for Part 92 (Consignment and carriage of dangerous goods by air)

202.440 Approval of certain training courses and instructors

- (1) Subregulations (2) and (3) have effect if the Governor-General has made regulations that will amend CASR to require the approval of:
 - (a) courses of training in relation to dangerous goods; and
 - (b) instructors to give such courses;and those regulations have been notified in the *Gazette* but have not come into force.
- (2) CASA may approve such a course of training, or such an instructor, for the purposes of CASR as so to be amended.

Regulation 202.440

- (3) Such an approval may be expressed to be for the purposes of a provision of CASR as so to be amended.
- (4) Such an approval given before the amending regulations come into force is not, after those regulations come into force, ineffective only because it was given before those regulations came into force.

Note Other transitional provisions for Part 92 are located in regulation 92.150. That regulation is as follows:

92.150 Transitional — training undertaken before 1 January 2004

- (1) A group A or B employee who has undertaken a training course in accordance with subregulation 262P (1) or 262R (1) of CAR on or after 1 January 2002 is taken, for 2 years after undertaking that training, to have undertaken training in accordance with this Subpart.
- (2) A group C employee who is a flight crew member, and who has undertaken a training course in accordance with subregulation 262P (3) of CAR on or after 1 January 2002, is taken, for 2 years after undertaking that training, to have undertaken training in accordance with this Subpart.
- (3) A group C employee (other than a flight crew member) who has undertaken a training course in accordance with subregulation 262P (1) or (3) of CAR on or after 1 January 2002 is taken, for 2 years after undertaking that training, to have undertaken training in accordance with this Subpart.
- (4) A group D employee who is a cabin attendant, and has undertaken a training course in accordance with subregulation 262P (3) or paragraph 262P (4) (a) of CAR on or after 1 January 2002 is taken, for 2 years after undertaking that training, to have undertaken training in accordance with this Subpart.
- (5) A group E employee who has undertaken a training course in accordance with subregulation 262P (2) or 262R (2) of CAR on or after 1 January 2001 is taken, for 3 years after undertaking that training, to have undertaken training in accordance with this Subpart.
- (6) A screening authority employee who has undertaken a training course in accordance with paragraph 262P (4) (b) of CAR on or after 1 January 2002 is taken, for 2 years after undertaking that training, to have undertaken training in accordance with this Subpart.

(7) A group F employee who has undertaken a training course in accordance with subregulation 262P (1), regulation 262Q or subregulation 262R (1) of CAR on or after 1 July 2002 is taken, for 2 years after undertaking that training, to have undertaken training in accordance with this Subpart.

(8) This regulation ceases to have effect on 31 December 2006.

Subpart 202.FA Transitional provisions for Part 101 (Unmanned aircraft and rockets)

202.460 Authorisations, permissions and approvals in force immediately before 1 July 2002

- (1) Despite the amendment of CAR by Schedule 2 to the *Civil Aviation Amendment Regulations 2001 (No. 4)*, and despite any repeal of regulation 4 of those Regulations, an authorisation given under regulation 137 of CAR, or a permission given under regulation 259, 260 or 295 of CAR, before 1 July 2002 continues to have effect according to its terms.
- (2) Such an authorisation or permission may be amended or revoked as if it were an approval given under Part 101.
- (3) Despite any repeal of regulation 4 of the *Civil Aviation Amendment Regulations 2001 (No. 4)*, an approval given by CASA, before 1 July 2002, of an area as an area for the operation or launching of unmanned aircraft or rockets continues to have effect according to its terms.
- (4) An approval referred to in subregulation (3) may be revoked or amended as if it had been given under Part 101.

**Subpart 202.FC Transitional provisions for
Part 103 (Sport and recreational
aviation operations)**

Note 1 This Subpart heading is reserved for future use.

Note 2 Regulation numbers 202.480 to 202.499 are reserved for use in this Subpart.

**Subpart 202.FE Transitional provisions for
Part 105 (Sport and recreational
parachuting from aircraft)**

Note 1 This Subpart heading is reserved for future use.

Note 2 Regulation numbers 202.500 to 202.519 are reserved for use in this Subpart.

**Subpart 202.FJ Transitional provisions for
Part 115 (Operations using sport
aviation aircraft for
non-recreational activities)**

Note 1 This Subpart heading is reserved for future use.

Note 2 Regulation numbers 202.520 to 202.539 are reserved for use in this Subpart.

**Subpart 202.FL Transitional provisions for
Part 119 (Air operator
certification — air transport)**

Note 1 This Subpart heading is reserved for future use.

Note 2 Regulation numbers 202.540 to 202.559 are reserved for use in this Subpart.

Subpart 202.FN Transitional provisions for Part 121A (Air transport operations — large aeroplanes)

Note 1 This Subpart heading is reserved for future use.

Note 2 Regulation numbers 202.560 to 202.579 are reserved for use in this Subpart.

Subpart 202.FO Transitional provisions for Part 121B (Air transport operations — small aeroplanes)

Note 1 This Subpart heading is reserved for future use.

Note 2 Regulation numbers 202.580 to 202.599 are reserved for use in this Subpart.

Subpart 202.FR Transitional provisions for Part 129 (Air operator certification — foreign operators)

Note 1 This Subpart heading is reserved for future use.

Note 2 Regulation numbers 202.600 to 202.619 are reserved for use in this Subpart.

Subpart 202.FT Transitional provisions for Part 133 (Air transport and aerial work operations — rotorcraft)

Note 1 This Subpart heading is reserved for future use.

Note 2 Regulation numbers 202.620 to 202.639 are reserved for use in this Subpart.

Part 202	Transitional
Subpart 202.FV	Transitional provisions for Part 136 (Aerial work operations — other than those covered by Parts 133, 137, 138, 141 and 142)

**Subpart 202.FV Transitional provisions for
Part 136 (Aerial work operations —
other than those covered by
Parts 133, 137, 138, 141 and 142)**

Note 1 This Subpart heading is reserved for future use.

Note 2 Regulation numbers 202.640 to 202.659 are reserved for use in this Subpart.

**Subpart 202.FW Transitional provisions for
Part 137 (Aerial agriculture
operations — other than rotorcraft)**

Note 1 This Subpart heading is reserved for future use.

Note 2 Regulation numbers 202.660 to 202.679 are reserved for use in this Subpart.

**Subpart 202.FX Transitional provisions for
Part 138 (Search and rescue
operations)**

Note 1 This Subpart heading is reserved for future use.

Note 2 Regulation numbers 202.680 to 202.699 are reserved for use in this Subpart.

Subpart 202.FY Transitional provisions for Part 139 (Aerodromes)

202.700 Definitions for this Subpart

In this Subpart:

old regulations means CAR as in force immediately before 2 May 2003.

Rules and Practices for Aerodromes means the document called 'Rules and Practices for Aerodromes', published by CASA, as in force immediately before 2 May 2003.

Transitional aerodrome licence means an aerodrome licence that is continued in force after 2 May 2003 by regulation 202.701 as if it were an aerodrome certificate granted under regulation 139.050.

202.701 Aerodrome licences issued under CAR

An aerodrome licence in force under Part 9 of the old regulations immediately before 2 May 2003 continues in force on and after that day as if it were an aerodrome certificate granted under regulation 139.050.

202.702 Conditions of transitional aerodrome licences

A transitional aerodrome licence remains subject to any conditions to which it was subject immediately before 2 May 2003 (including any condition to which the licence was subject under regulation 303 of CAR).

202.703 Duration of transitional aerodrome licences

Despite regulation 139.065, a transitional aerodrome licence continues in force, unless sooner cancelled, until the earlier of the following:

- (a) CASA grants an aerodrome certificate in respect of the aerodrome under regulation 139.050;
- (b) 1 May 2006.

Regulation 202.704

202.704 Previous aerodrome manuals and standards for aerodromes

- (1) This regulation applies to the operator of an aerodrome if the operator holds a transitional aerodrome licence for the aerodrome.
- (2) The operator is taken to satisfy the requirements of Division 139.B.2 of CASR if the operator has an aerodrome manual for the aerodrome that, immediately before 2 May 2003, satisfied the requirements of Part 9, Division 3 of the old regulations.
- (3) The operator is taken to comply with regulation 139.165 if the operator complies with any requirements or standards for the physical characteristics of the movement area of an aerodrome that:
 - (a) are set out or referred to in the Rules and Practices for Aerodromes; and
 - (b) applied to the operator in respect of the aerodrome immediately before 2 May 2003.
- (4) The operator is taken to comply with regulations 139.170, 139.190 and 139.195 if the operator complies with any requirements or standards for the marking and lighting of the movement area of an aerodrome that:
 - (a) are set out or referred to in the Rules and Practices for Aerodromes; and
 - (b) applied to the operator in respect of the aerodrome immediately before 2 May 2003.
- (5) The operator is taken to comply with regulations 139.175 and 139.180 if the operator complies with any requirements or standards for the signal area and wind direction indicators for an aerodrome that:
 - (a) are set out or referred to in the Civil Aviation Orders; and
 - (b) applied to the operator in respect of the aerodrome immediately before 2 May 2003.
- (6) The operator is taken to comply with regulation 139.355 if the operator complies with any requirements and standards for the establishment of obstacle limitation surfaces for an aerodrome that:

Regulation 202.710

- (a) are set out or referred to in the Rules and Practices for Aerodromes; and
- (b) applied to the operator in respect of the aerodrome immediately before 2 May 2003.

202.705 Exemptions

- (1) An exemption from a provision of Part 9 of the old regulations (the *old provision*) that:
 - (a) was granted to the operator of an aerodrome under regulation 89ZD of the old regulations; and
 - (b) was in effect immediately before 2 May 2003;continues in force on and after that day as if it were an exemption granted to the operator under regulation 139.020 from the provision of these Regulations, or the Manual of Standards, that corresponds to the old provision.
- (2) Any such exemption continues in force subject to any conditions to which it was subject immediately before that day.
- (3) In this regulation:
Manual of Standards has the meaning given by regulation 139.010.

**Subpart 202.FYH Transitional provisions for
Subpart 139.H (Aerodrome rescue
and fire fighting services)****202.710 Manual of Standards for Subpart 139.H**

- (1) A document called ‘Manual of Standards (MOS) – Subpart 139.H’ published by CASA before 1 May 2003 is taken to be a Manual of Standards issued under regulation 139.712.
- (2) The procedures in regulations 139.712A, 139.712B and 139.712C (as in force on 1 May 2003) are taken to have been complied with in relation to the issue of the Manual of Standards.

Regulation 202.760

**Subpart 202.GA Transitional provisions for
Part 141 (Flight training
organisations)**

Note 1 This Subpart heading is reserved for future use.

Note 2 Regulation numbers 202.720 to 202.739 are reserved for use in this Subpart.

**Subpart 202.GB Transitional provisions for
Part 142 (Training and checking
organisations)**

Note 1 This Subpart heading is reserved for future use.

Note 2 Regulation numbers 202.740 to 202.759 are reserved for use in this Subpart.

**Subpart 202.GC Transitional provisions for
Part 143 (Air traffic services
training providers)**

202.760 Manual of Standards for Part 143

- (1) A document called ‘Manual of Standards (MOS) – Part 143’ published by CASA before 1 May 2003 is taken to be a Manual of Standards issued under regulation 143.017.
- (2) The procedures in regulations 143.017A, 143.017B and 143.017C (as in force on 1 May 2003) are taken to have been complied with in relation to the issue of the Manual of Standards.

**Subpart 202.GD Transitional provisions for
Part 144 (Product distribution
organisations)**

Note 1 This Subpart heading is reserved for future use.

Note 2 Regulation numbers 202.780 to 202.799 are reserved for use in this Subpart.

**Subpart 202.GE Transitional provisions for
Part 145 (Maintenance
organisations)**

Note 1 This Subpart heading is reserved for future use.

Note 2 Regulation numbers 202.800 to 202.819 are reserved for use in this Subpart.

**Subpart 202.GF Transitional provisions for
Part 146 (Design approval
organisations)**

Note 1 This Subpart heading is reserved for future use.

Note 2 Regulation numbers 202.820 to 202.839 are reserved for use in this Subpart.

**Subpart 202.GG Transitional provisions for
Part 147 (Maintenance training
organisations)**

Note 1 This Subpart heading is reserved for future use.

Note 2 Regulation numbers 202.840 to 202.859 are reserved for use in this Subpart.

**Subpart 202.GI Transitional provisions for
Part 149 (Recreational aviation
administration organisations)**

Note 1 This Subpart heading is reserved for future use.

Note 2 Regulation numbers 202.860 to 202.879 are reserved for use in this Subpart.

Regulation 202.880

**Subpart 202.HA Transitional provisions for
Part 171 (Aeronautical
telecommunication service and
radionavigation service providers)**

202.880 Manual of Standards for Part 171

- (1) A document called 'Manual of Standards (MOS) – Part 171' published by CASA before 1 May 2003 is taken to be a Manual of Standards issued under regulation 171.017.
- (2) The procedures in regulations 171.017A, 171.017B and 171.017C (as in force on 1 May 2003) are taken to have been complied with in relation to the issue of the Manual of Standards.

**Subpart 202.HB Transitional provisions for
Part 172 (Air traffic service
providers)**

202.900 Manual of Standards for Part 172

- (1) A document called 'Manual of Standards (MOS) – Part 172' published by CASA before 1 May 2003 is taken to be a Manual of Standards issued under regulation 172.022.
- (2) The procedures in regulations 172.022A, 172.022B and 172.022C (as in force on 1 May 2003) are taken to have been complied with in relation to the issue of the Manual of Standards.

**Subpart 202.HC Transitional provisions for
Part 173 (Instrument flight
procedure design)**

Note 1 This Subpart heading is reserved for future use.

Note 2 Regulation numbers 202.920 to 202.939 are reserved for use in this Subpart.

**Subpart 202.HD Transitional provisions for
Part 174 (Aviation meteorological
services)**

Note 1 This Subpart heading is reserved for future use.

Note 2 Regulation numbers 202.940 to 202.959 are reserved for use in this Subpart.

**Subpart 202.HJ Transitional provisions for
Part 183 (Authorised
representatives)**

Note 1 This Subpart heading is reserved for future use.

Note 2 Regulation numbers 202.960 to 202.979 are reserved for use in this Subpart.

**Subpart 202.HL Transitional provisions for
Part 200 (Exemptions)**

Note 1 This Subpart heading is reserved for future use.

Note 2 Regulation numbers 202.980 to 202.989 are reserved for use in this Subpart.

**Subpart 202.HM Transitional provisions for
Part 201 (Miscellaneous)**

Note 1 This Subpart heading is reserved for future use.

Note 2 Regulation numbers 202.990 to 202.999 are reserved for use in this Subpart.

Dictionary

(regulation 1.4)

Part 1 Definitions

Act means the *Civil Aviation Act 1988*.

AD — see the definition of *airworthiness directive*.

aerodrome certificate means a certificate granted under regulation 139.050.

aerodrome facilities and equipment means facilities and equipment, inside or outside the boundaries of an aerodrome, that are installed or maintained for use by aircraft operating at the aerodrome.

aerodrome manual, for a certified aerodrome, means the aerodrome manual for the aerodrome required by regulation 139.090.

aerodrome marking includes a permanent or temporary marker, a movement area guidance sign and a road sign.

aerodrome operator:

- (a) for a certified aerodrome — means the person who holds the aerodrome certificate for the aerodrome; and
- (b) for a registered aerodrome — means the operator of the aerodrome; and
- (c) for an aerodrome to which Subpart 139.D applies — means the person who is responsible for the operation and maintenance of the aerodrome.

aerodrome serviceability inspection, of an aerodrome, means an inspection of the aerodrome mentioned in regulation 139.220.

aerodrome technical inspection, of aerodrome facilities for an aerodrome, means an inspection of the aerodrome facilities mentioned in regulation 139.230.

aerodrome works means any construction or maintenance work on or near the movement area of an aerodrome that may create an obstacle, or restrict the normal take-off and landing of aircraft, at the aerodrome.

AGL means above ground level.

AIP means the publication mentioned in paragraph 4.12 (1) (a) of the Air Services Regulations, as that publication is in effect or exists from time to time.

AIP-ERSA means the Aeronautical Information Publication Enroute Supplement Australia published jointly by the Australian Air Force and AIS, as in force from time to time.

aircraft registration identification plate see regulation 45.140.

air security officer means:

- (a) a protective service officer or special protective service officer of the Australian Federal Police who is directed by the Commissioner to carry out the duties of a position of air security officer; or
- (b) a person who is:
 - (i) employed and trained by a foreign government to travel on aircraft to provide security for aircraft and their passengers and crew (other than a person who is employed to provide exclusive personal protection for 1 or more individuals travelling on an aircraft); and
 - (ii) operating in accordance with an arrangement between the foreign government and the Australian Government.

airship means a powered, lighter-than-air aircraft.

air traffic control function means a function described in a paragraph of subregulation 65.075 (2).

airworthiness directive or **AD** means:

- (a) an airworthiness directive that has been issued by CASA under regulation 39.001 and has effect; or
- (b) a CAR airworthiness directive.

AIS means AA in its capacity as the provider of an aeronautical information service.

amateur-built aircraft means an aircraft described in paragraph 21.191 (g).

Amateur Built Aircraft Acceptance, or **ABAA**, means a document given by CASA or an authorised person as a type approval for an amateur-built aircraft.

AOC — see subsection 3 (1) of the Act.

APMA means Australian Parts Manufacturer Approval.

appliance means any instrument, mechanism, equipment, part, apparatus, appurtenance, or accessory, including communication equipment, that is used or intended to be used in operating or controlling an aircraft in flight, is installed in or attached to the aircraft, and is not part of an airframe, engine or propeller.

Source FARs section 1.1.

apron, of an aerodrome, has the meaning given by the Air Services Regulations.

approved means approved by CASA.

approved maintenance data — see regulation 2A of CAR.

ARN or **Aviation Reference Number** means the unique identifier assigned to a person by CASA for the purposes of CASA's records.

article manufacturer — see paragraph 21.601 (2) (e).

ATC licence means an air traffic controller licence granted under Part 65.

ATS provider has the meaning given by regulation 172.015.

ATS training provider has the meaning given by regulation 143.015.

ATSO means an Australian Technical Standard Order mentioned in paragraph 21.601 (2) (a).

ATSO authorisation — see paragraph 21.601 (2) (b).

Australian Civil Aircraft Register means the register established and maintained under regulation 47.025.

Australian nationality mark see regulation 45.015.

Australian Parts Manufacturer Approval or **APMA** means an Australian Parts Manufacturer Approval issued under subregulation 21.303 (9) or subregulation 21.305A (2).

authorised person, for a provision in which the expression occurs, means a person who is appointed under regulation 201.001 to be an authorised person for these regulations or the provision.

authorised release certificate means a document that complies with regulation 42WA of CAR.

balloon means an unpowered, lighter-than-air aircraft.

CAR means the *Civil Aviation Regulations 1988*.

CAR airworthiness directive means an airworthiness directive that:

- (a) was issued by CASA under regulation 37A of CAR as in force immediately before 1 October 1998; and

- (b) continues to have effect because of regulation 202.170.

cargo means things other than persons carried in an aircraft.

carry-on baggage means baggage or personal effects carried on, or to be carried on, to an aircraft by:

- (a) a passenger on the aircraft or a member of the aircraft's crew;
or
- (b) an employee of the aircraft operator on behalf of a passenger or crew member.

CASR means the *Civil Aviation Safety Regulations 1998*.

category, in relation to the type certification of aircraft, means a grouping of aircraft based upon intended use and operating limitations (for example, transport, normal, utility, acrobatic, limited, restricted and provisional).

Source FARs section 1.1 modified.

certificate of airworthiness means a standard certificate of airworthiness or a special certificate of airworthiness.

certificate of registration means a certificate issued under regulation 47.090.

certified aerodrome means an aerodrome in respect of which an aerodrome certificate is in force.

certified UAV controller — see regulation 101.240.

charged with an offence — see clause 25 of Part 2 of this Dictionary.

checked baggage means baggage or personal effects checked in by a passenger with an operator, or with another person providing a check-in service for an operator, as baggage or personal effects intended for carriage on the aircraft on which the passenger is travelling.

Civil Air Regulations means the Civil Air Regulations issued by the Administrator of the Federal Aviation Agency of the United States of America, as in force immediately before the commencement of the FARs.

class, in relation to an aircraft — see clause 30 of Part 2 of this Dictionary.

Class I product — see paragraph 21.321 (2) (a).

Class I provisional certificate of airworthiness means a Class I provisional certificate of airworthiness issued under regulation 21.216.

Class I provisional type certificate means a Class I provisional type certificate issued under regulation 21.076.

Class II product — see paragraph 21.321 (2) (b).

Class II provisional certificate of airworthiness means a Class II provisional certificate of airworthiness issued under regulation 21.216.

Class II provisional type certificate means a Class II provisional type certificate issued under regulation 21.076.

Class III product — see paragraph 21.321 (2) (c).

Contracting State — see subsection 3 (1) of the Act.

convicted of an offence — see clause 35 of Part 2 of this Dictionary.

critical part, for an aircraft, means a part that must be inspected, overhauled, or removed or retired from the aircraft within a period specified:

- (a) in the Airworthiness Limitations section of the Manufacturer's Maintenance Manual (as published from time to time by the aircraft's manufacturer) for the aircraft; or
- (b) in the Manufacturer's Instructions for Continued Airworthiness (as published by the manufacturer from time to time) for the aircraft.

DAME means designated aviation medical examiner.

DAO means designated aviation ophthalmologist.

dealer's mark means a mark assigned to an aircraft manufacturer, distributor or dealer under regulation 47.175.

delegation option authorisation means a delegation option authorisation issued under regulation 21.239.

designated aviation medical examiner means:

- (a) a person appointed as a designated aviation medical examiner under Part 67; or
- (b) a person who holds, or is performing the duties of, a position specified in a declaration under subregulation 67.055 (1); or
- (c) a person specified in a declaration under subregulation 67.055 (2); or
- (d) a person appointed as a designated aviation medical examiner under Part 6 of CAR as in force at any time before 3 September 2003.

designated aviation ophthalmologist means:

- (a) a person appointed as a designated aviation ophthalmologist under Part 67; or
- (b) a person who holds, or is performing the duties of, a position specified in a declaration under subregulation 67.075 (1); or
- (c) a person specified in a declaration under subregulation 67.075 (2).

Dictionary means this Dictionary.

drug-critical authorisation means an authorisation that is declared by another provision of these Regulations to be a drug-critical authorisation.

engage in conduct means:

- (a) do an act; or
- (b) omit to perform an act.

European Aviation Safety Agency or ***EASA*** means the European Aviation Safety Agency established by regulation (EC) No 1592/2002 of the European Parliament and the Council of the European Union.

experimental certificate means an experimental certificate issued under regulation 21.195A.

expiation notice, in relation to a psychoactive substance offence, means a notice requiring or permitting payment of a penalty as an alternative to prosecution.

export airworthiness approval means:

- (a) for a Class I product — an export certificate of airworthiness or an authorised release certificate; and
- (b) for a Class II or Class III product — an authorised release certificate.

export certificate of airworthiness, for a Class I product, means a certificate to the effect that the product meets the requirements mentioned in regulation 21.329.

FAA letter of TSO design approval — see paragraph 21.601 (2) (ca).

