Civil Aviation Amendment Regulations 2000 (No. 5)

Statutory Rules 2000 No. 227

I, WILLIAM PATRICK DEANE, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Regulations under the Civil Aviation Act 1988