FARs means the Federal Aviation Regulations in Chapter 1 (Federal Aviation Administration, Department of Transportation) of Title 14 of the Code of Federal Regulations as published by the Office of the Federal Register National Archives and Records Administration of the United States of America.

fireproof, in connection with a manufacturer's data plate — see regulation 21.810.

flight service function means the function described in subregulation 65.130 (2).

flight service licence means a licence by that name granted under Part 65.

flight simulator, for a specific type (or a specific make, model and series) of aircraft:

- (a) means a simulator that simulates the aircraft in ground and flight operations and comprises:
 - (i) a full size replica of the flight deck of the aircraft; and
 - (ii) a visual system providing an out of the flight deck view; and
 - (iii) a force cueing motion system; and
- (b) includes the necessary software and equipment, and the way that the equipment is interconnected.

flight training device, for a specific type (or a specific make, model and series) of aircraft:

- (a) means a device that:
 - (i) simulates the aircraft in ground and flight operations to the extent of the systems installed in the device; and
 - (ii) comprises a full size replica of the instruments, equipment, panels and controls in an open flight deck area, or an enclosed flight deck, of the aircraft; and
 - (iii) does not, in every respect, simulate the aircraft in ground and flight operations; and
- (b) includes the necessary software and equipment, and the way that the equipment is interconnected.

foreign supplemental type certificate — see regulation 21.114.

foreign type certificate — see regulation 21.041.

free balloon means a balloon that is intended for flight without being permanently tethered.

free balloon — see regulation 101.145.

giant model aircraft — see regulation 101.380.

glider means an unpowered, heavier-than-air aircraft that derives its lift in flight chiefly from aerodynamic reactions on surfaces remaining fixed under given conditions of flight.

heavier-than-air aircraft is the generic term for aircraft that derive their lift in flight chiefly from aerodynamic forces.

heavy balloon — see subregulation 101.145 (6).

high power rocket — see regulation 101.425.

identification number of a production certificate or type certificate means the number, or group of characters, described in the certificate as being its number.

in an area, used of the operation of an aircraft — see clause 40 of Part 2 of this Dictionary.

incidental provisions, of an instrument, or part of an instrument, mentioned in these regulations, means the provisions of the instrument, or part, that are not airworthiness standards.

instrument approach procedure means an instrument flight procedure for use by an aircraft in descending below the lowest safe altitude.

instrument departure procedure means an instrument flight procedure for use by an aircraft after take-off until the aircraft reaches:

- (a) the en-route lowest safe altitude; or
- (b) the minimum altitude at which the aircraft, on a minimum climb gradient of 3.3%, can turn to intercept the planned flight route while maintaining the necessary departure obstacle clearance requirements; or
- (c) in a case where the aircraft has taken off from an aerodrome for which there is a radar control service in operation — the minimum radar vector altitude.

instrument flight procedures means the visual and instrument procedures for use by aircraft operating under the IFR.

intermediate category, for an aircraft, means the category of aircraft that satisfy the requirements for issue of a type certificate mentioned in regulation 21.026.

kit-built aircraft means an aircraft described in paragraph 21.191 (h).

kite means a glider normally moored to the ground.

large UAV — see regulation 101.240.

letter of ATSO design approval — see paragraph 21.601 (2) (c).

light balloon — see subregulation 101.145 (4).

light sport aircraft means an aircraft that:

- (a) has:
 - (i) if the aircraft is not intended for operation on water — a maximum take-off weight of 600 kilograms or less; or
 - (ii) if the aircraft is intended for operation on water — a maximum take-off weight of 650 kilograms or less; or
 - (iii) if the aircraft is a lighter-than-air aircraft — a maximum gross weight of 560 kilograms or less; and
- (b) if the aircraft is a powered aircraft — has a single, non-turbine engine fitted with a propeller; and
- (c) has a maximum stall speed in the landing configuration (V_{so}) of 45 knots calibrated air speed; and
- (d) if the aircraft is a glider — has a maximum never-exceed speed (V_{ne}) of 135 knots calibrated air speed; and
- (e) if the aircraft has a cabin — has an un-pressurised cabin; and
- (f) if the aircraft is designed to be equipped with seating — has a maximum seating capacity of 2 persons, including the pilot; and
- (g) if the aircraft is a manned free balloon that is not designed to be equipped with seating — can carry no more than 2 persons; and
- (h) has:
 - (i) in the case of an amphibian — repositionable landing gear; or
 - (ii) in the case of a glider — fixed landing gear or retractable landing gear; or
 - (iii) in any other case — fixed landing gear.

lighter-than-air aircraft is the generic term for aircraft that are supported chiefly by their buoyancy in the air.

limited category, for an aircraft, means the category of aircraft that satisfy the requirements for issue of a special certificate of airworthiness mentioned in regulation 21.189.

lowest safe altitude has the same meaning as in the AIP.

major change, for a type design — see regulation 21.093.

manned free balloon means a free balloon that:

- (a) is capable of carrying 1 or more persons; and

- (b) is equipped with controls that enable the altitude of the balloon to be controlled.

manoeuvring area, of an aerodrome, has the meaning given by the Air Services Regulations.

markings of an Australian aircraft — see subregulation 45.025 (1).

Materials Review Board means:

- (a) for a manufacturer manufacturing an aircraft, aircraft engine or propeller under a type certificate only — the Materials Review Board established under paragraph 21.125 (1) (a); and
- (b) for a manufacturer manufacturing an aircraft, aircraft engine or propeller under a production certificate — the Materials Review Board established under regulation 21.145.

maximum carrying capacity, for an aircraft, means the maximum payload permitted under the aircraft's certificate of type approval.

maximum passenger seating capacity, for an aircraft, means the maximum number of seats for persons (excluding flight crew and cabin crew) in the aircraft that is:

- (a) approved by CASA; and
- (b) specified in the aircraft operator's operations manual.

medical certificate means a medical certificate issued under Part 67 and includes a medical certificate (including a special medical certificate) issued under Part 6 of CAR, as in force immediately before the commencement of this regulation.

medium balloon — see subregulation 101.145 (5).

micro UAV — see regulation 101.240.

minor change, for a type design — see regulation 21.093.

model, for an aircraft, aircraft engine or propeller, means a particular version of a type of aircraft, aircraft engine or propeller that is distinguished from another version of the same type by a change of sufficient effect on the weight, balance, structural strength, operational characteristics as would require a separate entry on a type certificate, identifying and approving the particular version as distinct from the identification and approval of other versions.

model aircraft means an aircraft that is used for sport or recreation, and cannot carry a person.

model rocket — see regulation 101.425.

movement area, of an aerodrome, has the meaning given by the Air Services Regulations.

NAA, for a country other than Australia, means:

- (a) the national airworthiness authority of the country; or
- (b) EASA, in relation to any function or task that EASA carries out on behalf of the country.

nominated person, for a delegation option authorisation — see subregulation 21.235 (3).

non-precision approach runway has the same meaning as in Annex 14, Aerodromes, to the Chicago Convention.

NOTAM office means the office of AA that acts as the receiving office for information to be included in NOTAM.

NOTAM Office means the office of AIS responsible for the publication of NOTAMS.

obstacle means an object that extends above part of an obstacle limitation surface of an aerodrome.

obstacle limitation surface, of an aerodrome, means an obstacle limitation surface established in accordance with regulation 139.355.

operations manual, for an operator, means the manual required to be provided by the operator under regulation 215 of CAR.

Note The definition of **operator** in subregulation 2 (1) of CAR is as follows:

operator means a person, organisation, or enterprise engaged in, or offering to engage in, an aircraft operation.

overhauled — see paragraph 21.321 (2) (d).

powered aircraft means an aircraft that is propelled by an engine or engines.

powered parachute means a powered aircraft that has the characteristics of a parachute when its engine or engines are not operated.

powered sailplane means an aircraft with one or more engines that has the characteristics of a sailplane when the engine or engines are inoperative.

primary category, for an aircraft, means the category of aircraft that satisfy the requirements for issue of a type certificate mentioned in regulation 21.024.

probity-critical authorisation means an authorisation that is declared by another provision of these Regulations to be a probity-critical authorisation.

probity offence means an offence the substance of which is:

- (a) the giving, receiving, offering or soliciting of a bribe to influence the performance of an official function or duty; or
- (b) the making of an unwarranted demand with menaces (within the meaning of Division 139 of the *Criminal Code*) of a person exercising an official function during the performance of that function; or
- (c) fraudulent conduct (within the meaning of Part 7.3 of the *Criminal Code*);

whether under the law of the Commonwealth, a State, a Territory or another country.

production certificate means a production certificate issued under subregulation 21.134 (1).

prohibited area has the same meaning as in regulation 3 of the *Airspace Regulations 2007*.

provisional certificate of airworthiness means a Class I or Class II provisional certificate of airworthiness.

provisional type certificate means a Class I or Class II provisional type certificate.

psychoactive substance — see clause 60 of Part 2 of this Dictionary.

psychoactive substance offence means an offence:

- (a) of which an element is the possession, use or excessive use of a psychoactive substance; or
- (b) of which the substance is importing, or trafficking in, a psychoactive substance; or
- (c) of which an element is being under the influence of a psychoactive substance; or
- (d) of which an element is the presence, or the presence at a concentration higher than a particular concentration, in the blood, breath or urine of a psychoactive substance or a metabolite of such a substance; or
- (e) the substance of which is refusal to provide a blood, breath or urine sample for analysis; or

- (f) of attempting to commit, inciting the commission of or conspiring to commit an offence referred to in paragraph (a), (b), (c), (d) or (e).

Note **Psychoactive substance** includes alcohol but does not include coffee, tea, cocoa, chocolate or any other non-alcoholic drink containing caffeine, or caffeine-containing confectionery — see Part 2 of this Dictionary.

qualified flight simulator means a flight simulator that is qualified under Part 60 of CASR.

qualified flight training device means a flight training device that is qualified under Part 60 of CASR.

recognised country — see regulation 21.012.

recreational unmanned aircraft means an aircraft that:

- (a) is not designed for, nor capable of, accommodating a person; and
- (b) is used only for sport and recreation.

registered means registered under Part 47.

registered aerodrome means an aerodrome that is registered under regulation 139.265.

registration holder of an aircraft means the person whose name is entered in the Australian Civil Aircraft Register as that of the aircraft's owner.

registration mark — see regulation 45.020.

regular public transport operations means operations for the commercial purpose mentioned in paragraph 206 (1) (c) of CAR.

restricted area has the same meaning as in regulation 3 of the *Airspace Regulations 2007*.

restricted category, for an aircraft, means the category of aircraft that satisfy the requirements for issue of a type certificate mentioned in regulation 21.025.

rocket means a pilotless vehicle powered by reaction that carries all the components necessary to provide its jet.

rotorcraft means a heavier-than-air aircraft that depends principally for its support in flight on the lift generated by 1 or more rotors.

sailplane means a heavier-than-air aircraft:

- (a) that is supported in flight by the dynamic reaction of the air against its fixed lifting surfaces; and

- (b) the free flight of which does not depend on an engine.
- set of markings** of an Australian aircraft — see subregulation 45.025 (2).
- small balloon** — see subregulation 101.145 (3).
- small UAV** — see regulation 101.240.
- special certificate of airworthiness** — see regulation 21.175.
- special class**, for aircraft — see subregulation 21.017 (2).
- special condition** means a special condition imposed under subregulation 21.016 (1).
- special flight permit** means a special flight permit issued under regulation 21.200.
- standard certificate of airworthiness** see regulation 21.175.
- supplemental type certificate** means a supplemental type certificate issued under regulation 21.113A.
- synthetic training device** means:
- (a) a flight simulator; or
 - (b) a flight training device; or
 - (c) a basic instrument flight trainer.
- tethered**, in relation to a lighter-than-air aircraft, means attached to the ground, or an object on the ground, by flexible restraints that limit movement.
- tethered balloon** — see regulation 101.105.
- these Regulations** includes CAR.
- time-limited works** has the same meaning as in the Manual of Standards.
- TSO** — see paragraph 21.601 (2) (ab).
- type**, for an aircraft, aircraft engine or propeller, means a design and make of aircraft, aircraft engine or propeller and, where appropriate, refers to a group of essentially similar aircraft, aircraft engines or propellers which, although possibly existing in different models, stem from a common basic design.
- type acceptance certificate** means a type acceptance certificate issued under regulation 21.029A.
- type certificate** — see regulation 21.041.
- type certificated** means issued with a type certificate or type acceptance certificate.

type certificate data sheet means a sheet attached to a type certificate for an aircraft, aircraft engine or propeller that sets out the limitations prescribed by the applicable airworthiness requirements for the aircraft, aircraft engine or propeller, and any other limitations and information necessary for type certification of the aircraft, aircraft engine or propeller.

type certification basis, for an aircraft, means the airworthiness standards and any special conditions or other conditions with which the aircraft must comply for the issue of a type certificate.

type design — see regulation 21.031.

UAV — see regulation 101.240.

unmanned free balloon means a balloon other than a manned free balloon.

unpowered aircraft means an aircraft other than a powered aircraft.

very light aeroplane means an aeroplane of a kind mentioned in clause CS-VLA 1 of EASA CS-VLA, as in force from time to time.

V_{so} means the stalling speed or the minimum steady flight speed in the landing configuration.

Source FARs section 1.2.

Part 2 Interpretation of certain expressions not defined in Part 1

1 References to *accountable manager*

Note This clause is reserved for future use.

5 When an aircraft is *airworthy*

Note This clause is reserved for future use.

10 References to air transport operations

Note This clause is reserved for future use.

15 Reference to Annexes to Chicago Convention

In these Regulations, a reference to an Annex to the Chicago Convention is a reference to that Annex as in force from time to time.

20 References to authorised representatives of particular classes

Note This clause is reserved for future use.

25 Extended meaning of *charged with* in relation to certain offences

- (1) In these Regulations:
charged with has, in addition to its ordinary meaning, the meaning given by subclause (2).
- (2) For the purposes of these Regulations, a person is taken to have been *charged with* a psychoactive substance offence if:
 - (a) a law provides for the issue, in relation to the offence, of an expiation notice; and
 - (b) such a notice is issued to the person in relation to the offence.

30 Classes of aircraft

For these Regulations, aircraft are divided into the following *classes*:

- (a) aeroplane;
- (b) rotorcraft;
- (c) ornithopter;
- (d) glider;
- (e) kite;
- (f) airship;
- (g) captive balloon;
- (h) free balloon.

35 Extended meaning of *convicted*

- (1) In these Regulations:
convicted has, in addition to its ordinary meaning, the meaning given by subclauses (2), (3) and (4).
- (2) For the purposes of these Regulations, a person is taken to have been *convicted* of an alleged offence if:
 - (a) the person has not been found guilty of the offence but asks for the offence to be taken into account when being sentenced for another offence; or
 - (b) the person has been found guilty of the offence but discharged without conviction.
- (3) In addition, a person is taken to have been *convicted* of a psychoactive substance offence if:
 - (a) a law provides for the issue, in relation to the offence, of an expiation notice; and
 - (b) such a notice was issued to the person in relation to the offence; and
 - (c) the person paid the penalty required by the notice.
- (4) However, a conviction that is spent (within the meaning of Part VIIC of the *Crimes Act 1914*), or has been quashed, is not taken to be a conviction for the purposes of these Regulations.

40 References to operating an aircraft in an area

In these Regulations, a reference to operating an aircraft in an area is a reference to operating the aircraft in the airspace above the area.

45 References to EASA certification specifications

In these Regulations, a reference to EASA, followed by the letters CS, a hyphen and a number, letter or letters, is a reference to the certification specifications, including airworthiness codes and acceptable means of compliance, produced by EASA and identified by that number, letter or letters.

50 References to pilot-in-command

Note This clause is reserved for future use.

55 References to populous areas etc

Note This clause is reserved for future use.

60 Meaning of *psychoactive substance*

- (1) In these Regulations:

psychoactive substance has, subject to subclause (2), the meaning given by section 1.1 of Annex 1, *Personnel Licensing*, to the Chicago Convention.

Note The definition in that Annex is:

Psychoactive substances. Alcohol, opioids, cannabinoids, sedatives and hypnotics, cocaine, other psychostimulants, hallucinogens, and volatile solvents, whereas coffee and tobacco are excluded.

- (2) To avoid doubt, in these Regulations:

psychoactive substance:

- (a) includes:

- (i) a therapeutic substance that is a psychoactive substance within the meaning given by Annex 1 to that Convention; and
- (ii) a therapeutic substance of which a psychoactive substance (within the meaning given by that Annex) is an ingredient; but

- (b) does not include:

- (i) tea, cocoa, chocolate or any other non-alcoholic drink containing caffeine or guarana; or
- (ii) confectionery containing caffeine or guarana.

- (3) In paragraph (a) of the definition of ***psychoactive substance*** in subclause (2):

therapeutic substance means a substance that is therapeutic goods, within the meaning given by the *Therapeutic Goods Act 1989*.

65 Recognised foreign training providers

Note This clause is reserved for future use.

Table of Instruments**Notes to the *Civil Aviation Safety Regulations 1998*****Note 1**

The *Civil Aviation Safety Regulations 1998* (in force under the *Civil Aviation Act 1988*) as shown in this compilation comprise Statutory Rules 1998 No. 237 amended as indicated in the Tables below.

Table of Instruments

Year and number	Date of notification in <i>Gazette</i> or FRLI registration	Date of commencement	Application, saving or transitional provisions
1998 No. 237	22 July 1998	Subparts F, G, J, K and O of Part 21: 1 Dec 1998 Remainder: 1 Oct 1998	
1999 No. 166	16 Aug 1999	Schedule 2 (Part 2): 1 Dec 1999 Remainder: 16 Aug 1999	—
1999 No. 262	27 Oct 1999	Rr. 1–5 and Schedule 2: 27 Oct 1999 Schedule 3: 1 Dec 1999 Remainder: 1 Jan 2000	—
2000 No. 7	23 Feb 2000	23 Feb 2000	—
2000 No. 204 (a)	31 July 2000	Rr. 1–3 and Schedule 1: 31 July 2000 Remainder: 1 Oct 2000	Rr. 5–8 (rep. by 2004 No. 345, Sch. 3 item [1])
as amended by			
2004 No. 345	8 Dec 2004	(see 2004 No. 345 below)	—
2000 No. 227	17 Aug 2000	Schedule 1: 1 Dec 1998 Schedules 4 and 5: 1 Sept 2000 Remainder: 17 Aug 2000	R. 4
2001 No. 34	1 Mar 2001	1 Mar 2001	—
2001 No. 242	5 Sept 2001	5 Sept 2001	—

Table of Instruments

Year and number	Date of notification in <i>Gazette</i> or FRLI registration	Date of commencement	Application, saving or transitional provisions
2001 No. 349	21 Dec 2001	1 July 2002	R. 4 (am. by 2002 No. 79, Sch. 1 item [1]; rep. by 2004 No. 345, Sch. 4 [tem [1])
as amended by			
2002 No. 79	18 Apr 2002	18 Apr 2002	—
2004 No. 345	8 Dec 2004	(see 2004 No. 345 below)	—
2002 No. 167	3 July 2002	1 May 2003	R. 5 (rep. by 2004 No. 345, Sch. 5 item [1])
as amended by			
2004 No. 345	8 Dec 2004	(see 2004 No. 345 below)	—
2002 No. 266	6 Nov 2002	1 July 2002	—
2002 No. 268	6 Nov 2002	6 Nov 2002	—
2002 No. 320	19 Dec 2002	19 Dec 2002	—
2002 No. 321	19 Dec 2002	19 Dec 2002	—
2002 No. 349	20 Dec 2002	20 Dec 2002	—
2002 No. 350	20 Dec 2002	20 Dec 2002	—
2003 No. 58	14 Apr 2003	Rr. 1–5 and Schedule 3: 14 Apr 2003 Remainder: 2 May 2003	—
2003 No. 75	1 May 2003	Rr. 1–4 and Schedules 1 and 2: 1 May 2003 Remainder: 3 May 2003	—
2003 No. 189	24 July 2003	1 Oct 2003	—
2003 No. 232	3 Sept 2003	3 Sept 2003	—
2003 No. 240	18 Sept 2003	18 Sept 2003	—
2003 No. 297	27 Nov 2003	27 Nov 2003	—
2003 No. 365	23 Dec 2003	Rr. 1–4 and Schedule 1: 23 Dec 2003 Schedules 2 and 3: 1 Jan 2004 Remainder: 1 July 2004	—
2004 No. 4	12 Feb 2004	20 Feb 2004 (see r. 2)	—
2004 No. 134	18 June 2004	15 Nov 2004	—
2004 No. 216	15 July 2004	15 July 2004	—
2004 No. 222	22 July 2004	1 July 2004	—

Table of Instruments

Year and number	Date of notification in <i>Gazette</i> or FRLI registration	Date of commencement	Application, saving or transitional provisions
2004 No. 230	28 July 2004	28 July 2004	—
2004 No. 345	8 Dec 2004	8 Dec 2004	—
2005 No. 207	19 Sept 2005 (see F2005L02673)	1 Oct 2005 (see r. 2)	—
2005 No. 242	24 Oct 2005 (see F2005L03219)	25 Oct 2005	—
2005 No. 258	15 Nov 2005 (see F2005L03421)	16 Nov 2005	—
2005 No. 321	19 Dec 2005 (see F2005L04039)	20 Dec 2005	—
2005 No. 323	19 Dec 2005 (see F2005L04033)	20 Dec 2005	—
2006 No. 124	2 June 2006 (see F2006L01624)	3 June 2006	—
2006 No. 185	17 July 2006 (see F2006L02115)	18 July 2006	—
2007 No. 41	26 Mar 2007 (see F2007L00794)	25 May 2007	—
2007 No. 172	26 June 2007 (see F2007L01842)	1 July 2007 (see r. 2)	—
2007 No. 226	24 July 2007 (see F2007L02284)	25 July 2007	—
2008 No. 192	22 Sept 2008 (see F2008L03483)	23 Sept 2008	—
2008 No. 274	18 Dec 2008 (see F2008L04644)	(b)	—
2008 No. 275	18 Dec 2008 (see F2008L04587)	19 Dec 2008	—
2009 No. 64	15 Apr 2009 (see F2009L01295)	Rr. 1–3 and Schedule 1: 16 Apr 2009 Rr. 4, 5, Schedules 2 and 3: (see r. 2 (b) and Note 3)	—
2009 No. 147	26 June 2009 (see F2009L02511)	1 July 2009	—
(a) Part 47 only in item [7] of Schedule 2 and items [1], [4] and [5] of Schedule 3 to Statutory Rules 2000 No. 204 were disallowed by the Senate on 8 November 2000.			
(b) Regulation 2 of SLI 2008 No. 274 provides as follows: These Regulations commence immediately after the commencement of regulation 4.59A of the <i>Aviation Transport Security Regulations 2005</i> . Regulation 4.59A, added by SLI 2008 No. 271, commenced on 19 December 2008.			

Table of Amendments**Table of Amendments**

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

Provision affected	How affected
Guide	ad. 2002 No. 350 am. 2004 No. 345; 2005 No. 323; 2007 No. 172
Part 1	
Table of Provisions to Part 1	ad. 2004 No. 345
R. 1.0	ad. 2000 No. 204 am. 2002 No. 350
Renumbered r. 1.000.....	2002 No. 350
R. 1.000	rep. 2004 No. 345
R. 1.1	rs. 2002 No. 350
Renumbered r. 1.001.....	2002 No. 350
R. 1.2	rep. 2002 No. 350
R. 1.3	
Renumbered r. 1.003.....	2002 No. 350
R. 1.4	rs. 2000 No. 204
Note to r. 1.004 (2)	rs. 2004 No. 345
Renumbered r. 1.004.....	2002 No. 350
R. 1.005	ad. 2004 No. 345
R. 1.5	rep. 2000 No. 204
R. 1.6	
Renumbered r. 1.006.....	2002 No. 350
R. 1.006	rs. 2004 No. 345
R. 1.7	
Renumbered r. 1.007.....	2002 No. 350
R. 1.008	ad. 2004 No. 345
Part 11	
Heading to Part 11	ad. 2000 No. 204 rs. 2004 No. 345
Part 11	rs. 2004 No. 345
Note to heading to Part 11 ..	ad. 2000 No. 204 rs. 2004 No. 345
Table of Provisions to Part 11	ad. 2004 No. 345
Subpart 11.A	
R. 11.005	ad. 2004 No. 345
R. 11.010	ad. 2004 No. 345
R. 11.015	ad. 2004 No. 345
Subpart 11.B	
R. 11.020	ad. 2004 No. 345

Table of Amendments

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

Provision affected	How affected
R. 11.025	ad. 2004 No. 345
R. 11.030	ad. 2004 No. 345
R. 11.035	ad. 2004 No. 345
R. 11.040	ad. 2004 No. 345
R. 11.045	ad. 2004 No. 345
R. 11.050	ad. 2004 No. 345
R. 11.055	ad. 2004 No. 345
R. 11.060	ad. 2004 No. 345
R. 11.065	ad. 2004 No. 345
R. 11.070	ad. 2004 No. 345
R. 11.080	ad. 2004 No. 345
Subpart 11.C	
R. 11.090	ad. 2004 No. 345
R. 11.095	ad. 2004 No. 345
R. 11.100	ad. 2004 No. 345
R. 11.105	ad. 2004 No. 345
R. 11.110	ad. 2004 No. 345
R. 11.115	ad. 2004 No. 345
Subpart 11.D	
R. 11.120	ad. 2004 No. 345
R. 11.125	ad. 2004 No. 345
R. 11.130	ad. 2004 No. 345
Subpart 11.E	
R. 11.135	ad. 2004 No. 345
R. 11.140	ad. 2004 No. 345
R. 11.145	ad. 2004 No. 345
R. 11.150	ad. 2004 No. 345
Subpart 11.F	
Division 11.F.1	
R. 11.155	ad. 2004 No. 345
R. 11.160	ad. 2004 No. 345
R. 11.165	ad. 2004 No. 345
R. 11.170	ad. 2004 No. 345
R. 11.175	ad. 2004 No. 345
Division 11.F.2	
R. 11.180	ad. 2004 No. 345
R. 11.185	ad. 2004 No. 345
R. 11.190	ad. 2004 No. 345
R. 11.195	ad. 2004 No. 345

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

Provision affected	How affected
Division 11.F.3	
R. 11.200	ad. 2004 No. 345
R. 11.205	ad. 2004 No. 345
R. 11.210	ad. 2004 No. 345
R. 11.215	ad. 2004 No. 345
R. 11.220	ad. 2004 No. 345
Note to r. 11.220 (1)	rs. 2005 No. 323
R. 11.225	ad. 2004 No. 345
Note 2 to r. 11.225	rs. 2005 No. 323
R. 11.230	ad. 2004 No. 345
Note to r. 11.230	rs. 2005 No. 323
R. 11.235	ad. 2004 No. 345
Subpart 11.G	
R. 11.240	ad. 2004 No. 345
R. 11.245	ad. 2004 No. 345
Note 1 to r. 11.245 (1)	rs. 2005 No. 323
R. 11.250	ad. 2004 No. 345
Note to r. 11.250	rs. 2005 No. 323
R. 11.255	ad. 2004 No. 345
Subpart 11.H	
R. 11.260	ad. 2004 No. 345
Subpart 11.J	
R. 11.265	ad. 2004 No. 345
	am. 2005 No. 323
Notes 1, 2 to r. 11.265 (3) ...	rep. 2005 No. 323
Note to r. 11.265 (2)	ad. 2005 No. 323
R. 11.270	ad. 2004 No. 345
R. 11.275	ad. 2004 No. 345
R. 11.280	ad. 2004 No. 345
R. 11.285	ad. 2004 No. 345
R. 11.290	ad. 2004 No. 345
R. 11.295	ad. 2004 No. 345
Part 13	
Part 13	rs. 2004 No. 4
Heading to Part 13	ad. 2000 No. 204
	rs. 2004 No. 4
Note to heading to Part 13	ad. 2000 No. 204
	rs. 2004 No. 4

Table of Amendments

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

Provision affected	How affected
Subpart 13.K	
Division 13.K.1	
R. 13.320	ad. 2004 No. 4
R. 13.325	ad. 2004 No. 4
R. 13.330	ad. 2004 No. 4
R. 13.335	ad. 2004 No. 4
R. 13.340	ad. 2004 No. 4
R. 13.345	ad. 2004 No. 4 am. 2008 No. 192
R. 13.350	ad. 2004 No. 4
R. 13.355	ad. 2004 No. 4
R. 13.360	ad. 2004 No. 4
R. 13.365	ad. 2004 No. 4
Division 13.K.2	
R. 13.370	ad. 2004 No. 4
R. 13.375	ad. 2004 No. 4 am. 2004 No. 345
R. 13.380	ad. 2004 No. 4
Part 21	
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Subpart 21.A	
Heading to Subpart A of Part 21	
Renumbered..... Subpart 21.A	2002 No. 350
R. 21.0	ad. 2000 No. 204 am. 2000 No. 204; 2001 No. 242; 2002 Nos. 320 and 350
Renumbered r. 21.000.....	2002 No. 350
R. 21.000	rep. 2004 No. 345
R. 21.1	
Renumbered r. 21.001.....	2002 No. 350
R. 21.1A	
Renumbered r. 21.001A ...	2002 No. 350
R. 21.1B	rep. 2002 No. 320
R. 21.2	rep. 2002 No. 268
R. 21.2A	
Renumbered r. 21.002A ...	2002 No. 350
R. 21.2B	am. 1999 No. 166
Renumbered r. 21.002B ...	2002 No. 350

Table of Amendments

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

Provision affected	How affected
R. 21.2C Renumbered r. 21.002C ...	2002 No. 350
R. 21.002C	am. 2002 No. 350
R. 21.2D Renumbered r. 21.002D ...	2002 No. 350
R. 21.002D	am. 2002 No. 350
R. 21.2E Renumbered r. 21.002E ...	2002 No. 350
Heading to r. 21.002E	rs. 2004 No. 345
R. 21.002E	am. 2004 No. 345
R. 21.3	am. 1999 No. 166; 2002 Nos. 268 and 350
Renumbered r. 21.003	2002 No. 350
R. 21.003	am. 2002 No. 350
R. 21.5	am. 2002 No. 268
Renumbered r. 21.005	2002 No. 350
Subpart 21.B	
Heading to Subpart B of Part 21	
Renumbered	2002 No. 350
Subpart 21.B	
R. 21.11 Renumbered r. 21.011	2002 No. 350
R. 21.12	am. 1999 No. 166
Renumbered r. 21.012	2002 No. 350
R. 21.13 Renumbered r. 21.013	2002 No. 350
R. 21.13A Renumbered r. 21.013A ...	2002 No. 350
R. 21.013A	am. 2002 No. 350
R. 21.14 Renumbered r. 21.014	2002 No. 350
R. 21.014	am. 2002 No. 350
R. 21.15 Renumbered r. 21.015	2002 No. 350
R. 21.16	am. 2002 No. 268
Renumbered r. 21.016	2002 No. 350
R. 21.17 Renumbered r. 21.017	2002 No. 350
R. 21.017	am. 2002 No. 350
R. 21.19	am. 1999 No. 166
Renumbered r. 21.019	2002 No. 350
R. 21.019	am. 2002 No. 350

Table of Amendments

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

Provision affected	How affected
R. 21.21	
Renumbered r. 21.021	2002 No. 350
R. 21.021	am. 2002 No. 350
R. 21.24	am. 1999 No. 166
Renumbered r. 21.024	2002 No. 350
R. 21.024	am. 2002 No. 350
R. 21.25	am. 1999 No. 166
Renumbered r. 21.025	2002 No. 350
R. 21.26	am. 1999 No. 166
Renumbered r. 21.026	2002 No. 350
R. 21.026	am. 2002 No. 350
R. 21.27	am. 2002 No. 350
Renumbered r. 21.027	2002 No. 350
Heading to r. 21.29	rs. 2002 No. 320
R. 21.29	am. 2002 No. 320
Renumbered r. 21.029	2002 No. 350
R. 21.029	am. 2002 No. 350
R. 21.29A	am. 1999 No. 166
Renumbered r. 21.029A ...	2002 No. 350
R. 21.029A	am. 2002 No. 350
R. 21.29B	am. 2002 No. 268
Renumbered r. 21.029B ...	2002 No. 350
R. 21.029B	am. 2002 No. 350
Note to r. 21.029B	am. 2002 No. 350
	rs. 2005 No. 323
R. 21.29C	
Renumbered r. 21.029C ...	2002 No. 350
R. 21.029C	am. 2002 No. 350
Note to r. 21.029C	am. 2002 No. 350
	rs. 2005 No. 323
R. 21.31	am. 2002 No. 320
Renumbered r. 21.031	2002 No. 350
R. 21.031	am. 2002 No. 350
R. 21.33	am. 1999 No. 166
Renumbered r. 21.033	2002 No. 350
R. 21.033	am. 2002 No. 350
R. 21.35	
Renumbered r. 21.035	2002 No. 350
R. 21.035	am. 2002 No. 350
R. 21.37	am. 2002 No. 350
Renumbered r. 21.037	2002 No. 350
R. 21.037	am. 2002 No. 350

Table of Amendments

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

Provision affected	How affected
R. 21.39	
Renumbered r. 21.039.....	2002 No. 350
R. 21.039	am. 2002 No. 350
R. 21.41	am. 1999 No. 166
Renumbered r. 21.041.....	2002 No. 350
R. 21.041	am. 2002 No. 350
R. 21.43	
Renumbered r. 21.043.....	2002 No. 350
R. 21.043	am. 2002 No. 350
R. 21.47	am. 2002 No. 268
Renumbered r. 21.047.....	2002 No. 350
R. 21.49	am. 2002 No. 268
Renumbered r. 21.049.....	2002 No. 350
R. 21.50	am. 2002 No. 268
Renumbered r. 21.050.....	2002 No. 350
R. 21.050	am. 2002 No. 350
R. 21.51	
Renumbered r. 21.051.....	2002 No. 350
R. 21.051	am. 2002 No. 350
Note 1 to r. 21.051	am. 2005 No. 323
R. 21.53	
Renumbered r. 21.053.....	2002 No. 350
R. 21.053	am. 2002 No. 350
Subpart 21.C	
Heading to Subpart C of Part 21	
Renumbered.....	2002 No. 350
Subpart 21.C	
R. 21.71	
Renumbered r. 21.071.....	2002 No. 350
R. 21.73	
Renumbered r. 21.073.....	2002 No. 350
R. 21.74	
Renumbered r. 21.074.....	2002 No. 350
R. 21.75	
Renumbered r. 21.075.....	2002 No. 350
R. 21.76	
Renumbered r. 21.076.....	2002 No. 350
R. 21.076	am. 2002 No. 350
R. 21.77	
Renumbered r. 21.077.....	2002 No. 350
R. 21.78	
Renumbered r. 21.078.....	2002 No. 350

Table of Amendments

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

Provision affected	How affected
R. 21.078	am. 2002 No. 350
Note to r. 21.078	am. 2002 No. 350
R. 21.79	
Renumbered r. 21.079.....	2002 No. 350
R. 21.81	am. 1999 No. 166; 2002 No. 350
Renumbered r. 21.081.....	2002 No. 350
R. 21.83	am. 1999 No. 166; 2002 No. 350
Renumbered r. 21.083.....	2002 No. 350
R. 21.85	am. 1999 No. 166; 2002 No. 350
Renumbered r. 21.085.....	2002 No. 350
Subpart 21.D	
Heading to Subpart D of Part 21	
Renumbered.....	2002 No. 350
Subpart 21.D	
R. 21.91	
Renumbered r. 21.091.....	2002 No. 350
R. 21.93	
Renumbered r. 21.093.....	2002 No. 350
R. 21.95	
Renumbered r. 21.095.....	2002 No. 350
R. 21.97	
Renumbered r. 21.097.....	2002 No. 350
R. 21.98	
Renumbered r. 21.098.....	2002 No. 350
R. 21.098	am. 2002 No. 350
R. 21.99	am. 2002 No. 268
Renumbered r. 21.099.....	2002 No. 350
R. 21.101	am. 1999 No. 166; 2002 No. 350
Subpart 21.E	
Heading to Subpart E of Part 21	
Renumbered.....	2002 No. 350
Subpart 21.E	
R. 21.113	am. 2002 No. 350
R. 21.115	am. 2002 No. 350
R. 21.117	am. 1999 No. 166
Note to r. 21.118	am. 2002 No. 350
Note to r. 21.119	am. 2002 No. 350

Table of Amendments

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

Provision affected	How affected
Subpart 21.F	
Heading to Subpart F of Part 21	
Renumbered.....	2002 No. 350
Subpart 21.F	
Note to r. 21.121 (2).....	am. 2002 No. 350
R. 21.123	am. 2002 No. 268
R. 21.125	am. 2002 No. 268
R. 21.127	am. 2002 No. 268
R. 21.128	am. 2002 No. 268
R. 21.129	am. 2004 No. 268
R. 21.130	am. 2000 No. 227
R. 21.130A	am. 2002 No. 268
Subpart 21.G	
Heading to Subpart G of Part 21	
Renumbered.....	2002 No. 350
Subpart 21.G	
R. 21.131	am. 2000 No. 227
Heading to r. 21.132	am. 2002 No. 350
R. 21.132	ad. 2000 No. 227
R. 21.132A	ad. 2000 No. 227 am. 2001 No. 242
R. 21.133	rs. 2000 No. 227 am. 2001 No. 242; 2003 No. 297
R. 21.134	am. 2002 No. 268
R. 21.135	am. 2000 No. 227
R. 21.139	rs. 2000 No. 227
R. 21.143	am. 2000 No. 227; 2002 No. 268; 2003 No. 297
R. 21.144	am. 2000 No. 227
R. 21.145	am. 2002 No. 268; 2003 No. 297
R. 21.147	am. 2000 No. 227; 2002 No. 268
R. 21.149	rs. 2000 No. 227
R. 21.151	rs. 2000 No. 227 am. 2003 No. 297
R. 21.153	am. 2000 No. 227
R. 21.157	rs. 2002 No. 268
Note to r. 21.159	am. 2002 No. 350
R. 21.161	am. 2002 No. 268
R. 21.163	am. 2002 No. 350

Table of Amendments

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

Provision affected	How affected
R. 21.165	rs. 2000 No. 227 am. 2002 No. 268
R. 21.166	rs. 2000 No. 227 am. 2002 No. 268
Subpart 21.H	
Heading to Subpart H of Part 21	rs. 1999 No. 166
Renumbered..... Subpart 21.H	2002 No. 350
R. 21.171	am. 1999 No. 166
Note to r. 21.171	rs. 2005 No. 323
R. 21.172	ad. 2005 No. 321
R. 21.173	am. 1999 No. 166; 2000 No. 204; 2004 No. 134; 2005 No. 321
R. 21.175	am. 2005 No. 321
Heading to r. 21.176	rs. 1999 No. 166
R. 21.176	am. 1999 No. 166; 2002 Nos. 268 and 350
Heading to r. 21.181	rs. 1999 No. 166
R. 21.181	am. 2002 Nos. 268 and 350; 2005 No. 321
R. 21.182	ad. 2000 No. 204 am. 2005 No. 321
R. 21.183	am. 1999 No. 166; 2002 Nos. 320 and 350
R. 21.184	am. 1999 No. 166; 2002 No. 350
R. 21.184A.....	am. 1999 No. 166; 2002 No. 350
R. 21.185	am. 1999 No. 166; 2002 No. 350
R. 21.186	ad. 2005 No. 321
R. 21.187	am. 2002 Nos. 268 and 350
R. 21.190	am. 1999 No. 166; 2000 No. 227; 2004 No. 345
R. 21.191	am. 2002 No. 350; 2005 No. 321
R. 21.192	am. 2000 No. 204; 2004 No. 134; 2005 No. 321
Note to r. 21.192	ad. 2005 No. 321
R. 21.193	am. 2005 No. 321
R. 21.195A.....	am. 1999 No. 166; 2002 No. 268
R. 21.195B.....	am. 2002 Nos. 268 and 350; 2005 No. 321
Note to r. 21.195B.....	am. 2002 No. 350
R. 21.197	am. 1999 No. 166; 2002 Nos. 320 and 350
R. 21.200	am. 2002 Nos. 268 and 350; 2004 No. 230
R. 21.201	am. 2002 No. 268
Note to r. 21.201 (5).....	am. 2002 No. 350

Table of Amendments

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

Provision affected	How affected
Subpart 21.I	
Heading to Subpart I of Part 21	
Renumbered.....	2002 No. 350
Subpart 21.I	
Note to r. 21.217	am. 2002 No. 350
R. 21.221	am. 1999 No. 166; 2002 No. 350
R. 21.223	am. 1999 No. 166; 2002 No. 350
R. 21.225	am. 1999 No. 166; 2002 No. 350
Subpart 21.J	
Heading to Subpart J of Part 21	
Renumbered.....	2002 No. 350
Subpart 21.J	
R. 21.231	am. 2000 No. 227
Note to r. 21.243	am. 2002 No. 350
R. 21.245	am. 2002 No. 268
R. 21.251	am. 2000 No. 227
R. 21.261	am. 2002 No. 268
R. 21.267	am. 2002 No. 350
Heading to r. 21.271	am. 2000 No. 227 rs. 2004 No. 345
R. 21.271	am. 2000 No. 227; 2002 No. 268
R. 21.277	am. 2002 No. 268; 2002 No. 350
R. 21.293	am. 2002 No. 268
Subpart 21.K	
Heading to Subpart K of Part 21	
Renumbered.....	2002 No. 350
Subpart 21.K	
R. 21.303	am. 2000 No. 227; 2002 Nos. 268 and 350; 2003 No. 297
Note to r. 21.303	am. 2002 No. 350
R. 21.304	ad. 2003 No. 297
R. 21.304A	ad. 2003 No. 297
R. 21.305	am. 2002 No. 350
Subpart 21.L	
Heading to Subpart L of Part 21	
Renumbered.....	2002 No. 350
Subpart 21.L	
R. 21.325	am. 2000 No. 227; 2002 Nos. 268 and 350
R. 21.327	am. 1999 No. 166

Table of Amendments

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

Provision affected	How affected
R. 21.329	am. 1999 No. 166; 2002 No. 350
R. 21.331	am. 1999 No. 166
R. 21.333	am. 1999 No. 166
Subpart 21.N	
Heading to Subpart N of Part 21	
Renumbered.....	2002 No. 350
Subpart 21.N	
R. 21.500	am. 1999 No. 166; 2002 No. 350
R. 21.502	am. 1999 No. 166; 2002 No. 350
R. 21.502A	am. 1999 No. 166
Subpart 21.O	
Heading to Subpart O of Part 21	
Renumbered.....	2002 No. 350
Subpart 21.O	
R. 21.601	am. 2001 No. 34
R. 21.603	am. 2001 No. 34 rs. 2002 No. 268
R. 21.605	am. 1999 No. 166; 2001 No. 34; 2003 No. 297
R. 21.607	am. 2001 No. 34; 2002 No. 268
R. 21.609	am. 1999 No. 166; 2001 No. 34
R. 21.611	am. 2001 No. 34; 2002 Nos. 268 and 350
R. 21.613	am. 2002 No. 268; 2003 No. 297
R. 21.617	am. 1999 No. 166
R. 21.619	am. 2001 No. 34
Note to r. 21.619	am. 2002 No. 350
Subpart 21.Q	
Heading to Subpart Q of Part 21	
Renumbered.....	2002 No. 350
Subpart 21.Q	
Subpart Q of Part 21	ad. 2000 No. 204
Division 21.Q.1	
Heading to Div. 1 of Subpart 21.Q	
Renumbered Div. 21.Q.1..	2002 No. 350
R. 21.805	ad. 2000 No. 204
R. 21.810	ad. 2000 No. 204

Table of Amendments

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

Provision affected	How affected
Division 21.Q.2	
Heading to Div. 2 of Subpart 21.Q	
Renumbered Div. 21.Q.2..	2002 No. 350
R. 21.815	ad. 2000 No. 204
R. 21.820	ad. 2000 No. 204 am. 2001 No. 242; 2002 No. 268; 2005 No. 321
Note to r. 21.820	am. 2001 No. 242
R. 21.825	ad. 2000 No. 204 am. 2001 No. 242; 2002 No. 268
Note to r. 21.825	am. 2001 No. 242
Heading to r. 21.830	rs. 2001 No. 242
R. 21.830	ad. 2000 No. 204 am. 2001 No. 242; 2002 No. 268
Note to r. 21.830	am. 2001 No. 242
R. 21.835	ad. 2000 No. 204 am. 2001 No. 242; 2002 No. 268
R. 21.840	ad. 2000 No. 204 am. 2001 No. 242; 2002 No. 268
Division 21.Q.3	
Heading to Div. 3 of Subpart 21.Q	
Renumbered Div. 21.Q.3..	2002 No. 350
R. 21.845	ad. 2000 No. 204 am. 2004 No. 345
R. 21.850	ad. 2000 No. 204 am. 2002 No. 268
R. 21.855	ad. 2000 No. 204 am. 2002 No. 268
Division 21.Q.4	
Heading to Div. 4 of Subpart 21.Q	
Renumbered Div. 21.Q.4..	2002 No. 350 rs. 2003 No. 297
R. 21.860	ad. 2000 No. 204 rs. 2003 No. 297 am. 2004 No. 345
Heading to r. 21.865	rs. 2003 No. 297
R. 21.865	ad. 2000 No. 204 am. 2001 No. 242; 2002 No. 268

Table of Amendments

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

Provision affected	How affected
Heading to r. 21.870	rs. 2001 No. 242; 2003 No. 297
R. 21.870	ad. 2000 No. 204
	am. 2001 No. 242; 2002 No. 268
Note to r. 21.870 (3)	rep. 2001 No. 242
R. 21.875	ad. 2003 No. 297
	am. 2004 No. 345
R. 21.880	ad. 2003 No. 297
Part 22	
Part 22	rs. 2009 No. 147
Table of Provisions to	ad. 2004 No. 345
Part 22	rs. 2009 No. 147
R. 22.0	ad. 2000 No. 204
Renumbered r. 22.000	2002 No. 350
R. 22.000	rep. 2004 No. 345
R. 22.1	
Renumbered r. 22.001	2002 No. 350
R. 22.001	am. 2004 No. 345
	rs. 2009 No. 147
R. 22.2	
Renumbered r. 22.002	2002 No. 350
R. 22.002	am. 2002 No. 350
	rs. 2009 No. 147
R. 22.3	
Renumbered r. 22.003	2002 No. 350
R. 22.003	rs. 2009 No. 147
R. 22.4	
Renumbered r. 22.004	2002 No. 350
R. 22.004	rs. 2009 No. 147
R. 22.5	
Renumbered r. 22.005	2002 No. 350
R. 22.005	am. 2002 No. 350
	rep. 2009 No. 147
R. 22.6	
Renumbered r. 22.006	2002 No. 350
R. 22.006	rep. 2009 No. 147
R. 22.7	
Renumbered r. 22.007	2002 No. 350
R. 22.007	rep. 2009 No. 147
R. 22.8	
Renumbered r. 22.008	2002 No. 350
R. 22.008	am. 2002 No. 350
	rep. 2009 No. 147

Table of Amendments

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

Provision affected	How affected
R. 22.9 Renumbered r. 22.009.....	2002 No. 350
R. 22.009	rep. 2009 No. 147
Part 23	
Table of Provisions to Part 23	ad. 2004 No. 345
R. 23.0	ad. 2000 No. 204
Renumbered r. 23.000.....	2002 No. 350
R. 23.000	rep. 2004 No. 345
R. 23.1 Renumbered r. 23.001.....	2002 No. 350
R. 23.001	am. 2004 No. 345 rs. 2009 No. 147
R. 23.2 Renumbered r. 23.002.....	2002 No. 350
R. 23.002	am. 2002 No. 350 rs. 2009 No. 147
R. 23.3 Renumbered r. 23.003.....	2002 No. 350
R. 23.4 Renumbered r. 23.004.....	2002 No. 350
R. 23.004	rs. 2009 No. 147
R. 23.5 Renumbered r. 23.005.....	2002 No. 350
R. 23.005	rs. 2009 No. 147
R. 23.6 Renumbered r. 23.006.....	2002 No. 350
R. 23.7 Renumbered r. 23.007.....	2002 No. 350
R. 23.007	rs. 2009 No. 147
R. 23.8 Renumbered r. 23.008.....	2002 No. 350
R. 23.008	rs. 2009 No. 147
Part 25	
Table of Provisions to Part 25	ad. 2004 No. 345
Subpart 25.A	
Heading to Subpart A..... of Part 25	ad. 2000 No. 227
Relocated and Renumbered..... Subpart 25.A	2002 No. 350

Table of Amendments

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

Provision affected	How affected
R. 25.0	ad. 2000 No. 204 rs. 2002 No. 350
Renumbered r. 25.000.....	2002 No. 350
R. 25.000	rep. 2004 No. 345
R. 25.1	am. 2000 No. 227
Renumbered r. 25.001.....	2002 No. 350
R. 25.001	rs. 2009 No. 147
R. 25.2	
Renumbered r. 25.002.....	2002 No. 350
R. 25.002	am. 2002 No. 350 rs. 2009 No. 147
Subpart 25.B	
Heading to Subpart B..... of Part 25	ad. 2000 No. 227
Renumbered..... Subpart 25.B	2002 No. 350 rs. 2009 No. 147
Heading to Subpart 25.B..... of Part 25	rs. 2009 No. 147
R. 25.3	
Renumbered r. 25.003.....	2002 No. 350
R. 25.4	
Renumbered r. 25.004.....	2002 No. 350
R. 25.004	rs. 2009 No. 147
R. 25.5	
Renumbered r. 25.005.....	2002 No. 350
R. 25.6	
Renumbered r. 25.006.....	2002 No. 350
R. 25.006	rs. 2009 No. 147
Subpart 25.C	
Subpart C of Part 25	ad. 2000 No. 227
Heading to Subpart C of Part 25	
Renumbered..... Subpart 25.C	2002 No. 350
R. 25.11	ad. 2000 No. 227
Renumbered r. 25.011.....	2002 No. 350
R. 25.13	ad. 2000 No. 227
Renumbered r. 25.013.....	2002 No. 350
Part 26	
Table of Provisions to Part 26	ad. 2004 No. 345

Table of Amendments

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

Provision affected	How affected
R. 26.0	ad. 2000 No. 204
Renumbered r. 26.000.....	2002 No. 350
R. 26.000	rep. 2004 No. 345
R. 26.1	
Renumbered r. 26.001.....	2002 No. 350
R. 26.2	
Renumbered r. 26.002.....	2002 No. 350
Part 27	
Heading to Part 27	rs. 1999 No. 166
Table of Provisions to	ad. 2004 No. 345
Part 27	
R. 27.0	ad. 2000 No. 204
Renumbered r. 27.000.....	2002 No. 350
R. 27.000	rep. 2004 No. 345
R. 27.1	am. 1999 No. 166
Renumbered r. 27.001.....	2002 No. 350
R. 27.001	am. 2004 No. 345
	rs. 2009 No. 147
R. 27.2	
Renumbered r. 27.002.....	2002 No. 350
R. 27.002	am. 2004 No. 345
	rs. 2009 No. 147
R. 27.3	
Renumbered r. 27.003.....	2002 No. 350
R. 27.003A.....	ad. 2009 No. 147
R. 27.4	
Renumbered r. 27.004.....	2002 No. 350
R. 27.005	ad. 2009 No. 147
Part 29	
Table of Provisions to	ad. 2004 No. 345
Part 29	
R. 29.0	ad. 2000 No. 204
Renumbered r. 29.000.....	2002 No. 350
R. 29.000	rep. 2004 No. 345
R. 29.1	
Renumbered r. 29.001.....	2002 No. 350
R. 29.001	am. 2004 No. 345
	rs. 2009 No. 147
R. 29.2	
Renumbered r. 29.002.....	2002 No. 350
R. 29.002	am. 2004 No. 345
	rs. 2009 No. 147

Table of Amendments

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

Provision affected	How affected
R. 29.3 Renumbered r. 29.003.....	2002 No. 350
R. 29.003A.....	ad. 2009 No. 147
R. 29.4 Renumbered r. 29.004.....	2002 No. 350
R. 29.005	ad. 2009 No. 147
Part 31	
Table of Provisions to Part 31	ad. 2004 No. 345
R. 31.0	ad. 2000 No. 204
Renumbered r. 31.000.....	2002 No. 350
R. 31.000	rep. 2004 No. 345
R. 31.1 Renumbered r. 31.001.....	2002 No. 350
R. 31.2 Renumbered r. 31.002.....	2002 No. 350
Part 32	
Table of Provisions to Part 32	ad. 2004 No. 345
R. 32.0	ad. 2000 No. 204
Renumbered r. 32.000.....	2002 No. 350
R. 32.000	rep. 2004 No. 345
R. 32.1 Renumbered r. 32.001.....	2002 No. 350
R. 32.001	am. 2004 No. 345 rs. 2009 No. 147
R. 32.2 Renumbered r. 32.002.....	2002 No. 350
R. 32.002	am. 2004 No. 345; 2009 No. 147
R. 32.3 Renumbered r. 32.003.....	2002 No. 350
R. 32.003	rs. 2009 No. 147
R. 32.4 Renumbered r. 32.004.....	2002 No. 350
R. 32.004	rs. 2009 No. 147
Part 33	
Table of Provisions to Part 33	ad. 2004 No. 345
R. 33.0	ad. 2000 No. 204
Renumbered r. 33.000.....	2002 No. 350
R. 33.000	rep. 2004 No. 345

Table of Amendments

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

Provision affected	How affected
R. 33.1 Renumbered r. 33.001.....	2002 No. 350
R. 33.001	am. 2004 No. 345 rs. 2009 No. 147
R. 33.2 Renumbered r. 33.002.....	2002 No. 350
R. 33.002	am. 2004 No. 345 rs. 2009 No. 147
R. 33.3 Renumbered r. 33.003.....	2002 No. 350
R. 33.003A.....	ad. 2009 No. 147
R. 33.4 Renumbered r. 33.004.....	2002 No. 350
R. 33.005	ad. 2009 No. 147
Part 35	
Table of Provisions to Part 35	ad. 2004 No. 345
R. 35.0	ad. 2000 No. 204
Renumbered r. 35.000.....	2002 No. 350
R. 35.000	rep. 2004 No. 345
R. 35.1 Renumbered r. 35.001.....	2002 No. 350
R. 35.001	am. 2004 No. 345 rs. 2009 No. 147
R. 35.2 Renumbered r. 35.002.....	2002 No. 350
R. 35.002	am. 2004 No. 345 rs. 2009 No. 147
R. 35.3 Renumbered r. 35.003.....	2002 No. 350
R. 35.003A.....	ad. 2009 No. 147
R. 35.4 Renumbered r. 35.004.....	2002 No. 350
R. 35.005	ad. 2009 No. 147
Part 39	
Part 39	ad. 1999 No. 262
Table of Provisions to Part 39	ad. 2004 No. 345
R. 39.0	ad. 2000 No. 204
Renumbered r. 39.000.....	2002 No. 350
R. 39.000	rep. 2004 No. 345

Table of Amendments

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

Provision affected	How affected
R. 39.1	ad. 1999 No. 262
Renumbered r. 39.001	2002 No. 350
R. 39.001	am. 2004 No. 230; 2005 No. 323
R. 39.2	ad. 1999 No. 262
Renumbered r. 39.002	2002 No. 350
R. 39.002	am. 2002 No. 350
R. 39.3	ad. 1999 No. 262
Renumbered r. 39.003	rs. 2002 No. 268 2002 No. 350
R. 39.003	am. 2004 No. 134 rs. 2004 No. 230
R. 39.4	ad. 1999 No. 262
Renumbered r. 39.004	2002 No. 350
R. 39.004	am. 2004 No. 230
R. 39.5	ad. 1999 No. 262
Renumbered r. 39.005	am. 2002 No. 350 2002 No. 350
R. 39.6	ad. 1999 No. 262
Renumbered r. 39.006	2002 No. 350
R. 39.7	ad. 1999 No. 262
Renumbered r. 39.007	2002 No. 350
R. 39.007	am. 2002 No. 350
Part 43	
Heading to Part 43	ad. 2000 No. 204
Note to heading to Part 43 ..	ad. 2000 No. 204
Part 45	
Heading to Part 45	rs. 2000 No. 204
Part 45	ad. 2000 No. 204
Note heading to Part 45	ad. 2000 No. 204 rep. 2000 No. 204
Table of Provisions to	ad. 2004 No. 345
Part 45	
Subpart 45.A	
Subpart A of Part 45	
Renumbered	2002 No. 350
Subpart 45.A	
R. 45.000	ad. 2000 No. 204 am. 2001 No. 242; 2002 No. 350 rep. 2004 No. 345
R. 45.005	ad. 2000 No. 204

Table of Amendments

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

Provision affected	How affected
Subpart 45.B	
Subpart B of Part 45	
Renumbered.....	2002 No. 350
Subpart 45.B	
Division 45.B.1	
Div. 1 of Subpart 45.B.....	
Renumbered Div. 45.B.1 ..	2002 No. 350
R. 45.010	ad. 2000 No. 204
R. 45.015	ad. 2000 No. 204
R. 45.020	ad. 2000 No. 204 am. 2002 No. 350; 2004 No. 134
R. 45.025	ad. 2000 No. 204 am. 2004 No. 134
R. 45.030	ad. 2000 No. 204
R. 45.035	ad. 2000 No. 204 am. 2002 No. 268
R. 45.040	ad. 2000 No. 204
R. 45.045	ad. 2000 No. 204
R. 45.050	ad. 2000 No. 204
R. 45.055	ad. 2000 No. 204
Heading to r. 45.060	rs. 2001 No. 242
R. 45.060	ad. 2000 No. 204 am. 2001 No. 242
R. 45.065	ad. 2000 No. 204 am. 2001 No. 242
R. 45.070	ad. 2000 No. 204
R. 45.075	ad. 2000 No. 204
R. 45.080	ad. 2000 No. 204
R. 45.085	ad. 2000 No. 204 am. 2002 No. 268
R. 45.090	ad. 2000 No. 204 am. 2002 No. 268
Division 45.B.2	
Div. 2 of Subpart 45.B.....	
Renumbered Div. 45.B.2	2002 No. 350
R. 45.095	ad. 2000 No. 204
R. 45.100	ad. 2000 No. 204
Note to r. 45.100 (2).....	am. 2002 No. 350
R. 45.105	ad. 2000 No. 204 am. 2002 No. 268
R. 45.110	ad. 2000 No. 204

Table of Amendments

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

Provision affected	How affected
Division 45.B.3	
Div. 3 of Subpart 45.B.....	
Renumbered Div. 45.B.3	2002 No. 350
R. 45.115	ad. 2000 No. 204 am. 2002 No. 268
Subpart 45.C	
Subpart C of Part 45	
Renumbered.....	2002 No. 350
Subpart 45.C	
R. 45.120	ad. 2000 No. 204 am. 2002 No. 350
R. 45.125	ad. 2000 No. 204 am. 2002 No. 268
R. 45.130	ad. 2000 No. 204
Subpart 45.D	
Subpart D of Part 45	
Renumbered.....	2002 No. 350
Subpart 45.D	
R. 45.135	ad. 2000 No. 204
R. 45.140	ad. 2000 No. 204 am. 2004 No. 134
R. 45.145	ad. 2000 No. 204 rs. 2002 No. 268
R. 45.150	ad. 2000 No. 204 am. 2001 No. 242
R. 45.155	ad. 2000 No. 204 am. 2002 No. 268
Note to r. 45.155 (1).....	am. 2002 No. 350
R. 45.160	ad. 2000 No. 204 am. 2002 No. 268
Subpart 45.E	
Subpart E of Part 45	
Renumbered.....	2002 No. 350
Subpart 45.E	
R. 45.165	ad. 2000 No. 204
R. 45.170	ad. 2000 No. 204 am. 2002 No. 268
Part 47	
Heading to Part 47	ad. 2000 No. 204 rs. 2004 No. 134
Part 47	rs. 2004 No. 134
Note heading to Part 47	ad. 2000 No. 204 rep. 2004 No. 134

Table of Amendments

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

Provision affected	How affected
Subpart 47.A	
R. 47.005	ad. 2004 No. 134
R. 47.010	ad. 2004 No. 134
R. 47.015	ad. 2004 No. 134
R. 47.020	ad. 2004 No. 134
Subpart 47.B	
R. 47.025	ad. 2004 No. 134
R. 47.030	ad. 2004 No. 134
R. 47.035	ad. 2004 No. 134 rs. 2004 No. 345
R. 47.040	ad. 2004 No. 134 am. 2004 No. 345
R. 47.045	ad. 2004 No. 134
R. 47.050	ad. 2004 No. 134
R. 47.055	ad. 2004 No. 134
Subpart 47.C	
R. 47.060	ad. 2004 No. 134
R. 47.065	ad. 2004 No. 134 am. 2004 No. 345
Note 2 to r. 47.065	rs. 2004 No. 345
R. 47.070	ad. 2004 No. 134
R. 47.075	ad. 2004 No. 134
R. 47.080	ad. 2004 No. 134
R. 47.085	ad. 2004 No. 134
R. 47.090	ad. 2004 No. 134
R. 47.095	ad. 2004 No. 134
Subpart 47.D	
R. 47.100	ad. 2004 No. 134 am. 2004 No. 345
Subpart 47.E	
R. 47.105	ad. 2004 No. 134
R. 47.110	ad. 2004 No. 134
Subpart 47.F	
R. 47.115	ad. 2004 No. 134
R. 47.120	ad. 2004 No. 134 am. 2004 No. 345
R. 47.125	ad. 2004 No. 134
R. 47.130	ad. 2004 No. 134
R. 47.135	ad. 2004 No. 134 am. 2004 No. 345

Table of Amendments

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

Provision affected	How affected
Subpart 47.G	
R. 47.140	ad. 2004 No. 134
R. 47.145	ad. 2004 No. 134
R. 47.150	ad. 2004 No. 134
R. 47.155	ad. 2004 No. 134
R. 47.160	ad. 2004 No. 134 am. 2004 No. 345
R. 47.165	ad. 2004 No. 134 am. 2004 No. 345
Subpart 47.H	
R. 47.170	ad. 2004 No. 134
R. 47.175	ad. 2004 No. 134
R. 47.180	ad. 2004 No. 134
R. 47.185	ad. 2004 No. 134
R. 47.190	ad. 2004 No. 134
R. 47.195	ad. 2004 No. 134
R. 47.200	ad. 2004 No. 134
R. 47.205	ad. 2004 No. 134
R. 47.210	ad. 2004 No. 134
R. 47.215	ad. 2004 No. 134
R. 47.220	ad. 2004 No. 134
R. 47.225	ad. 2004 No. 134
Part 60	
Part 60	ad. 2003 No. 240
Table of Provisions to Part 60	ad. 2004 No. 345
Subpart 60.A	
R. 60.000	ad. 2003 No. 240 rep. 2004 No. 345
R. 60.005	ad. 2003 No. 240
R. 60.010	ad. 2003 No. 240
Subpart 60.B	
R. 60.015	ad. 2003 No. 240
R. 60.020	ad. 2003 No. 240
R. 60.025	ad. 2003 No. 240
R. 60.030	ad. 2003 No. 240
R. 60.035	ad. 2003 No. 240
R. 60.040	ad. 2003 No. 240
R. 60.045	ad. 2003 No. 240
R. 60.050	ad. 2003 No. 240

Table of Amendments

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

Provision affected	How affected
R. 60.055	ad. 2003 No. 240
R. 60.060	ad. 2003 No. 240
R. 60.065	ad. 2003 No. 240
R. 60.070	ad. 2003 No. 240
R. 60.075	ad. 2003 No. 240
R. 60.080	ad. 2003 No. 240
R. 60.085	ad. 2003 No. 240
R. 60.090	ad. 2003 No. 240
R. 60.095	ad. 2003 No. 240
Subpart 60.C	
Heading to Subpart 60.C of Part 60	ad. 2003 No. 240
Note to Subpart 60.C of Part 60	ad. 2003 No. 240
Part 61	
Heading to Part 61	ad. 2000 No. 204
Note to heading to Part 61 ..	ad. 2000 No. 204
Part 63	
Heading to Part 63	ad. 2000 No. 204
Note to heading to Part 63 ..	ad. 2000 No. 204
Part 64	
Heading to Part 64	ad. 2000 No. 204
Note to heading to Part 64 ..	ad. 2000 No. 204
Part 65	
Heading to Part 65	ad. 2000 No. 204 rs. 2002 No. 167
Note to heading to Part 65 ..	ad. 2000 No. 204 rep. 2002 No. 167
Table of Provisions to Part 65	ad. 2004 No. 345
Subpart 65.A	
Subpart A of Part 65 Renumbered..... Subpart 65.A	2004 No. 345
R. 65.000	ad. 2002 No. 167 am. 2003 No. 75 rep. 2004 No. 345
R. 65.005	ad. 2002 No. 167 rs. 2003 No. 75
R. 65.010	ad. 2002 No. 167 am. 2003 No. 75

Table of Amendments

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

Provision affected	How affected
R. 65.015	ad. 2002 No. 167
R. 65.020	ad. 2002 No. 167
R. 65.025	ad. 2002 No. 167
R. 65.030	ad. 2002 No. 167
R. 65.033	ad. 2003 No. 75 am. 2004 No. 345
Note to r. 65.033 (1)	rs. 2005 No. 323
R. 65.033A	ad. 2003 No. 75 rep. 2004 No. 345
R. 65.033B	ad. 2003 No. 75 rep. 2004 No. 345
R. 65.033C	ad. 2003 No. 75 rep. 2004 No. 345
R. 65.033D	ad. 2003 No. 75 rep. 2004 No. 345
R. 65.033E	ad. 2003 No. 75 rep. 2004 No. 345
R. 65.033F	ad. 2003 No. 75 rep. 2004 No. 345
R. 65.033G	ad. 2003 No. 75 rep. 2004 No. 345
R. 65.033H	ad. 2003 No. 75 rep. 2004 No. 345
Subpart 65.B	
Subpart B of Part 65	
Renumbered	2004 No. 345
Subpart 65.B	
R. 65.035	ad. 2002 No. 167
R. 65.040	ad. 2002 No. 167
R. 65.045	ad. 2002 No. 167 am. 2003 No. 75
R. 65.050	ad. 2002 No. 167
R. 65.055	ad. 2002 No. 167
R. 65.060	ad. 2002 No. 167
R. 65.065	ad. 2002 No. 167 rs. 2003 No. 75
Subpart 65.C	
Subpart C of Part 65	
Renumbered	2004 No. 345
Subpart 65.C	

Table of Amendments

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

Provision affected	How affected
Division 65.C.1	
Div. 1 of Subpart C of Part 65	
Renumbered Div. 65.C.1 ..	2004 No. 345
R. 65.070	ad. 2002 No. 167 am. 2003 No. 75
R. 65.075	ad. 2002 No. 167
R. 65.080	ad. 2002 No. 167 am. 2003 No. 75
Heading to r. 65.085	rs. 2003 No. 75
R. 65.085	ad. 2002 No. 167 am. 2003 No. 75
R. 65.090	ad. 2002 No. 167
R. 65.095	ad. 2002 No. 167 am. 2003 No. 75
R. 65.100	ad. 2002 No. 167
R. 65.105	ad. 2002 No. 167
R. 65.110	ad. 2002 No. 167
R. 65.115	ad. 2002 No. 167
R. 65.120	ad. 2002 No. 167
Division 65.C.2	
Div. 2 of Subpart C of Part 65	
Renumbered Div. 65.C.2 ..	2004 No. 345
R. 65.125	ad. 2002 No. 167 am. 2003 No. 75
R. 65.130	ad. 2002 No. 167 am. 2003 No. 75
R. 65.135	ad. 2002 No. 167 am. 2003 No. 75
R. 65.140	ad. 2002 No. 167 am. 2003 No. 75
R. 65.145	ad. 2002 No. 167
R. 65.150	ad. 2002 No. 167
R. 65.155	ad. 2002 No. 167
R. 65.160	ad. 2002 No. 167
R. 65.165	ad. 2002 No. 167
R. 65.170	ad. 2002 No. 167
Subpart 65.E	
Subpart E of Part 65	
Renumbered.....	2004 No. 345
Subpart 65.E	

Table of Amendments

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

Provision affected	How affected
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Division 65.E.1

Div. 1 of Subpart E of

Part 65

Renumbered Div. 65.E.1 .. 2004 No. 345

R. 65.175 ad. 2002 No. 167

R. 65.180 ad. 2002 No. 167

R. 65.185 ad. 2002 No. 167

R. 65.190 ad. 2002 No. 167

am. 2003 No. 75

R. 65.195 ad. 2002 No. 167

R. 65.200 ad. 2002 No. 167

R. 65.205 ad. 2002 No. 167

R. 65.210 ad. 2002 No. 167

rep. 2003 No. 75

R. 65.215 ad. 2002 No. 167

am. 2003 No. 75

R. 65.220 ad. 2002 No. 167

R. 65.225 ad. 2002 No. 167

am. 2003 No. 75

R. 65.230 ad. 2002 No. 167

am. 2003 No. 75

R. 65.235 ad. 2002 No. 167

R. 65.240 ad. 2002 No. 167

R. 65.245 ad. 2002 No. 167

Division 65.E.2

Div. 2 of Subpart E of

Part 65

Renumbered Div. 65.E.2 .. 2004 No. 345

R. 65.250 ad. 2002 No. 167

Division 65.E.3

Div. 3 of Subpart E of

Part 65

Renumbered Div. 65.E.3 .. 2004 No. 345

R. 65.255 ad. 2002 No. 167

Heading to r. 65.260 rs. 2003 No. 75

R. 65.260 ad. 2002 No. 167

am. 2003 No. 75

R. 65.265 ad. 2002 No. 167

am. 2003 No. 75

R. 65.270 ad. 2002 No. 167

am. 2003 No. 75

Table of Amendments

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

Provision affected	How affected
R. 65.275	ad. 2002 No. 167 am. 2003 No. 75
R. 65.280	ad. 2002 No. 167
Part 66	
Heading to Part 66	ad. 2000 No. 204
Note to heading to Part 66 ..	ad. 2000 No. 204
Part 67	
Heading to Part 67	ad. 2000 No. 204 rs. 2003 No. 232
Part 67	rs. 2003 No. 232
Note to heading to Part 67 ..	ad. 2000 No. 204 rep. 2003 No. 232
Subpart 67.A	
R. 67.005	ad. 2003 No. 232
R. 67.010	ad. 2003 No. 232 am. 2005 No. 207
R. 67.015	ad. 2003 No. 232
R. 67.020	ad. 2003 No. 232
Subpart 67.B	
R. 67.025	ad. 2003 No. 232 am. 2005 No. 207
R. 67.030	ad. 2003 No. 232
R. 67.035	ad. 2003 No. 232
R. 67.040	ad. 2003 No. 232
R. 67.045	ad. 2003 No. 232
R. 67.050	ad. 2003 No. 232
R. 67.055	ad. 2003 No. 232
R. 67.060	ad. 2003 No. 232
R. 67.065	ad. 2003 No. 232 am. 2005 No. 207
R. 67.070	ad. 2003 No. 232
R. 67.075	ad. 2003 No. 232 am. 2005 No. 207
R. 67.080	ad. 2003 No. 232
R. 67.085	ad. 2003 No. 232
R. 67.090	ad. 2003 No. 232
R. 67.095	ad. 2003 No. 232
R. 67.100	ad. 2003 No. 232
R. 67.105	ad. 2003 No. 232
R. 67.110	ad. 2003 No. 232

Table of Amendments

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

Provision affected	How affected
R. 67.115	ad. 2003 No. 232
Heading to r. 67.120	rs. 2004 No. 345
R. 67.120	ad. 2003 No. 232
R. 67.125	ad. 2003 No. 232
R. 67.130	ad. 2003 No. 232
R. 67.135	ad. 2003 No. 232
R. 67.140	ad. 2003 No. 232
R. 67.141	ad. 2003 No. 232 rep. 2004 No. 345
Subpart 67.C	
R. 67.145	ad. 2003 No. 232
R. 67.150	ad. 2003 No. 232 am. 2004 No. 345
R. 67.155	ad. 2003 No. 232 am. 2004 No. 345
R. 67.160	ad. 2003 No. 232 am. 2004 No. 345
R. 67.165	ad. 2003 No. 232
R. 67.170	ad. 2003 No. 232
R. 67.175	ad. 2003 No. 232
R. 67.180	ad. 2003 No. 232 am. 2004 No. 345
R. 67.185	ad. 2003 No. 232
R. 67.190	ad. 2003 No. 232
R. 67.195	ad. 2003 No. 232
R. 67.200	ad. 2003 No. 232
R. 67.205	ad. 2003 No. 232
R. 67.210	ad. 2003 No. 232
R. 67.215	ad. 2003 No. 232
R. 67.220	ad. 2003 No. 232
R. 67.225	ad. 2003 No. 232
R. 67.230	ad. 2003 No. 232
R. 67.235	ad. 2003 No. 232
R. 67.240	ad. 2003 No. 232
R. 67.245	ad. 2003 No. 232
R. 67.250	ad. 2003 No. 232
R. 67.255	ad. 2003 No. 232
R. 67.260	ad. 2003 No. 232
Subpart 67.D	
R. 67.265	ad. 2003 No. 232

Table of Amendments

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

Provision affected	How affected
R. 67.270	ad. 2003 No. 232
R. 67.275	ad. 2003 No. 232
Part 71	
Heading to Part 71	ad. 2000 No. 204
Note to heading to Part 71 ..	ad. 2000 No. 204
Part 90	
Heading to Part 90	ad. 2000 No. 204
Note to heading to Part 90 ..	ad. 2000 No. 204
Part 91	
Part 91	rs. 2005 No. 323
Heading to Part 91	ad. 2000 No. 204 rs. 2005 No. 323
Note to heading to Part 91 ..	ad. 2000 No. 204 rep. 2005 No. 323
Subpart 91.A	
R. 91.005	ad. 2005 No. 323
Subpart 91.D	
R. 91.830	ad. 2005 No. 323
R. 91.850	ad. 2005 No. 323
R. 91.865	ad. 2005 No. 323
R. 91.870	ad. 2005 No. 323
R. 91.875	ad. 2005 No. 323
R. 91.880	ad. 2005 No. 323
R. 91.885	ad. 2005 No. 323
R. 91.890	ad. 2005 No. 323
Subpart 91.U	
Division 91.U.1	
R. 91.5000	ad. 2005 No. 323
R. 91.5005	ad. 2005 No. 323
R. 91.5010	ad. 2005 No. 323
R. 91.5015	ad. 2005 No. 323
R. 91.5020	ad. 2005 No. 323
R. 91.5025	ad. 2005 No. 323
R. 91.5030	ad. 2005 No. 323
Division 91.U.2	
Heading to Div. 91.U.2	ad. 2005 No. 323
Note to heading to..... Div. 91.U.2	ad. 2005 No. 323

Table of Amendments

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

Provision affected	How affected
Division 91.U.3	
Heading to Div. 91.U.3.....	ad. 2005 No. 323
Note to heading to..... Div. 91.U.3	ad. 2005 No. 323
Division 91.U.4	
Heading to Div. 91.U.4.....	ad. 2005 No. 323
Note to heading to..... Div. 91.U.4	ad. 2005 No. 323
Division 91.U.4.....	ad. 2005 No. 323
R. 91.5150	ad. 2005 No. 323
R. 91.5155	ad. 2005 No. 323
R. 91.5160	ad. 2005 No. 323
R. 91.5165	ad. 2005 No. 323
R. 91.5170	ad. 2005 No. 323
Division 91.U.5	
Heading to Div. 91.U.5.....	ad. 2005 No. 323
Note to heading to..... Div. 91.U.5	ad. 2005 No. 323
Division 91.U.6	
Heading to Div. 91.U.6.....	ad. 2005 No. 323
Note to heading to..... Div. 91.U.6	ad. 2005 No. 323
Division 91.U. 7	
Heading to Div. 91.U.7	ad. 2005 No. 323
Note to heading to..... Div. 91.U.7	ad. 2005 No. 323
Division 91.U.8	
Heading to Div. 91.U.8.....	ad. 2005 No. 323
Note to heading to..... Div. 91.U.8	ad. 2005 No. 323
Division 91.U.9	
Heading to Div. 91.U.9.....	ad. 2005 No. 323
Note to heading to..... Div. 91.U.9	ad. 2005 No. 323
Division 91.U.10	
Heading to Div. 91.U.10.....	ad. 2005 No. 323
Note to heading to..... Div. 91.U.10	ad. 2005 No. 323
Part 92	
Part 92	ad. 2003 No. 365

Table of Amendments

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

Provision affected	How affected
Subpart 92.A	
R. 92.005	ad. 2003 No. 365
R. 92.010	ad. 2003 No. 365
R. 92.015	ad. 2003 No. 365
Subpart 92.B	
R. 92.020	ad. 2003 No. 365
R. 92.025	ad. 2003 No. 365
R. 92.030	ad. 2003 No. 365
R. 92.035	ad. 2003 No. 365
R. 92.040	ad. 2003 No. 365
R. 92.045	ad. 2003 No. 365
R. 92.050	ad. 2003 No. 365
R. 92.055	ad. 2003 No. 365
R. 92.060	ad. 2003 No. 365
R. 92.065	ad. 2003 No. 365
R. 92.070	ad. 2003 No. 365
R. 92.075	ad. 2003 No. 365
R. 92.080	ad. 2003 No. 365
Subpart 92.C	
R. 92.085	ad. 2003 No. 365 am. 2003 No. 365
R. 92.090	ad. 2003 No. 365
R. 92.095	ad. 2003 No. 365
R. 92.100	ad. 2003 No. 365
R. 92.105	ad. 2003 No. 365
R. 92.110	ad. 2003 No. 365
R. 92.115	ad. 2003 No. 365
Note 1 to r. 92.115 (4)	am. 2003 No. 365
Note 2 to r. 92.115 (4)	rep. 2003 No. 365
R. 92.120	ad. 2003 No. 365
R. 92.125	ad. 2003 No. 365
R. 92.130	ad. 2003 No. 365
R. 92.135	ad. 2003 No. 365
R. 92.140	ad. 2003 No. 365
R. 92.145	ad. 2003 No. 365 am. 2003 No. 365
Heading to r. 92.150	rs. 2004 No. 345
R. 92.150	ad. 2003 No. 365 am. 2003 No. 365

Table of Amendments

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

Provision affected	How affected
R. 92.155	ad. 2003 No. 365 am. 2003 No. 365
Subpart 92.D	
R. 92.160	ad. 2003 No. 365
R. 92.165	ad. 2003 No. 365
R. 92.170	ad. 2003 No. 365 am. 2004 No. 345
R. 92.175	ad. 2003 No. 365
R. 92.180	ad. 2003 No. 365
R. 92.185	ad. 2003 No. 365
R. 92.190	ad. 2003 No. 365
R. 92.195	ad. 2003 No. 365 am. 2004 No. 222 rs. 2008 No. 274
Subpart 92.E	
Subpart 92.E	ad. 2003 No. 365
R. 92.200	ad. 2003 No. 365
R. 92.205	ad. 2003 No. 365
Part 99	
Part 99	ad. 2008 No. 192
R. 99.005	ad. 2008 No. 192
Subpart 99.A	
R. 99.010	ad. 2008 No. 192 am. 2008 No. 275
R. 99.015	ad. 2008 No. 192
R. 99.020	ad. 2008 No. 192
Subpart 99.B	
Division 99.B.1	
R. 99.025	ad. 2008 No. 192
Division 99.B.2	
R. 99.030	ad. 2008 No. 192
R. 99.035	ad. 2008 No. 192
R. 99.040	ad. 2008 No. 192
Division 99.B.3	
Subdivision 99.B.3.1	
R. 99.045	ad. 2008 No. 192
Subdivision 99.B.3.2	
R. 99.050	ad. 2008 No. 192
R. 99.055	ad. 2008 No. 192
R. 99.060	ad. 2008 No. 192

Table of Amendments

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

Provision affected	How affected
Subdivision 99.B.3.3	
R. 99.065	ad. 2008 No. 192
R. 99.070	ad. 2008 No. 192
R. 99.075	ad. 2008 No. 192
Subdivision 99.B.3.4	
R. 99.080	ad. 2008 No. 192
Division 99.B.4	
R. 99.085	ad. 2008 No. 192
R. 99.090	ad. 2008 No. 192
R. 99.095	ad. 2008 No. 192
Division 99.B.5	
R. 99.100	ad. 2008 No. 192
R. 99.105	ad. 2008 No. 192
Subpart 99.C	
Division 99.C.1	
R. 99.110	ad. 2008 No. 192
Subdivision 99.C.1.1	
R. 99.115	ad. 2008 No. 192
R. 99.120	ad. 2008 No. 192
Subdivision 99.C.1.2	
R. 99.125	ad. 2008 No. 192
Subdivision 99.C.1.3	
R. 99.130	ad. 2008 No. 192
Division 99.C.2.1	
Subdivision 99.C.2.1	
R. 99.135	ad. 2008 No. 192
R. 99.140	ad. 2008 No. 192
R. 99.145	ad. 2008 No. 192
R. 99.150	ad. 2008 No. 192
Subdivision 99.C.2.2	
R. 99.155	ad. 2008 No. 192
R. 99.160	ad. 2008 No. 192
R. 99.165	ad. 2008 No. 192
R. 99.170	ad. 2008 No. 192
R. 99.175	ad. 2008 No. 192
R. 99.180	ad. 2008 No. 192
R. 99.185	ad. 2008 No. 192
Subdivision 99.C.2.3	
R. 99.190	ad. 2008 No. 192

Table of Amendments

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

Provision affected	How affected
R. 99.195	ad. 2008 No. 192
Subdivision 99.C.2.4	
R. 99.200	ad. 2008 No. 192
R. 99.205	ad. 2008 No. 192
R. 99.210	ad. 2008 No. 192
R. 99.215	ad. 2008 No. 192
R. 99.220	ad. 2008 No. 192
R. 99.225	ad. 2008 No. 192
R. 99.230	ad. 2008 No. 192
Subdivision 99.C.2.5	
R. 99.235	ad. 2008 No. 192
Division 99.C.3	
R. 99.240	ad. 2008 No. 192
R. 99.245	ad. 2008 No. 192
R. 99.250	ad. 2008 No. 192
R. 99.255	ad. 2008 No. 192
R. 99.260	ad. 2008 No. 192
R. 99.265	ad. 2008 No. 192
R. 99.270	ad. 2008 No. 192
Subpart 99.D	
Division 99.D.1	
R. 99.275	ad. 2008 No. 192
Division 99.D.2	
R. 99.280	ad. 2008 No. 192
R. 99.285	ad. 2008 No. 192
R. 99.290	ad. 2008 No. 192
R. 99.295	ad. 2008 No. 192
R. 99.300	ad. 2008 No. 192
R. 99.305	ad. 2008 No. 192
R. 99.310	ad. 2008 No. 192
Division 99.D.3	
R. 99.315	ad. 2008 No. 192
Subpart 99.E	
Division 99.E.1	
R. 99.320	ad. 2008 No. 192
Division 99.E.2	
Subdivision 99.E.2.1	
R. 99.325	ad. 2008 No. 192
R. 99.330	ad. 2008 No. 192

Table of Amendments

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

Provision affected	How affected
R. 99.335	ad. 2008 No. 192
R. 99.340	ad. 2008 No. 192
R. 99.345	ad. 2008 No. 192
R. 33.350	ad. 2008 No. 192
Subdivision 99.E.2.2	
R. 99.355	ad. 2008 No. 192
R. 99.360	ad. 2008 No. 192
R. 99.365	ad. 2008 No. 192
R. 99.370	ad. 2008 No. 192
R. 99.375	ad. 2008 No. 192
Subdivision 99.E.2.3	
R. 99.380	ad. 2008 No. 192
R. 99.385	ad. 2008 No. 192
Division 99.E.3	
R. 99.390	ad. 2008 No. 192
Subpart 99.F	
Division 99.F.1	
R. 99.395	ad. 2008 No. 192
Division 99.F.2	
R. 99.400	ad. 2008 No. 192
R. 99.405	ad. 2008 No. 192
Subpart 99.G	
Division 99.G.1	
R. 99.410	ad. 2008 No. 192
R. 99.415	ad. 2008 No. 192
R. 99.420	ad. 2008 No. 192
R. 99.425	ad. 2008 No. 192
R. 99.430	ad. 2008 No. 192
R. 99.435	ad. 2008 No. 192
Subpart 99.H	
Division 99.H.1	
R. 99.440	ad. 2008 No. 192
Division 99.H.2	
R. 99.445	ad. 2008 No. 192
R. 99.450	ad. 2008 No. 192
	am. 2008 No. 275
Division 99.H.3	
R. 99.455	ad. 2008 No. 192
R. 99.460	ad. 2008 No. 192

Table of Amendments

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

Provision affected	How affected
Division 99.H.4	
R. 99.465	ad. 2008 No. 192
Division 99.H.5	
R. 99.470	ad. 2008 No. 192
R. 99.475	ad. 2008 No. 192
R. 99.480	ad. 2008 No. 192
R. 99.485	ad. 2008 No. 192
R. 99.490	ad. 2008 No. 192
Division 99.H.6	
R. 99.495	ad. 2008 No. 192
Part 101	
Part 101	ad. 2000 No. 204 rs. 2001 No. 349
Note to Part 101	ad. 2000 No. 204 rep. 2001 No. 349
Table of Provisions to Part 101	ad. 2004 No. 345
Subpart 101.A	
Subpart A of Part 101 Renumbered.....	2004 No. 345
Subpart 101.A	
R. 101.000	ad. 2001 No. 349 rep. 2004 No. 345
R. 101.005	ad. 2001 No. 349
R. 101.010	ad. 2001 No. 349
R. 101.015	ad. 2001 No. 349 am. 2004 No. 345
R. 101.020	ad. 2001 No. 349 rs. 2002 No. 266
R. 101.025	ad. 2001 No. 349
R. 101.030	ad. 2001 No. 349
R. 101.035	ad. 2001 No. 349
R. 101.040	ad. 2001 No. 349 am. 2002 No. 349
R. 101.045	ad. 2001 No. 349
Subpart 101.B	
Subpart B of Part 101 Renumbered.....	2004 No. 345
Subpart 101.B	
R. 101.050	ad. 2001 No. 349

Table of Amendments

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

Provision affected	How affected
R. 101.055	ad. 2001 No. 349 am. 2002 No. 349
Subpart 101.C	
Subpart C of Part 101	
Renumbered.....	2004 No. 345
Subpart 101.C	
R. 101.060	ad. 2001 No. 349
R. 101.065	ad. 2001 No. 349 am. 2002 No. 349
Note to r. 101.065	rs. 2007 No. 172
R. 101.070	ad. 2001 No. 349 am. 2002 No. 349
R. 101.075	ad. 2001 No. 349 am. 2002 No. 349
R. 101.080	ad. 2001 No. 349 am. 2002 No. 349
R. 101.085	ad. 2001 No. 349 am. 2002 No. 349
R. 101.090	ad. 2001 No. 349 am. 2002 No. 349
R. 101.095	ad. 2001 No. 349 am. 2002 No. 349
Subpart 101.D	
Subpart D of Part 101	
Renumbered.....	2004 No. 345
Subpart 101.D	
R. 101.100	ad. 2001 No. 349
R. 101.105	ad. 2001 No. 349
R. 101.110	ad. 2001 No. 349 am. 2002 No. 349
R. 101.115	ad. 2001 No. 349 am. 2002 No. 349
R. 101.120	ad. 2001 No. 349 am. 2002 No. 349
R. 101.125	ad. 2001 No. 349 am. 2002 No. 349
R. 101.130	ad. 2001 No. 349 am. 2002 No. 349
R. 101.135	ad. 2001 No. 349 am. 2002 No. 349

Table of Amendments

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

Provision affected	How affected
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Subpart 101.E

Subpart E of Part 101

Renumbered..... 2004 No. 345

Subpart 101.E

R. 101.140	ad. 2001 No. 349
R. 101.145	ad. 2001 No. 349
R. 101.150	ad. 2001 No. 349
R. 101.155	ad. 2001 No. 349 am. 2002 No. 349
R. 101.160	ad. 2001 No. 349 am. 2002 No. 349
R. 101.165	ad. 2001 No. 349 am. 2002 No. 349
R. 101.170	ad. 2001 No. 349 am. 2002 No. 349
R. 101.175	ad. 2001 No. 349 am. 2002 No. 349
R. 101.180	ad. 2001 No. 349 am. 2002 No. 349
R. 101.185	ad. 2001 No. 349 am. 2002 No. 349
R. 101.190	ad. 2001 No. 349 am. 2002 No. 349
R. 101.195	ad. 2001 No. 349 am. 2002 No. 349
R. 101.200	ad. 2001 No. 349 am. 2002 No. 349
R. 101.205	ad. 2001 No. 349 am. 2002 No. 349
R. 101.210	ad. 2001 No. 349 am. 2002 No. 349
R. 101.215	ad. 2001 No. 349 am. 2002 No. 349
R. 101.220	ad. 2001 No. 349 am. 2002 No. 349
R. 101.225	ad. 2001 No. 349 am. 2002 No. 349
R. 101.230	ad. 2001 No. 349 am. 2002 No. 349

Subpart 101.F

Subpart F of Part 101

Renumbered..... 2004 No. 345

Subpart 101.F

Table of Amendments

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

Provision affected	How affected
Division 101.F.1	
Div 1 of Subpart F of Part 101	
Renumbered Div. 101.F.1	2004 No. 345
R. 101.235	ad. 2001 No. 349
R. 101.240	ad. 2001 No. 349
Division 101.F.2	
Div. 2 of Subpart F of Part 101	
Renumbered Div. 101.F.2	2004 No. 345
R. 101.245	ad. 2001 No. 349 am. 2002 No. 349
R. 101.250	ad. 2001 No. 349 am. 2002 Nos. 349
R. 101.255	ad. 2001 No. 349 am. 2002 No. 349 and 350
R. 101.260	ad. 2001 No. 349
R. 101.265	ad. 2001 No. 349
R. 101.270	ad. 2001 No. 349 am. 2002 No. 349
R. 101.275	ad. 2001 No. 349 am. 2002 No. 349
R. 101.280	ad. 2001 No. 349 am. 2002 No. 349
R. 101.285	ad. 2001 No. 349 am. 2002 No. 349
Division 101.F.3	
Div. 3 of Subpart F of Part 101	
Renumbered Div. 101.F.3	2004 No. 345
R. 101.290	ad. 2001 No. 349
R. 101.295	ad. 2001 No. 349
R. 101.300	ad. 2001 No. 349
R. 101.305	ad. 2001 No. 349
Note to r. 101.30	am. 2002 No. 350
R. 101.310	ad. 2001 No. 349
R. 101.315	ad. 2001 No. 349
Note to r. 101.315	am. 2002 No. 350
R. 101.320	ad. 2001 No. 349
Note to r. 101.320	am. 2002 No. 350
R. 101.325	ad. 2001 No. 349

Table of Amendments

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

Provision affected	How affected
Division 101.F.4	
Div. 4 of Subpart F of Part 101	
Renumbered Div. 101.F.4	2004 No. 345
R. 101.330	ad. 2001 No. 349
R. 101.335	ad. 2001 No. 349
R. 101.340	ad. 2001 No. 349
R. 101.345	ad. 2001 No. 349
Note to r. 101.345	am. 2002 No. 350
R. 101.350	ad. 2001 No. 349
R. 101.355	ad. 2001 No. 349
R. 101.360	ad. 2001 No. 349
Note to r. 101.360	am. 2002 No. 350
R. 101.365	ad. 2001 No. 349
Note to r. 101.365	am. 2002 No. 350
R. 101.370	ad. 2001 No. 349
Subpart 101.G	
Subpart G of Part 101	
Renumbered.....	2004 No. 345
Subpart 101.G	
R. 101.375	ad. 2001 No. 349
R. 101.380	ad. 2001 No. 349
R. 101.385	ad. 2001 No. 349
	am. 2002 No. 349
R. 101.390	ad. 2001 No. 349
	am. 2002 No. 349
R. 101.395	ad. 2001 No. 349
	am. 2002 No. 349
R. 101.400	ad. 2001 No. 349
	am. 2002 No. 349
R. 101.405	ad. 2001 No. 349
	am. 2002 No. 349
R. 101.410	ad. 2001 No. 349
	am. 2002 No. 349
Subpart 101.H	
Subpart H of Part 101	
Renumbered.....	2004 No. 345
Subpart 101.H	
R. 101.415	ad. 2001 No. 349
R. 101.420	ad. 2001 No. 349
R. 101.425	ad. 2001 No. 349

Table of Amendments

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

Provision affected	How affected
R. 101.430	ad. 2001 No. 349 am. 2002 No. 349
Note to r. 101.430	rs. 2007 No. 172
R. 101.435	ad. 2001 No. 349 am. 2002 No. 349
R. 101.440	ad. 2001 No. 349 am. 2002 No. 349
R. 101.445	ad. 2001 No. 349 am. 2002 No. 349
R. 101.450	ad. 2001 No. 349 am. 2002 No. 349
R. 101.455	ad. 2001 No. 349 am. 2002 No. 349
R. 101.460	ad. 2001 No. 349 am. 2002 No. 349
R. 101.465	ad. 2001 No. 349 am. 2002 No. 349
R. 101.470	ad. 2001 No. 349 am. 2002 No. 349
Subpart 101.I	
Subpart I of Part 101 Renumbered.....	2004 No. 345
Subpart 101.I	
R. 101.475	ad. 2001 No. 349
R. 101.480	ad. 2001 No. 349
R. 101.485	ad. 2001 No. 349
R. 101.490	ad. 2001 No. 349 am. 2002 No. 349
R. 101.495	ad. 2001 No. 349 am. 2002 No. 349
R. 101.500	ad. 2001 No. 349 am. 2002 No. 349
Part 103	
Heading to Part 103	ad. 2000 No. 204
Note to heading to Part 103	ad. 2000 No. 204
Part 105	
Heading to Part 105	ad. 2000 No. 204
Note to heading to Part 105	ad. 2000 No. 204
Part 115	
Heading to Part 115	ad. 2000 No. 204
Note to heading to Part 115	ad. 2000 No. 204

Table of Amendments

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

Provision affected	How affected
Part 119	
Heading to Part 119	ad. 2000 No. 204
Note to heading to Part 119	ad. 2000 No. 204
Part 121	
Heading to Part 121	ad. 2000 No. 204
Note to heading to Part 121	ad. 2000 No. 204
Part 129	
Heading to Part 129	ad. 2000 No. 204
Note to heading to Part 129	ad. 2000 No. 204
Part 133	
Heading to Part 133	ad. 2000 No. 204
Note to heading to Part 133	ad. 2000 No. 204
Part 137	
Heading to Part 137	ad. 2000 No. 204 rs. 2007 No. 41
Part 137	rs. 2007 No. 41
Note to heading to Part 137	ad. 2000 No. 204 rep. 2007 No. 41
Subpart 137.A	
R. 137.005	ad. 2007 No. 41
R. 137.010	ad. 2007 No. 41
Subpart 137.B	
R. 137.015	ad. 2007 No. 41
R. 137.020	ad. 2007 No. 41
R. 137.025	ad. 2007 No. 41
R. 137.030	ad. 2007 No. 41
Subpart 137.C	
R. 137.035	ad. 2007 No. 41
R. 137.040	ad. 2007 No. 41
R. 137.045	ad. 2007 No. 41
R. 137.050	ad. 2007 No. 41
R. 137.055	ad. 2007 No. 41
R. 137.060	ad. 2007 No. 41
R. 137.065	ad. 2007 No. 41
R. 137.070	ad. 2007 No. 41
R. 137.075	ad. 2007 No. 41
R. 137.080	ad. 2007 No. 41
R. 137.085	ad. 2007 No. 41
R. 137.090	ad. 2007 No. 41

Table of Amendments

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

Provision affected	How affected
Subpart 137.D	
R. 137.095	ad. 2007 No. 41
R. 137.100	ad. 2007 No. 41
R. 137.105	ad. 2007 No. 41
R. 137.110	ad. 2007 No. 41
R. 137.115	ad. 2007 No. 41
R. 137.120	ad. 2007 No. 41
R. 137.125	ad. 2007 No. 41
R. 137.130	ad. 2007 No. 41
R. 137.135	ad. 2007 No. 41
R. 137.140	ad. 2007 No. 41
R. 137.145	ad. 2007 No. 41
R. 137.150	ad. 2007 No. 41
R. 137.155	ad. 2007 No. 41
R. 137.160	ad. 2007 No. 41
R. 137.165	ad. 2007 No. 41
R. 137.170	ad. 2007 No. 41
R. 137.175	ad. 2007 No. 41
Subpart 137.E	
Subpart 137.E of Part 137 ..	ad. 2007 No. 41
Note to heading to..... Part 137.E	ad. 2007 No. 41
Subpart 137.H	
R. 137.180	ad. 2007 No. 41
R. 137.185	ad. 2007 No. 41
Subpart 137.J	
R. 137.190	ad. 2007 No. 41
R. 137.195	ad. 2007 No. 41
Subpart 137.K	
R. 137.200	ad. 2007 No. 41
R. 137.210	ad. 2007 No. 41
R. 137.215	ad. 2007 No. 41
R. 137.220	ad. 2007 No. 41
R. 137.225	ad. 2007 No. 41
Subpart 137.M	
R. 137.230	ad. 2007 No. 41
Subpart 137.N	
R. 137.235	ad. 2007 No. 41
R. 137.240	ad. 2007 No. 41

Table of Amendments

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

Provision affected	How affected
Subpart 137.P	
R. 137.245	ad. 2007 No. 41
R. 137.250	ad. 2007 No. 41
R. 137.255	ad. 2007 No. 41
R. 137.260	ad. 2007 No. 41
Subpart 137.Q	
R. 137.265	ad. 2007 No. 41
R. 137.270	ad. 2007 No. 41
R. 137.275	ad. 2007 No. 41
R. 137.280	ad. 2007 No. 41
R. 137.285	ad. 2007 No. 41
R. 137.290	ad. 2007 No. 41
R. 137.295	ad. 2007 No. 41
R. 137.300	ad. 2007 No. 41
Part 138	
Heading to Part 138	ad. 2000 No. 204
Note to heading to Part 138	ad. 2000 No. 204
Part 139	
Part 139	rs. 2002 No. 167
Heading to Part 139	ad. 2000 No. 204 rs. 2002 No. 167; 2003 No. 58
Note to heading to Part 139	ad. 2000 No. 204 rep. 2002 No. 167
Table of Provisions to	ad. 2004 No. 345
Part 139	
Subpart 139.A	
Subpart 139.A of Part 139 ..	rs. 2003 No. 58
R. 139.000	ad. 2002 No. 167 rs. 2003 No. 58 am. 2003 No. 75 rep. 2004 No. 345
R. 139.005	ad. 2003 No. 58
R. 139.010	ad. 2003 No. 58
R. 139.015	ad. 2003 No. 58
R. 139.020	ad. 2003 No. 58
R. 139.025	ad. 2003 No. 58
R. 139.030	ad. 2003 No. 58
R. 139.035	ad. 2003 No. 58
R. 139.036	ad. 2003 No. 58 rep. 2004 No. 345

Table of Amendments

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

Provision affected	How affected
Subpart 139.B	
Subpart 139.B of Part 139 ..	ad. 2003 No. 58
Division 139.B.1	
R. 139.040	ad. 2003 No. 58
R. 139.045	ad. 2003 No. 58
R. 139.050	ad. 2003 No. 58
R. 139.055	ad. 2003 No. 58
R. 139.060	ad. 2003 No. 58
R. 139.065	ad. 2003 No. 58
R. 139.070	ad. 2003 No. 58
R. 139.075	ad. 2003 No. 58
R. 139.080	ad. 2003 No. 58
R. 139.085	ad. 2003 No. 58
Division 139.B.2	
R. 139.090	ad. 2003 No. 58
R. 139.095	ad. 2003 No. 58
R. 139.100	ad. 2003 No. 58
R. 139.105	ad. 2003 No. 58
R. 139.110	ad. 2003 No. 58
R. 139.115	ad. 2004 No. 58
Division 139.B.3	
R. 139.120	ad. 2003 No. 58
R. 139.125	ad. 2003 No. 58
R. 139.130	ad. 2003 No. 58
R. 139.135	ad. 2003 No. 58
R. 139.140	ad. 2003 No. 58
R. 139.145	ad. 2003 No. 58
R. 139.150	ad. 2003 No. 58
R. 139.155	ad. 2003 No. 58
R. 139.160	ad. 2003 No. 58
R. 139.165	ad. 2003 No. 58
R. 139.170	ad. 2003 No. 58
R. 139.175	ad. 2003 No. 58
R. 139.180	ad. 2003 No. 58
R. 139.185	ad. 2003 No. 58
R. 139.190	ad. 2003 No. 58 am. 2004 No. 345
R. 139.195	ad. 2003 No. 58
R. 139.200	ad. 2003 No. 58

Table of Amendments

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

Provision affected	How affected
R. 139.205	ad. 2003 No. 58
R. 139.210	ad. 2003 No. 58
R. 139.215	ad. 2003 No. 58
R. 139.220	ad. 2003 No. 58
R. 139.225	ad. 2003 No. 58
R. 139.230	ad. 2003 No. 58
R. 139.235	ad. 2003 No. 58
R. 139.240	ad. 2003 No. 58
R. 139.245	ad. 2003 No. 58
R. 139.250	ad. 2003 No. 58
Subpart 139.C	
Subpart 139.C of Part 139	ad. 2003 No. 58
R. 139.255	ad. 2003 No. 58
R. 139.260	ad. 2003 No. 58 am. 2004 No. 345
R. 139.265	ad. 2003 No. 58
R. 139.270	ad. 2003 No. 58
R. 139.275	ad. 2003 No. 58
R. 139.280	ad. 2003 No. 58
R. 139.285	ad. 2003 No. 58
R. 139.290	ad. 2003 No. 58
R. 139.295	ad. 2003 No. 58
R. 139.300	ad. 2003 No. 58
R. 139.305	ad. 2003 No. 58
R. 139.310	ad. 2003 No. 58
R. 139.315	ad. 2003 No. 58 am. 2004 No. 345
R. 139.320	ad. 2003 No. 58
R. 139.325	ad. 2003 No. 58
R. 139.330	ad. 2003 No. 58
Subpart 139.D	
Subpart 139.D of Part 139 ..	ad. 2003 No. 58
R. 139.335	ad. 2003 No. 58
R. 139.340	ad. 2003 No. 58
R. 139.345	ad. 2003 No. 58 am. 2004 No. 345
Subpart 139.E	
Subpart 139.E of Part 139 ..	ad. 2003 No. 58
R. 139.350	ad. 2003 No. 58
R. 139.355	ad. 2003 No. 58

Table of Amendments

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

Provision affected	How affected
R. 139.360	ad. 2003 No. 58
R. 139.365	ad. 2003 No. 58
R. 139.370	ad. 2003 No. 58
Subpart 139.F	
Subpart 139.F of Part 139...	ad. 2003 No. 58
Division 139.F.1	
R. 139.375	ad. 2003 No. 58
Division 139.F.2	
R. 139.380	ad. 2003 No. 58
R. 139.385	ad. 2003 No. 58
Division 139.F.3	
R. 139.390	ad. 2003 No. 58
R. 139.395	ad. 2003 No. 58
R. 139.400	ad. 2003 No. 58
R. 139.405	ad. 2003 No. 58
R. 139.410	ad. 2003 No. 58
R. 139.415	ad. 2003 No. 58
R. 139.420	ad. 2003 No. 58
R. 139.425	ad. 2003 No. 58
R. 139.430	ad. 2003 No. 58
R. 139.435	ad. 2003 No. 58
Subpart 139.H	
Heading to Subpart H of Part 139	rep. 2003 No. 75
Heading to 139.H of Part 139	ad. 2003 No. 75
Subpart H of Part 139	ad. 2002 No. 167
Note to Subpart H of Part 139	ad. 2002 No. 167
Division 139.H.1	
Heading to Div. 1 of Subpart H of Part 139	rep 2003 No. 75
Heading to Div. 1 of Subpart 139.H.1	ad 2003 No. 75
R. 139.700	ad. 2002 No. 167 am. 2003 No. 75
R. 139.705	ad. 2002 No. 167 am. 2003 No. 75
R. 139.710	ad. 2002 No. 167
R. 139.711	ad. 2003 No. 75

Table of Amendments

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

Provision affected	How affected
R. 139.712	ad. 2003 No. 75 am. 2004 No. 345
Note to r. 139.712 (1).....	rs. 2005 No. 323
R. 139.712A.....	ad. 2003 No. 75 rep. 2004 No. 345
R. 139.712B.....	ad. 2003 No. 75 rep. 2004 No. 345
R. 139.712C.....	ad. 2003 No. 75 rep. 2004 No. 345
R. 139.712D.....	ad. 2003 No. 75 rep. 2004 No. 345
R. 139.712E.....	ad. 2003 No. 75 rep. 2004 No. 345
R. 139.712F.....	ad. 2003 No. 75 rep. 2004 No. 345
R. 139.712G.....	ad. 2003 No. 75 rep. 2004 No. 345
R. 139.712H.....	ad. 2003 No. 75 rep. 2004 No. 345
R. 139.715	ad. 2002 No. 167
Division 2 of Subpart H of Part 139	rep. 2003 No. 75
R. 139.720	ad. 2002 No. 167 rep. 2003 No. 75
R. 139.725	ad. 2002 No. 167 rep. 2003 No. 75
R. 139.730	ad. 2002 No. 167 rep. 2003 No. 75
R. 139.735	ad. 2002 No. 167 rep. 2003 No. 75
R. 139.740	ad. 2002 No. 167 rep. 2003 No. 75
R. 139.745	ad. 2002 No. 167 rep. 2003 No. 75
Division 139.H.3	
Heading to Div. 3 of Subpart H of Part 139	rep. 2003 No. 75
Heading to Div. 3 of Subpart 139.H	ad. 2003 No. 75
R. 139.750	ad. 2002 No. 167
R. 139.755	ad. 2002 No. 167 rs. 2003 No. 75
R. 139.760	ad. 2002 No. 167

Table of Amendments

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

Provision affected	How affected
R. 139.765	ad. 2002 No. 167
R. 139.770	ad. 2002 No. 167 am. 2003 No. 75
R. 139.771	ad. 2003 No. 75
R. 139.772	ad. 2003 No. 75
R. 139.773	ad. 2003 No. 75
R. 139.775	ad. 2002 No. 167 am. 2003 No. 75
R. 139.780	ad. 2002 No. 167
R. 139.785	ad. 2002 No. 167
R. 139.795	ad. 2002 No. 167
R. 139.800	ad. 2002 No. 167
R. 139.805	ad. 2002 No. 167
R. 139.810	ad. 2002 No. 167
R. 139.815	ad. 2002 No. 167
R. 139.820	ad. 2002 No. 167
R. 139.825	ad. 2002 No. 167
R. 139.830	ad. 2002 No. 167
R. 139.835	ad. 2002 No. 167
R. 139.840	ad. 2002 No. 167
R. 139.845	ad. 2002 No. 167
R. 139.850	ad. 2002 No. 167
R. 139.855	ad. 2002 No. 167
R. 139.860	ad. 2002 No. 167
R. 139.865	ad. 2002 No. 167
R. 139.870	ad. 2002 No. 167
R. 139.875	ad. 2002 No. 167
R. 139.880	ad. 2002 No. 167
R. 139.885	ad. 2002 No. 167
R. 139.890	ad. 2002 No. 167
R. 139.895	ad. 2002 No. 167
R. 139.900	ad. 2002 No. 167
R. 139.905	ad. 2002 No. 167
R. 139.910	ad. 2002 No. 167 am. 2003 No. 75
Division 139.H.4	
Heading to Div. 4 of Subpart H of Part 139	rep. 2003 No. 75
Heading to Div. 4 of Subpart 139.H	ad. 2003 No. 75

Table of Amendments

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

Provision affected	How affected
R. 139.915	ad. 2002 No. 167 am. 2003 No. 75; 2004 No. 345
Division 139.H.5	
Heading to Div. 5 of Subpart H of Part 139	rs. 2003 No. 75
Heading to Div. 5 of Subpart 139.H	ad. 2003 No. 75
R. 139.920	ad. 2002 No. 167
R. 139.925	ad. 2002 No. 167 am. 2003 No. 75; 2006 No. 185
R. 139.930	ad. 2002 No. 167
R. 139.935	ad. 2002 No. 167
R. 139.940	ad. 2002 No. 167
R. 139.945	ad. 2002 No. 167
R. 139.950	ad. 2002 No. 167
R. 139.955	ad. 2002 No. 167
R. 139.960	ad. 2002 No. 167
R. 139.965	ad. 2002 No. 167 am. 2003 No. 75
R. 139.970	ad. 2002 No. 167
R. 139.975	ad. 2002 No. 167
R. 139.980	ad. 2002 No. 167
R. 139.985	ad. 2002 No. 167
R. 139.990	ad. 2002 No. 167
R. 139.995	ad. 2002 No. 167
R. 139.1000	ad. 2002 No. 167
R. 139.1005	ad. 2002 No. 167
R. 139.1010	ad. 2002 No. 167
R. 139.1015	ad. 2002 No. 167
R. 139.1020	ad. 2002 No. 167
R. 139.1022	ad. 2003 No. 75
R. 139.1025	ad. 2002 No. 167
Part 141	
Heading to Part 141	ad. 2000 No. 204
Note to heading to Part 141	ad. 2000 No. 204
Part 142	
Heading to Part 142	ad. 2000 No. 204
Note to heading to..... Part 142	ad. 2000 No. 204

Table of Amendments

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

Provision affected	How affected
Part 143	
Heading to Part 143	ad. 2000 No. 204 rs. 2002 No. 167
Part 143	rs. 2002 No. 167
Note to heading to..... Part 143	ad. 2000 No. 204 rep. 2002 No. 167
Table of Provisions to	ad. 2004 No. 345
Part 143	
Subpart 143.A	
Subpart A of Part 143	
Renumbered.....	2004 No. 345
Subpart 143.A	
R. 143.000	ad. 2002 No. 167 am. 2003 No. 75 rep. 2004 No. 345
R. 143.005	ad. 2002 No. 167 rs. 2003 No. 75
R. 143.010	ad. 2002 No. 167 am. 2003 No. 75
R. 143.015	ad. 2002 No. 167
R. 143.016	ad. 2003 No. 75
R. 143.017	ad. 2003 No. 75 am. 2004 No. 345
Note to r. 143.017 (1).....	rs. 2005 No. 323
R. 143.017A.....	ad. 2003 No. 75 rep. 2004 No. 345
R. 143.017B.....	ad. 2003 No. 75 rep. 2004 No. 345
R. 143.017C.....	ad. 2003 No. 75 rep. 2004 No. 345
R. 143.017D.....	ad. 2003 No. 75 rep. 2004 No. 345
R. 143.017E	ad. 2003 No. 75 rep. 2004 No. 345
R. 143.017F	ad. 2003 No. 75 rep. 2004 No. 345
R. 143.017G.....	ad. 2003 No. 75 rep. 2004 No. 345
R. 143.017H.....	ad. 2003 No. 75 rep. 2004 No. 345

Table of Amendments

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

Provision affected	How affected
Subpart 143.B	
Subpart B of Part 143	
Renumbered.....	2004 No. 345
Subpart 143.B	
R. 143.020	ad. 2002 No. 167 am. 2003 No. 75
R. 143.025	ad. 2002 No. 167 am. 2003 No. 75
R. 143.027	ad. 2003 No. 75
R. 143.030	ad. 2002 No. 167
R. 143.035	ad. 2002 No. 167
R. 143.040	ad. 2002 No. 167
R. 143.045	ad. 2002 No. 167
R. 143.050	ad. 2002 No. 167
Subpart 143.C	
Subpart C of Part 143	
Renumbered.....	2004 No. 345
Subpart 143.C	
Division 143.C.1	
Renumbered Div. 143.C.1	2004 No. 345
R. 143.055	ad. 2002 No. 167
R. 143.060	ad. 2002 No. 167
Division 143.C.2	
Renumbered Div. 143.C.2	2004 No. 345
R. 143.065	ad. 2002 No. 167 am. 2003 No. 75
R. 143.070	ad. 2002 No. 167 am. 2003 No. 75
Division 143.C.3	
Renumbered Div. 143.C.3	2004 No. 345
R. 143.075	ad. 2002 No. 167
R. 143.080	ad. 2002 No. 167
R. 143.085	ad. 2002 No. 167
R. 143.090	ad. 2002 No. 167
Subpart 143.D	
Subpart D of Part 143	
Renumbered.....	2004 No. 345
Subpart 143.D	
R. 143.095	ad. 2002 No. 167
R. 143.100	ad. 2002 No. 167

Table of Amendments

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

Provision affected	How affected
Heading to r. 143.105	rs. 2003 No. 75
R. 143.105	ad. 2002 No. 167 am. 2003 No. 75
Subpart 143.E	
Subpart E of Part 143	
Renumbered.....	2004 No. 345
Subpart 143.E	
R. 143.110	ad. 2002 No. 167 am. 2003 No. 75
Subpart 143.F	
Subpart F of Part 143	
Renumbered.....	2004 No. 345
Subpart 143.F	
Division 143.F.1	
Div. 1 of Subpart F of	
Part 143	
Renumbered Div. 143.F.1	2004 No. 345
R. 143.115	ad. 2002 No. 167
Division 143.F.2	
Div. 2 of Subpart F of	
Part 143	
Renumbered Div. 143.F.2	2004 No. 345
R. 143.120	ad. 2002 No. 167
R. 143.125	ad. 2002 No. 167
R. 143.130	ad. 2002 No. 167 am. 2003 No. 75
R. 143.135	ad. 2002 No. 167
R. 143.140	ad. 2002 No. 167
R. 143.145	ad. 2002 No. 167
R. 143.150	ad. 2002 No. 167
R. 143.155	ad. 2002 No. 167
R. 143.160	ad. 2002 No. 167
R. 143.165	ad. 2002 No. 167
R. 143.170	ad. 2002 No. 167
R. 143.175	ad. 2002 No. 167
R. 143.180	ad. 2002 No. 167
R. 143.185	ad. 2002 No. 167
R. 143.190	ad. 2002 No. 167
R. 143.192	ad. 2003 No. 75
R. 143.195	ad. 2002 No. 167

Table of Amendments

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

Provision affected	How affected
Division 143.F.3	
Div. 3 of Subpart F of Part 143	
Renumbered Div. 143.F.3	2004 No. 345
R. 143.200	ad. 2002 No. 167
R. 143.205	ad. 2002 No. 167
R. 143.210	ad. 2002 No. 167
Division 143.F.4	
Div. 4 of Subpart F of Part 143	
Renumbered Div. 143.F.4	2004 No. 345
R. 143.215	ad. 2002 No. 167
R. 143.220	ad. 2002 No. 167
R. 143.225	ad. 2002 No. 167
R. 143.230	ad. 2002 No. 167
R. 143.235	ad. 2002 No. 167
R. 143.240	ad. 2002 No. 167
Part 144	
Heading to Part 144	ad. 2000 No. 204
Note to heading to Part 144	ad. 2000 No. 204
Part 145	
Heading to Part 145	ad. 2000 No. 204
Note to heading to Part 145	ad. 2000 No. 204
Part 146	
Heading to Part 146	ad. 2000 No. 204
Note to heading to Part 146	ad. 2000 No. 204
Part 147	
Heading to Part 147	ad. 2000 No. 204
Note to heading to Part 147	ad. 2000 No. 204
Part 148	rep. 2003 No. 240
Heading to Part 148	ad. 2000 No. 204
	rep. 2003 No. 240
Note to heading to Part 148	ad. 2000 No. 204
	rep. 2003 No. 240
Part 149	
Heading to Part 149	ad. 2000 No. 204
Note heading to Part 149	ad. 2000 No. 204

Table of Amendments

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

Provision affected	How affected
Part 171	
Heading to Part 171	ad. 2000 No. 204 rs. 2002 No. 167
Part 171	rs. 2002 No. 167
Note to heading to Part 171	ad. 2000 No. 204 rep. 2002 No. 167
Table of Provisions to Part 171	ad. 2004 No. 345
Subpart 171.A	
Subpart A of Part 171	
Renumbered..... Subpart 171.A	2004 No. 345
R. 171.000	ad. 2002 No. 167 am. 2003 No. 75 rep. 2004 No. 345
R. 171.005	ad. 2002 No. 167 rs. 2003 No. 75
R. 171.010	ad. 2002 No. 167 am. 2003 No. 75; 2006 No. 124
R. 171.012	ad. 2003 No. 75
R. 171.015	ad. 2002 No. 167
R. 171.017	ad. 2003 No. 75 am. 2004 No. 345
Note to r. 171.017 (1).....	rs. 2005 No. 323
R. 171.017A.....	ad. 2003 No. 75 rep. 2004 No. 345
R. 171.017B.....	ad. 2003 No. 75 rep. 2004 No. 345
R. 171.017C.....	ad. 2003 No. 75 rep. 2004 No. 345
R. 171.017D.....	ad. 2003 No. 75 rep. 2004 No. 345
R. 171.017E.....	ad. 2003 No. 75 rep. 2004 No. 345
R. 171.017F.....	ad. 2003 No. 75 rep. 2004 No. 345
R. 171.017G.....	ad. 2003 No. 75 rep. 2004 No. 345
R. 171.017H.....	ad. 2003 No. 75 rep. 2004 No. 345

Table of Amendments

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

Provision affected	How affected
Subpart 171.B	
Subpart B of Part 171	
Renumbered.....	2004 No. 345
Subpart 171.B	
R. 171.020	ad. 2002 No. 167 am. 2003 No. 75
R. 171.025	ad. 2002 No. 167
Subpart 171.C	
Subpart C of Part 171	
Renumbered.....	2004 No. 345
Subpart 171.C	
R. 171.030	ad. 2002 No. 167
R. 171.035	ad. 2002 No. 167 am. 2006 No. 124
R. 171.040	ad. 2002 No. 167
R. 171.045	ad. 2002 No. 167 rs. 2003 No. 75 rep. 2006 No. 124
R. 171.050	ad. 2002 No. 167
R. 171.055	ad. 2002 No. 167 am. 2006 No. 124
R. 171.060	ad. 2002 No. 167 rep. 2006 No. 124
R. 171.065	ad. 2002 No. 167
R. 171.070	ad. 2002 No. 167
R. 171.075	ad. 2002 No. 167
R. 171.080	ad. 2002 No. 167
R. 171.085	ad. 2002 No. 167
R. 171.086	ad. 2006 No. 124
Subpart 171.D	
Heading to Subpart D of	
Part 171	
Renumbered.....	2004 No. 345
Subpart 171.D	
R. 171.090	ad. 2002 No. 167
R. 171.095	ad. 2002 No. 167
R. 171.100	ad. 2002 No. 167
R. 171.105	ad. 2002 No. 167 am. 2003 No. 75
R. 171.110	ad. 2002 No. 167
R. 171.115	ad. 2002 No. 167
R. 171.120	ad. 2002 No. 167

Table of Amendments

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

Provision affected	How affected
R. 171.125	ad. 2002 No. 167 rs. 2006 No. 124
R. 171.130	ad. 2002 No. 167 rep. 2006 No. 124
R. 171.135	ad. 2002 No. 167 rep. 2006 No. 124
R. 171.140	ad. 2002 No. 167
R. 171.145	ad. 2002 No. 167
R. 171.150	ad. 2002 No. 167
R. 171.155	ad. 2002 No. 167
R. 171.160	ad. 2002 No. 167
Subpart 171.E	
Heading to Subpart E of.....	
Part 171	
Renumbered.....	2004 No. 345
Subpart 171.E	
Note to Subpart E of	ad. 2002 No. 167
Part 171	
R. 171.165	ad. 2002 No. 167
R. 171.170	ad. 2002 No. 167
R. 171.175	ad. 2002 No. 167
R. 171.180	ad. 2002 No. 167
R. 171.185	ad. 2002 No. 167
R. 171.190	ad. 2002 No. 167
R. 171.195	ad. 2002 No. 167
R. 171.200	ad. 2002 No. 167
R. 171.205	ad. 2002 No. 167 am. 2003 No. 75
R. 171.210	ad. 2002 No. 167
R. 171.215	ad. 2002 No. 167
R. 171.220	ad. 2002 No. 167
R. 171.225	ad. 2002 No. 167
R. 171.230	ad. 2002 No. 167
R. 171.235	ad. 2002 No. 167
R. 171.237	ad. 2003 No. 75
R. 171.240	ad. 2002 No. 167
R. 171.245	ad. 2002 No. 167
R. 171.250	ad. 2002 No. 167 am. 2006 No. 124
R. 171.255	ad. 2002 No. 167

Table of Amendments

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

Provision affected	How affected
Part 172	
Heading to Part 172	ad. 2000 No. 204 rs. 2002 No. 167
Part 172	rs. 2002 No. 167
Note to heading to..... Part 172	ad. 2000 No. 204 rep. 2002 No. 167
Table of Provisions to	ad. 2004 No. 345
Part 172	
Subpart 172.A	
Subpart A of Part 172	
Renumbered.....	2004 No. 345
Subpart 172.A	
R. 172.000	ad. 2002 No. 167 am. 2003 No. 75 rep. 2004 No. 345
R. 172.005	ad. 2002 No. 167 rs. 2003 No. 75
R. 172.010	ad. 2002 No. 167 am. 2003 No. 75; 2007 No. 172
R. 172.015	ad. 2002 No. 167
R. 172.020	ad. 2002 No. 167
R. 172.022	ad. 2003 No. 75 am. 2004 No. 345
Note to r. 172.022 (1).....	ad. 2005 No. 323
R. 172.022A.....	ad. 2003 No. 75 rep. 2004 No. 345
R. 172.022B.....	ad. 2003 No. 75 rep. 2004 No. 345
R. 172.022C.....	ad. 2003 No. 75 rep. 2004 No. 345
R. 172.022D.....	ad. 2003 No. 75 rep. 2004 No. 345
R. 172.022E	ad. 2003 No. 75 rep. 2004 No. 345
R. 172.022F	ad. 2003 No. 75 rep. 2004 No. 345
R. 172.022G.....	ad. 2003 No. 75 rep. 2004 No. 345
R. 172.022H.....	ad. 2003 No. 75 rep. 2004 No. 345

Table of Amendments

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

Provision affected	How affected
Subpart 172.B	
Subpart B of Part 172	
Renumbered.....	2004 No. 345
Subpart 172.B	
R. 172.024	ad. 2003 No. 75
R. 172.025	ad. 2002 No. 167
R. 172.030	ad. 2002 No. 167
R. 172.035	ad. 2002 No. 167
R. 172.040	ad. 2002 No. 167
R. 172.045	ad. 2002 No. 167
R. 172.050	ad. 2002 No. 167
R. 172.055	ad. 2002 No. 167
Subpart 172.C	
Subpart C of Part 172	
Renumbered.....	2004 No. 345
Subpart 172.C	
Division 172.C.1	
Div. 1 of Subpart C of Part 172	
Renumbered Div. 172.C.1	2004 No. 345
R. 172.060	ad. 2002 No. 167
Division 172.C.2	
Div. 2 of Subpart C of Part 172	
Renumbered Div. 172.C.2	2004 No. 345
R. 172.065	ad. 2002 No. 167
R. 172.070	ad. 2002 No. 167
R. 172.075	ad. 2002 No. 167
R. 172.080	ad. 2002 No. 167
R. 172.085	ad. 2002 No. 167
R. 172.090	ad. 2002 No. 167
Division 172.C.3	
Div. 3 of Subpart C of Part 172	
Renumbered Div. 172.C.3	2004 No. 345
R. 172.095	ad. 2002 No. 167
Division 172.C.4	
Div. 4 of Subpart C of Part 172	ad. 2002 No. 167
Renumbered Div. 172.C.4	2004 No. 345
R. 172.100	ad. 2002 No. 167
R. 172.105	ad. 2002 No. 167

Table of Amendments

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

Provision affected	How affected
R. 172.110	ad. 2002 No. 167
R. 172.115	ad. 2002 No. 167
R. 172.120	ad. 2002 No. 167
Division 172.C.5	
Div. 5 of Subpart C of Part 172	
Renumbered Div. 172.C.5	2004 No. 345
R. 172.125	ad. 2002 No. 167
R. 172.130	ad. 2002 No. 167
R. 172.135	ad. 2002 No. 167
Division 172.C.6	
Div. 6 of Subpart C of Part 172	
Renumbered Div. 172.C.6	2004 No. 345
R. 172.140	ad. 2002 No. 167
R. 172.145	ad. 2002 No. 167
R. 172.150	ad. 2002 No. 167
R. 172.155	ad. 2002 No. 167
Division 172.C.7	
Div. 7 of Subpart C of Part 172	
Renumbered Div. 172.C.7	2004 No. 345
R. 172.160	ad. 2002 No. 167
R. 172.165	ad. 2002 No. 167
R. 172.170	ad. 2002 No. 167
R. 172.175	ad. 2002 No. 167
Division 172.C.8	
Div. 8 of Subpart C of Part 172	
Renumbered Div. 172.C.8	2004 No. 345
R. 172.180	ad. 2002 No. 167
Subpart 172.D	
Subpart D of Part 172	
Renumbered..... Subpart 172.D	2004 No. 345
R. 172.185	ad. 2002 No. 167
R. 172.190	ad. 2002 No. 167
Subpart 172.E	
Subpart E of Part 172	
Renumbered..... Subpart 172.E	2004 No. 345
R. 172.195	ad. 2002 No. 167

Table of Amendments

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

Provision affected	How affected
Subpart 172.F	
Subpart F of Part 172	
Renumbered.....	2004 No. 345
Subpart 172.F	
Note to Subpart F of.....	ad. 2002 No. 167
Part 172	
Division 172.F.1	
Heading to Div. 1 of	
Subpart F of Part 172	
Renumbered Div. 172.F.1	2004 No. 345
R. 172.200	ad. 2002 No. 167
Division 172.F.2	
Div. 2 of Subpart F of	
Part 172	
Renumbered Div. 172.F.2	2004 No. 345
R. 172.205	ad. 2002 No. 167
R. 172.210	ad. 2002 No. 167
R. 172.215	ad. 2002 No. 167
R. 172.220	ad. 2002 No. 167
R. 172.225	ad. 2002 No. 167
R. 172.230	ad. 2002 No. 167
R. 172.235	ad. 2002 No. 167
R. 172.240	ad. 2002 No. 167
R. 172.245	ad. 2002 No. 167
R. 172.250	ad. 2002 No. 167
R. 172.255	ad. 2002 No. 167
R. 172.260	ad. 2002 No. 167
R. 172.265	ad. 2002 No. 167
R. 172.270	ad. 2002 No. 167
R. 172.275	ad. 2002 No. 167
R. 172.280	ad. 2002 No. 167
Division 172.F.3	
Div. 3 of Subpart F of	
Part 172	
Renumbered Div. 172.F.3	2004 No. 345
R. 172.285	ad. 2002 No. 167
R. 172.290	ad. 2002 No. 167
R. 172.295	ad. 2002 No. 167
	am. 2003 No. 75

Table of Amendments

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

Provision affected	How affected
Division 172.F.4	
Div. 4 of Subpart F of Part 172	ad. 2002 No. 167
Renumbered Div. 172.F.4	2004 No. 345
R. 172.300	ad. 2002 No. 167
Division 172.F.5	
Div. 5 of Subpart F of Part 172	
Renumbered Div. 172.F.5	2004 No. 345
R. 172.305	ad. 2002 No. 167
R. 172.310	ad. 2002 No. 167
R. 172.315	ad. 2002 No. 167
R. 172.320	ad. 2002 No. 167
R. 172.325	ad. 2002 No. 167
R. 172.327	ad. 2003 No. 75
R. 172.330	ad. 2002 No. 167
Part 173	
Heading to Part 173	ad. 2000 No. 204 rs. 2003 No. 189
Part 173	rs. 2003 No. 189
Note to heading to Part 173	ad. 2000 No. 204 rep. 2003 No. 189
Table of Provisions to Part 173	ad. 2004 No. 345
Subpart 173.A	
R. 173.000	ad. 2003 No. 189 rep. 2004 No. 345
R. 173.005	ad. 2003 No. 189
R. 173.010	ad. 2003 No. 189
R. 173.015	ad. 2003 No. 189
R. 173.020	ad. 2003 No. 189
R. 173.025	ad. 2003 No. 189
R. 173.030	ad. 2003 No. 189
R. 173.035	ad. 2003 No. 189
R. 173.040	ad. 2003 No. 189
Subpart 173.B	
Division 173.B.1	
R. 173.045	ad. 2003 No. 189
R. 173.050	ad. 2003 No. 189

Table of Amendments

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

Provision affected	How affected
R. 173.055	ad. 2003 No. 189
R. 173.060	ad. 2003 No. 189
R. 173.065	ad. 2003 No. 189
R. 173.070	ad. 2003 No. 189
Division 173.B.2	
R. 173.075	ad. 2003 No. 189
R. 173.080	ad. 2003 No. 189
R. 173.085	ad. 2003 No. 189
R. 173.090	ad. 2003 No. 189
R. 173.095	ad. 2003 No. 189
R. 173.100	ad. 2003 No. 189
R. 173.105	ad. 2003 No. 189
R. 173.110	ad. 2003 No. 189
R. 173.115	ad. 2003 No. 189
R. 173.120	ad. 2003 No. 189
R. 173.125	ad. 2003 No. 189
R. 173.130	ad. 2003 No. 189
R. 173.135	ad. 2003 No. 189
R. 173.140	ad. 2003 No. 189
R. 173.145	ad. 2003 No. 189
R. 173.150	ad. 2003 No. 189
R. 173.155	ad. 2003 No. 189
R. 173.160	ad. 2003 No. 189
Division 173.B.3	
R. 173.165	ad. 2003 No. 189
R. 173.170	ad. 2003 No. 189
R. 173.175	ad. 2003 No. 189
R. 173.180	ad. 2003 No. 189
R. 173.185	ad. 2003 No. 189
R. 173.190	ad. 2003 No. 189
Division 173.B.4	
R. 173.195	ad. 2003 No. 189
R. 173.200	ad. 2003 No. 189
R. 173.205	ad. 2003 No. 189
R. 173.210	ad. 2003 No. 189
R. 173.215	ad. 2003 No. 189

Table of Amendments

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

Provision affected	How affected
Subpart 173.C	
Division 173.C.1	
R. 173.220	ad. 2003 No. 189
R. 173.225	ad. 2003 No. 189
R. 173.230	ad. 2003 No. 189
R. 173.235	ad. 2003 No. 189
R. 173.240	ad. 2003 No. 189
R. 173.245	ad. 2003 No. 189
Division 173.C.2	
R. 173.250	ad. 2003 No. 189
R. 173.255	ad. 2003 No. 189
R. 173.260	ad. 2003 No. 189
R. 173.265	ad. 2003 No. 189
R. 173.270	ad. 2003 No. 189
R. 173.275	ad. 2003 No. 189
R. 173.280	ad. 2003 No. 189
R. 173.285	ad. 2003 No. 189
R. 173.290	ad. 2003 No. 189
Division 173.C.3	
R. 173.295	ad. 2003 No. 189
R. 173.300	ad. 2003 No. 189
R. 173.305	ad. 2003 No. 189
Subpart 173.D	
R. 173.310	ad. 2003 No. 189
R. 173.315	ad. 2003 No. 189
Subpart 173.E	
Note to Subpart 173.E	ad. 2003 No. 189
Division 173.E.1	
R. 173.320	ad. 2003 No. 189
R. 173.325	ad. 2003 No. 189
R. 173.330	ad. 2003 No. 189
R. 173.335	ad. 2003 No. 189
R. 173.340	ad. 2003 No. 189
R. 173.345	ad. 2003 No. 189
R. 173.350	ad. 2003 No. 189
R. 173.355	ad. 2003 No. 189
R. 173.360	ad. 2003 No. 189

Table of Amendments

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

Provision affected	How affected
Division 173.E.2	
R. 173.365	ad. 2003 No. 189
R. 173.370	ad. 2003 No. 189
Division 173.E.3	
R. 173.375	ad. 2003 No. 189
Division 173.E.4	
R. 173.380	ad. 2003 No. 189
R. 173.385	ad. 2003 No. 189
Division 173.E.5	
R. 173.390	ad. 2003 No. 189
R. 173.395	ad. 2003 No. 189
R. 173.400	ad. 2003 No. 189
Part 183	
Heading to Part 183	ad. 2000 No. 204
Note to heading to Part 183	ad. 2000 No. 204
Part 200	
Subpart 200.A	
Heading to Part 200	rs. 2004 No. 345
Table of Provisions to	ad. 2004 No. 345
Part 200	
Subpart A of Part 200	ad. 2000 No. 204
Renumbered	2002 No. 350
Subpart 200.A	rep. 2004 No. 345
R. 200.0	ad. 2000 No. 204
Renumbered r. 200.000....	2002 No. 350
R. 200.000	rep. 2004 No. 345
Heading to Div. 1 of	rep. 2000 No. 204
Part 200	
Subpart 200.B	
Heading to Subpart B of	ad. 2000 No. 204
Part 200	
Renumbered	2002 No. 350
Subpart 200.B	
R. 200.1	am. 2000 No. 227; 2002 No. 350
Renumbered r. 200.001....	2002 No. 350
R. 200.2	am. 2000 No. 227; 2002 No. 350
Renumbered r. 200.002....	2002 No. 350
R. 200.002	am. 2004 No. 216

Table of Amendments

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

Provision affected	How affected
R. 200.3	am. 2000 No. 227; 2002 No. 350
Renumbered r. 200.003....	2002 No. 350 rs. 2007 No. 226
R. 200.4	am. 2000 No. 227; 2002 No. 350
Renumbered r. 200.004....	2002 No. 350 rs. 2005 No. 321
R. 200.5	am. 2000 No. 227 rs. 2001 No. 349 am. 2002 No. 350
Renumbered r. 200.005....	2002 No. 350
R. 200.6	am. 2000 No. 227 rep. 2001 No. 349
R. 200.7	rep. 2000 No. 7
R. 200.8	am. 2000 No. 227; 2002 No. 350
Renumbered r. 200.008....	2002 No. 350
R. 200.9	am. 2000 No. 227 rep. 2001 No. 349
R. 200.10	rs. 2000 No. 7 am. 2002 No. 350
Renumbered r. 200.010....	2002 No. 350
Rr. 200.11, 200.12	rep. 2000 No. 7
R. 200.13	am. 1999 No. 166; 2000 No. 227; 2002 No. 350
Renumbered r. 200.013....	2002 No. 350
R. 200.013	am. 2004 No. 216 rs. 2005 No. 321
R. 200.14	am. 2000 No. 227; 2002 No. 350
Renumbered r. 200.014....	2002 No. 350 rs. 2005 No. 321
Heading to Div. 2 of Part 200	rep. 2000 No. 204
Subpart 200.C	
Heading to Subpart C of Part 200	ad. 2000 No. 204
Renumbered..... Subpart 200.C	2002 No. 350
R. 200.20	am. 2000 No. 227; 2002 No. 350
Renumbered r. 200.020....	2002 No. 350
Part 201	
Table of Provisions to Part 201	ad. 2004 No. 345
R. 201.0	ad. 2000 No. 204
Renumbered r. 201.000....	2002 No. 350
R. 201.000	rep. 2004 No. 345

Table of Amendments

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

Provision affected	How affected
R. 201.1	am. 2000 No. 227; 2002 No. 350
Renumbered r. 201.001....	2002 No. 350
R. 201.2	am. 2000 No. 227; 2002 No. 350
Renumbered r. 201.002....	2002 No. 350
R. 201.002	rep. 2004 No. 345
R. 201.3	
Renumbered r. 201.003....	2002 No. 350
R. 201.4	am. 1999 Nos. 166 and 262; 2000 Nos. 204 and 227; 2002 No. 350
Renumbered r. 201.004....	2002 No. 350
R. 201.004	am. 2004 No. 345; 2007 No. 41
R. 201.005	ad. 2004 No. 345
R. 201.010	ad. 2004 No. 345
R. 201.015	ad. 2004 No. 345
R. 201.016	ad. 2005 No. 258 am. 2008 No. 192
Note to r. 201.016 (2).....	rep. 2008 No. 192
R. 201.020	ad. 2004 No. 345
Part 202	
Part 202	ad. 1999 No. 262
Table of Provisions to	ad. 2004 No. 345
Part 202	
Subpart 202.AA	
Heading to Subpart 202.AA of Part 202	ad. 2002 No. 321
Subpart 202.AA.....	rep. 2004 No. 345
R. 202.0	ad. 2000 No. 204 rep. 2002 No. 321
R. 202.000	ad. 2002 No. 321 am. 2003 Nos. 58, 75 and 240 rep. 2004 No. 345
Subpart 202.AB	
Heading to Subpart 202.AB of Part 202	ad. 2002 No. 321
Note 1 to heading to..... Subpart 202.AB	ad. 2002 No. 321
Note 2 to heading to..... to Subpart 202.AB	ad. 2002 No. 321
Subpart 202.AD	
Heading to Subpart 202.AD of Part 202	ad. 2002 No. 321 rs. 2004 No. 345

Table of Amendments

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

Provision affected	How affected
Subpart 202.AD	rs. 2004 No. 345
Note 1 to heading to..... Subpart 202.AD	ad. 2002 No. 321 rep. 2004 No. 345
Note 2 to heading to..... Subpart 202.AD	ad. 2002 No. 321 rep. 2004 No. 345
R. 202.010	ad. 2004 No. 345
R. 202.011	ad. 2004 No. 345
R. 202.012	ad. 2004 No. 345
Subpart 202.AF	
Heading to Subpart 202.AF of Part 202	ad. 2002 No. 321
Note 1 to heading to..... Subpart 202.AF	ad. 2002 No. 321
Note 2 to heading to..... Subpart 202.AF	ad. 2002 No. 321
Subpart 202.AJ	
Heading to Subpart 202.AJ. of Part 202	ad. 2002 No. 321
R. 202.1	ad. 1999 No. 262
Renumbered r. 202.050....	2002 No. 321
R. 202.2	ad. 1999 No. 262
Renumbered r. 202.051....	2002 No. 321
R. 202.3	ad. 1999 No. 262
Renumbered r. 202.052....	2002 No. 321
Subpart 202.AK	
Heading to Subpart 202.AK of Part 202	ad. 2002 No. 321 rs. 2009 No. 147
Subpart 202.AK of Part 202	rs. 2009 No. 147
Note 1 to heading to..... Subpart 202.AK	ad. 2002 No. 321 rep. 2009 No. 147
Note 2 to heading to..... Subpart 202.AK	ad. 2002 No. 321 rep. 2009 No. 147
R. 202.060	ad. 2009 No. 147
Subpart 202.AL	
Heading to Subpart 202.AL. of Part 202	ad. 2002 No. 321 rs. 2009 No. 147
Subpart 202.AL of Part 202	rs. 2009 No. 147
Note 1 to heading to..... Subpart 202.AL	ad. 2002 No. 321 rep. 2009 No. 147
Note 2 to heading to..... Subpart 202.AL	ad. 2002 No. 321 rep. 2009 No. 147
R. 202.070	ad. 2009 No. 147

Table of Amendments

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

Provision affected	How affected
Subpart 202.AM of Part 202	rep. 2004 No. 345
Heading to Subpart 202.AM of Part 202	ad. 2002 No. 321 rep. 2004 No. 345
Note 1 to heading to..... Subpart 202.AM	ad. 2002 No. 321 rep. 2004 No. 345
Note 2 to heading to..... Subpart 202.AM	ad. 2002 No. 321 rep. 2004 No. 345
Subpart 202.AN	
Heading to Subpart 202.AN of Part 202	ad. 2002 No. 321 rs. 2009 No. 147
Subpart 202.AN of Part 202	rs. 2009 No. 147
Note 1 to heading to..... Subpart 202.AN	ad. 2002 No. 321 rep. 2009 No. 147
Note 2 to heading to..... Subpart 202.AN	ad. 2002 No. 321 rep. 2009 No. 147
R. 202.090	ad. 2009 No. 147
Subpart 202.AO	
Heading to Subpart 202.AO of Part 202	ad. 2002 No. 321
Note 1 to heading to..... Subpart 202.AO	ad. 2002 No. 321
Note 2 to heading to..... Subpart 202.AO	ad. 2002 No. 321
Subpart 202.AP	
Heading to Subpart 202.AP of Part 202	ad. 2002 No. 321
Note 1 to heading to..... Subpart 202.AP	ad. 2002 No. 321
Note 2 to heading to..... Subpart 202.AP	ad. 2002 No. 321
Subpart 202.AR	
Heading to Subpart 202.AR of Part 202	ad. 2002 No. 321
Note 1 to heading to Subpart 202.AR	ad. 2002 No. 321
Note 2 to heading to..... Subpart 202.AR	ad. 2002 No. 321
Subpart 202.AT	
Heading to Subpart 202.AT of Part 202	ad. 2002 No. 321
Note 1 to heading to o..... Subpart 202.AT	ad. 2002 No. 321

Table of Amendments

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

Provision affected	How affected
Note 2 to heading to..... Subpart 202.AT	ad. 2002 No. 321
Subpart 202.AU	
Heading to Subpart 202.AU of Part 202	ad. 2002 No. 321 rs. 2009 No. 147
Subpart 202.AU of Part 202	rs. 2009 No. 147
Note 1 to heading to..... Subpart 202.AU	ad. 2002 No. 321 rep. 2009 No. 147
Note 2 to heading to..... Subpart 202.AU	ad. 2002 No. 321 rep. 2009 No. 147
R. 202.140	ad. 2009 No. 147
Subpart 202.AV	
Heading to Subpart 202.AV of Part 202	ad. 2002 No. 321
Note 1 to heading to..... Subpart 202.AV	ad. 2002 No. 321
Note 2 to heading to..... Subpart 202.AV	ad. 2002 No. 321
Subpart 202.AX	
Heading to Subpart 202.AX of Part 202	ad. 2002 No. 321
Note 1 to heading to..... Subpart 202.AX	ad. 2002 No. 321
Note 2 to heading to..... Subpart 202.AX	ad. 2002 No. 321
Subpart 202.AZ	
Heading to Subpart 202.AZ of Part 202	ad. 2002 No. 321 rs. 2004 No. 345
Subpart 202.AZ.....	rs. 2004 No. 345
R. 202.4	ad. 1999 No. 262
Renumbered r. 202.170....	2002 No. 321
R. 202.170	rs. 2004 No. 345
R. 202.5	ad. 1999 No. 262
Renumbered r. 202.171....	2002 No. 321
R. 202.171	rs. 2004 No. 345
R. 202.6	ad. 1999 No. 262
Renumbered r. 202.172 ...	2002 No. 321
R. 202.172	rs. 2004 No. 345
Subpart 202.BB	
Heading to Subpart 202.BB of Part 202	ad. 2002 No. 321
Note 1 to heading to..... Subpart 202.BB	ad. 2002 No. 321

Table of Amendments

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

Provision affected	How affected
Note 2 to heading to..... Subpart 202.BB	ad. 2002 No. 321
Subpart 202.BD	
Heading to Subpart 202.BD of Part 202	ad. 2002 No. 321 rs. 2004 No. 345
Subpart 202.BD of Part 202	rs. 2004 No. 345
Note 1 to heading to..... Subpart 202.BD	ad. 2002 No. 321 rep. 2004 No. 345
Note 2 to heading to..... Subpart 202.BD	ad. 2002 No. 321 rep. 2004 No. 345
R. 202.200	ad. 2004 No. 345
Subpart 202.BF	
Heading to Subpart 202.BF of Part 202	ad. 2002 No. 321 rs. 2004 No. 134
R. 202.220	ad. 2004 No. 134
R. 202.221	ad. 2004 No. 134
R. 202.222	ad. 2004 No. 134
R. 202.223	ad. 2004 No. 134 am. 2004 No. 345; 2005 No. 242
R. 202.224	ad. 2004 No. 134
R. 202.225	ad. 2004 No. 134 am. 2005 No. 242
R. 202.226	ad. 2004 No. 134 rep. 2005 No. 242
Note 1 to heading to..... Subpart 202.BF	ad. 2002 No. 321 rep. 2004 No. 134
Note 2 to heading to..... Subpart 202.BF	ad. 2002 No. 321 rep. 2004 No. 134
Subpart 202.CA	
Heading to Subpart 202.CA of Part 202	ad. 2002 No. 321 rs. 2003 No. 240
Subpart 202.CA of Part 202	rs. 2003 No. 240
Note 1 to heading to..... Subpart 202.CA	ad. 2002 No. 321 rep. 2003 No. 240
Note 21 to heading to..... Subpart 202.CA	ad. 2002 No. 321 rep. 2003 No. 240
R. 202.240	ad. 2003 No. 240 am. 2004 No. 345
R. 202.241	ad. 2003 No. 240 am. 2004 No. 345

Table of Amendments

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

Provision affected	How affected
Subpart 202.CB	
Heading to Subpart 202.CB of Part 202	ad. 2002 No. 321
Note 1 to heading to..... Subpart 202.CB	ad. 2002 No. 321
Note 2 to heading to..... Subpart 202.CB	ad. 2002 No. 321
Subpart 202.CD	
Heading to Subpart 202.CD of Part 202	ad. 2002 No. 321`
Note 1 to heading to..... Subpart 202.CD	ad. 2002 No. 321
Note 2 to heading to..... Subpart 202.CD	ad. 2002 No. 321
Subpart 202.CE	
Heading to Subpart 202.CE of Part 202	ad. 2002 No. 321
Note 1 to heading to..... Subpart 202.CE	ad. 2002 No. 321
Note 2 to heading to 2 to..... Subpart 202.CE	ad. 2002 No. 321
Subpart 202.CF	
Heading to Subpart 202.CF of Part 202	ad. 2002 No. 321 rs. 2003 No. 75
Subpart 202.CF of Part 202	rs. 2003 No. 75
Note 1 to heading to..... Subpart 202.CF	ad. 2002 No. 321 rep. 2003 No. 75
Note 2 to heading to Subpart 202.C	ad. 2002 No. 321 rep. 2003 No. 75
R. 202.320	ad. 2003 No. 75 am. 2004 No. 345
R. 202.321	ad. 2004 No. 345
Subpart 202.CG	
Heading to Subpart 202.CG of Part 202	ad. 2002 No. 321
Note 1 to heading to..... Subpart 202.CG	ad. 2002 No. 321
Note 2 to heading to..... Subpart 202.CG	ad. 2002 No. 321
Subpart 202.CH	
Heading to Subpart 202.CH of Part 202	ad. 2002 No. 321 rs. 2003 No. 232

Table of Amendments

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

Provision affected	How affected
Subpart 202.CH of Part 202	rs. 2003 No. 232
Note 1 to heading to..... Subpart 202.CH	ad. 2002 No. 321 rep. 2003 No. 232
Note 2 to heading to..... Subpart 202.CH	ad. 2002 No. 321 rep. 2003 No. 232
R. 202.360	ad. 2003 No. 232 am. 2004 No. 345
R. 202.361	ad. 2003 No. 232 am. 2004 No. 345
R. 202.362	ad. 2003 No. 232 am. 2004 No. 345
R. 202.363	ad. 2003 No. 232 rs. 2004 No. 345
Subpart 202.DA	
Heading to Subpart 202.DA of Part 202	ad. 2002 No. 321
Note 1 to heading to..... Subpart 202.DA	ad. 2002 No. 321
Note 2 to heading to..... Subpart 202.DA	ad. 2002 No. 321
Subpart 202.EA	
Heading to Subpart 202.EA of Part 202	ad. 2002 No. 321
Note 1 to heading to..... Subpart 202.EA	ad. 2002 No. 321
Note 2 to heading to..... Subpart 202.EA	ad. 2002 No. 321
Subpart 202.EB	
Heading to Subpart 202.EB of Part 202	ad. 2002 No. 321
Note 1 to heading to..... Subpart 202.EB	ad. 2002 No. 321
Note 2 to heading to of..... Subpart 202.EB	ad. 2002 No. 321
Subpart 202.EC	
Heading to Subpart 202.EC of Part 202	ad. 2002 No. 321 rs. 2003 No. 365
Subpart 202.EC of Part 202	rs. 2003 No. 365
Note 1 to heading to..... Subpart 202.EC	ad. 2002 No. 321 rep. 2003 No. 365
Note 2 to heading to..... Subpart 202.EC	ad. 2002 No. 321 rep. 2003 No. 365

Table of Amendments

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

Provision affected	How affected
R. 202.440	ad. 2003 No. 365
Note to r. 202.440	ad. 2003 No. 365 rs. 2003 No. 365 am. 2004 No. 345
Subpart 202.FA	
Subpart 202.FA	rs. 2004 No. 345
Heading to Subpart 202.FA of Part 202	ad. 2002 No. 321 rs. 2004 No. 345
Note 1 to heading to..... Subpart 202.FA	ad. 2002 No. 321 rep. 2004 No. 345
Note 2 to heading to..... Subpart 202.FA	ad. 2002 No. 321 rep. 2004 No. 345
R. 202.460	ad. 2004 No. 345
Subpart 202.FC	
Heading to Subpart 202.FC of Part 202	ad. 2002 No. 321
Note 1 to heading to..... Subpart 202.FC	ad. 2002 No. 321
Note 2 to heading to..... Subpart 202.FC	ad. 2002 No. 321
Subpart 202.FE	
Heading to Subpart 202.FE of Part 202	ad. 2002 No. 321
Note 1 to heading to..... Subpart 202.FE	ad. 2002 No. 321
Note 2 to heading to..... Subpart 202.FE	ad. 2002 No. 321
Subpart 202.FJ	
Heading to Subpart 202.FJ. of Part 202	ad. 2002 No. 321
Note 1 to heading to..... Subpart 202.FJ	ad. 2002 No. 321
Note 2 to heading to..... Subpart 202.FJ	ad. 2002 No. 321
Subpart 202.FL	
Heading to Subpart 202.FL. of Part 202	ad. 2002 No. 321
Note 1 to heading to..... Subpart 202.FL	ad. 2002 No. 321
Note 2 to heading to..... Subpart 202.FL	ad. 2002 No. 321

Table of Amendments

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

Provision affected	How affected
Subpart 202.FN	
Heading to Subpart 202.FN of Part 202	ad. 2002 No. 321
Note 1 to heading to..... Subpart 202.FN	ad. 2002 No. 321
Note 2 to heading to..... Subpart 202.FN	ad. 2002 No. 321
Subpart 202.FO	
Heading to Subpart 202.FO of Part 202	ad. 2002 No. 321
Note 1 to heading to..... Subpart 202.FO	ad. 2002 No. 321
Note 2 to heading to..... Subpart 202.FO	ad. 2002 No. 321
Subpart 202.FR	
Heading to Subpart 202.FR of Part 202	ad. 2002 No. 321
Note 1 to heading to..... Subpart 202.FR	ad. 2002 No. 321
Note 2 to heading to..... Subpart 202.FR	ad. 2002 No. 321
Subpart 202.FT	
Heading to Subpart 202.FT of Part 202	ad. 2002 No. 321
Note 1 to heading to..... Subpart 202.FT	ad. 2002 No. 321
Note 2 to heading to..... Subpart 202.FT	ad. 2002 No. 321
Subpart 202.FV	
Heading to Subpart 202.FV of Part 202	ad. 2002 No. 321
Note 1 to heading to..... Subpart 202.FV	ad. 2002 No. 321
Note 2 to heading to of..... Subpart 202.FV	ad. 2002 No. 321
Subpart 202.FW	
Heading to Subpart 202.FW of Part 202	ad. 2002 No. 321
Note 1 to heading to..... Subpart 202.FW	ad. 2002 No. 321
Note 2 to heading to..... Subpart 202.FW	ad. 2002 No. 321

Table of Amendments

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

Provision affected	How affected
Subpart 202.FX	
Heading to Subpart 202.FX of Part 202	ad. 2002 No. 321
Note 1 to heading to..... Subpart 202.FX	ad. 2002 No. 321
Note 2 to heading to..... Subpart 202.FX	ad. 2002 No. 321
Subpart 202.FY	
Heading to Subpart 202.FY of Part 202	ad. 2002 No. 321 rs. 2003 No. 58
Subpart 202FY	rs. 2003 No. 58
Note 1 to heading to..... Subpart 202.FY	ad. 2002 No. 321 rs. 2003 No. 58
Note 2 to heading to..... Subpart 202.FY	ad. 2002 No. 321 rep. 2003 No. 58
R. 202.700	ad. 2003 No. 58 am. 2004 No. 345
R. 202.701	ad. 2003 No. 58 rs. 2004 No. 345
R. 202.702	ad. 2003 No. 58 am. 2004 No. 345
R. 202.703	ad. 2003 No. 58 am. 2004 No. 345
R. 202.704	ad. 2003 No. 58 am. 2004 No. 345
R. 202.705	ad. 2003 No. 58 rs. 2004 No. 345
Subpart 202.FYH	
Subpart 202.FYH of Part 202	ad. 2003 No. 75
R. 202.710	ad. 2003 No. 75 am. 2004 No. 345
Subpart 202.GA	
Heading to Subpart 202.GA of Part 202	ad. 2002 No. 321
Note 1 to heading to..... Subpart 202.GA	ad. 2002 No. 321
Note 2 to heading to of..... Subpart 202.GA	ad. 2002 No. 321
Subpart 202.GB	
Heading to Subpart 202.GB of Part 202	ad. 2002 No. 321

Table of Amendments

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

Provision affected	How affected
Note 1 to heading to..... Subpart 202.GB	ad. 2002 No. 321
Note 2 to heading to..... Subpart 202.GB	ad. 2002 No. 321
Subpart 202.GC	
Heading to Subpart 202.GC of Part 202	ad. 2002 No. 321 rs. 2003 No. 75; 2004 No. 345
Subpart 202.GC	rs. 2003 No. 75
Note 1 to heading to..... Subpart 202.GC	ad. 2002 No. 321 rep. 2003 No. 75
Note 2 to heading to..... Subpart 202.GC	ad. 2002 No. 321 rep. 2003 No. 75
R. 202.760	ad. 2003 No. 75 am. 2004 No. 345
Subpart 202.GD	
Heading to Subpart 202.GD of Part 202	ad. 2002 No. 321
Note 1 to heading to..... Subpart 202.GD	ad. 2002 No. 321
Note 2 to heading to..... Subpart 202.GD	ad. 2002 No. 321
Subpart 202.GE	
Heading to Subpart 202.GE of Part 202	ad. 2002 No. 321
Note 1 to heading to..... Subpart 202.GE	ad. 2002 No. 321
Note 2 to heading to..... Subpart 202.GE	ad. 2002 No. 321
Subpart 202.GF	
Heading to Subpart 202.GF of Part 202	ad. 2002 No. 321
Note 1 to heading to..... Subpart 202.GF	ad. 2002 No. 321
Note 2 to heading to..... Subpart 202.GF	ad. 2002 No. 321
Subpart 202.GG	
Heading to Subpart 202.GG of Part 202	ad. 2002 No. 321
Note 1 to heading to..... Subpart 202.GG	ad. 2002 No. 321
Note 2 to heading to..... Subpart 202.GG	ad. 2002 No. 321

Table of Amendments

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

Provision affected	How affected
Subpart 202.GI	
Heading to Subpart 202.GI . of Part 202	ad. 2002 No. 321
Note 1 to heading to..... Subpart 202.GI	ad. 2002 No. 321
Note 2 to heading to..... Subpart 202.GI	ad. 2002 No. 321
Subpart 202.HA	
Heading to Subpart 202.HA of Part 202	ad. 2002 No. 321 rs. 2003 No. 75
Subpart 202.HA of Part 202	rs. 2003 No. 75
Note 1 to heading to..... Subpart 202.HA	ad. 2002 No. 321 rep. 2003 No. 75
Note 2 to heading to..... Subpart 202.HA	ad. 2002 No. 321 rep. 2003 No. 75
R. 202.880	ad. 2003 No. 75 am. 2004 No. 345
Subpart 202.HB	
Heading to Subpart 202.HB of Part 202	ad. 2002 No. 321 rs. 2003 No. 75; 2004 No. 345
Subpart 202HB of Part 202.	rs. 2003 No. 75
Note 1 to heading to..... Subpart 202.HB	ad. 2002 No. 321 rep. 2003 No. 75
Note 2 to heading to..... Subpart 202.HB	ad. 2002 No. 321 rep. 2003 No. 75
R. 202.900	ad. 2003 No. 75 am. 2004 No. 345
Subpart 202.HC	
Heading to Subpart 202.HC of Part 202	ad. 2002 No. 321
Note 1 to heading to..... Subpart 202.HC	ad. 2002 No. 321
Note 2 to heading to..... Subpart 202.GC	ad. 2002 No. 321
Subpart 202.HD	
Heading to Subpart 202.HD of Part 202	ad. 2002 No. 321
Note 1 to heading to..... Subpart 202.HD	ad. 2002 No. 321
Note 2 to heading to..... Subpart 202.HD	ad. 2002 No. 321

Table of Amendments

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted	
Provision affected	How affected
Subpart 202.HJ	
Heading to Subpart 202.HJ. of Part 202	ad. 2002 No. 321
Note 1 to heading to..... Subpart 202.HJ	ad. 2002 No. 321
Note 2 to heading to..... Subpart 202.HJ	ad. 2002 No. 321
Subpart 202.HL	
Heading to Subpart 202.HL of Part 202	ad. 2002 No. 321
Note 1 to heading to..... Subpart 202.HL	ad. 2002 No. 321
Note 2 to heading to..... Subpart 202.HL	ad. 2002 No. 321
Subpart 202.HM	
Heading to Subpart 202.HM of Part 202	ad. 2002 No. 321
Note 1 to heading to..... Subpart 202.HM	ad. 2002 No. 321
Note 2 to heading to..... Subpart 202.HM	ad. 2002 No. 321
Dictionary	
Dictionary	am. 1999 Nos. 166 and 262; 2007 No. 172; 2008 Nos. 192 and 274
Part 1	
Heading to Part 1 of Dictionary	ad. 2000 No. 204
Part 1	am. 2000 Nos. 204 and 227; 2001 Nos. 34, 242 and 349; 2002 Nos. 167, 268, 321 and 350; 2003 Nos. 58, 189, 232, 240 and 365; 2004 Nos. 134, 222, 230 and 345; 2005 No. 321 and 323; 2009 Nos. 64 and 147
Part 2	
Part 2	ad. 2000 No. 204 am. 2001 No. 349; 2003 No. 75; 2004 No. 230 rs. 2004 No. 345 am. 2009 No. 147

Note 2

Subregulations 202.1–202.6 (renumbered 202.050–202.052, 202.170–202.172 by SR 2002 No. 321) — Item 19 of Schedule 1 of Statutory Rules 2002 No. 350 provides as follows:

[19] Additional amendments — substitution of *CAR* for *CAR 1988*

The following provisions are amended by omitting each mention of ‘CAR 1988’ and inserting ‘CAR’:

- subregulations 202.1 (1) and (2)
- subregulations 202.2 (1) and (3)
- regulation 202.3
- regulation 202.4
- regulation 202.5
- regulation 202.6

The proposed amendments were misdescribed and are not incorporated in this compilation.

Note 3

Note 3

Civil Aviation and Civil Aviation Safety Amendment Regulations 2009
(No. 1) (2009 No. 64)

The following amendment commences on 1 October 2009:

Schedule 2

[1] Paragraph 21.200 (1A) (a)

substitute

- (a) the aircraft is covered by an airworthiness directive (within the meaning of regulation 39.002); and

[2] Before regulation 39.001

insert

39.001A Definitions

In these Regulations:

airworthiness directive means:

- (a) an Australian airworthiness directive; or
- (b) a foreign State of Design airworthiness directive issued on or after 1 October 2009; or
- (c) for a model of aircraft that is first registered in Australia on or after 1 October 2009 — a foreign State of Design airworthiness directive issued before 1 October 2009 for that model or for an aeronautical product that is part of, or used in, that model.

Australian airworthiness directive means a document, as in force from time to time, issued by CASA under subregulation 39.001 (1).

foreign State of Design airworthiness directive, for a kind of aircraft or aeronautical product for which Australia is not the State of Design, means a document, as in force from time to time, that:

- (a) is issued by the NAA of the State of Design of the aircraft or aeronautical product; and
- (b) is of the same nature as an Australian airworthiness directive.

[3] Regulation 39.001, heading

substitute

39.001 CASA may issue Australian airworthiness directives

[4] Subregulation 39.001 (1)

omit

CASA may issue an airworthiness

insert

For paragraph 98 (5A) (b) of the Act, CASA may issue an Australian airworthiness

[5] Subregulations 39.001 (3) to (5), including the note

omit

[6] Regulation 39.002, heading

substitute

39.002 Aircraft or aeronautical products covered by airworthiness directive

[7] Regulation 39.002

omit

Note 3

regulation 39.004 or 39.005,
insert
paragraph 39.004 (2) (b) or (3) (b),

[8] Paragraph 39.002 (b)

substitute

- (b) the requirements of the airworthiness directive have been complied with; or
- (c) the requirements of a means of compliance with the airworthiness directive, approved by CASA under paragraph 39.004 (2) (a) or (3) (a), have been complied with; or
- (d) the requirements of a means of compliance with the airworthiness directive, approved by the NAA that issued the airworthiness directive, have been complied with.

[9] Regulation 39.002, note

omit

[10] After regulation 39.002

insert

**39.002A Aircraft that become Australian aircraft —
compliance with Australian airworthiness directives**

- (1) This regulation applies to an aircraft of a particular model if:
 - (a) on or after 1 October 2009, the aircraft becomes an Australian aircraft; and
 - (b) the aircraft is not the first aircraft of that model to become an Australian aircraft.
- (2) The requirements of an Australian airworthiness directive for the model of aircraft are taken to have been complied with in respect of the aircraft if:

- (a) the requirements of a foreign State of Design airworthiness directive for the model of aircraft have been complied with in respect of the aircraft; and
- (b) the requirements of the foreign State of Design airworthiness directive are equivalent to the requirements of the Australian airworthiness directive.

[11] Regulation 39.003, heading

substitute

39.003 Australian aircraft covered by airworthiness directive not to be operated

[12] Subregulation 39.003 (1), note

omit

[13] Subregulation 39.003 (2), note

omit

[14] Regulations 39.004 and 39.005

substitute

39.004 Approvals and exclusions in relation to airworthiness directives

- (1) A person may, in writing, ask CASA for:
 - (a) an approval of a means of compliance other than that set out in an airworthiness directive; or
 - (b) an exclusion from an airworthiness directive.

Particular aircraft or aeronautical products

- (2) For paragraph 98 (5A) (b) of the Act, CASA may, in writing, on its own initiative or on a written request by a person:

Note 3

- (a) approve, for a particular aircraft or aeronautical product, a means of compliance with an airworthiness directive other than that set out in the airworthiness directive; or
- (b) subject to subregulation (5) — exclude a particular aircraft or aeronautical product from the operation of an airworthiness directive.

Kind of aircraft or aeronautical products

- (3) For paragraph 98 (5A) (b) of the Act, CASA may, in writing, on its own initiative or on a written request by a person:
 - (a) approve, for a particular kind of aircraft or aeronautical product, a means of compliance with an airworthiness directive other than that set out in the airworthiness directive; or
 - (b) subject to subregulation (5) — exclude a particular kind of aircraft or aeronautical product from the operation of an airworthiness directive.

Decision making criteria

- (4) When making a decision under subregulation (2) or (3), CASA must:
 - (a) regard the preservation of a level of aviation safety that is at least acceptable as paramount; and
 - (b) if a person makes a request under subregulation (1) — have regard to any reasons given in the request.
- (5) However, CASA may exclude an aircraft or aeronautical product under paragraph (2) (b) or (3) (b) only if CASA is satisfied that the unsafe condition that the airworthiness directive seeks to correct does not exist, and cannot develop, in the aircraft or aeronautical product because of a modification or repair that has been made to the aircraft or aeronautical product.

Approval or exclusion may be subject to conditions

- (6) CASA may, in an instrument of approval or exclusion, provide that the approval or exclusion is subject to 1 or more specified conditions.

Operator must comply with conditions

- (7) An instrument of approval or exclusion applies to a particular aircraft or aeronautical product only if the operator of the aircraft, or the aircraft that the aeronautical product is part of, or used in, complies with each condition of the approval or exclusion.

39.005 Documents or things to be sent to CASA

If a foreign State of Design airworthiness directive specifies that a document or thing must be sent to an NAA, a person must, to comply with the airworthiness directive, send the document or thing to CASA.

[15] Regulation 39.006, heading

substitute

39.006 Request for review of operation of Australian airworthiness directive

[16] Regulation 39.006, note

omit

[17] Subregulation 39.007 (4), note

omit

[18] Paragraph 201.004 (d)

substitute

- (d) a decision refusing to grant a request made under subregulation 39.004 (1) for an instrument of approval or exclusion under subregulation 39.004 (2); or
- (da) a decision refusing to grant a request made under regulation 39.006; or

Note 3

[19] Dictionary, Part 1, definition of *AD**omit***[20] Dictionary, Part 1, definition of *airworthiness directive****substitute**airworthiness directive* — see regulation 39.001A.**[21] Dictionary, Part 1, definition of *CAR airworthiness directive****omit***[22] Dictionary, Part 1, after definition of *standard certificate of airworthiness****insert**State of Design* has the meaning given by Annex 8 to the Chicago Convention.**[23] Further amendments**

<i>Provision</i>	<i>omit each mention of</i>	<i>insert</i>
Paragraph 21.200 (1A) (b)	AD	airworthiness directive
Regulation 39.002, including the note	AD	airworthiness directive
Regulation 39.003	AD	airworthiness directive
Regulation 39.006	AD	Australian airworthiness directive
Subregulations 39.007 (3) and (4)	AD	Australian airworthiness directive

As at 1 July 2009 the amendment is not incorporated in this compilation.

Table A

Table A	Application, saving or transitional provisions
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Statutory Rules 2000 No. 227**4 Transitional**

Despite the amendments made by regulation 3 and Schedules 4 and 5, until the end of 31 August 2001 a requirement under either the *Civil Aviation Regulations 1998* or the *Civil Aviation Regulations 1988* for an authorised release certificate for an aircraft component is satisfied by an airworthiness tag/release note (within the meaning of the *Civil Aviation Regulations 1998* as in force immediately before the commencement of this regulation) for the component.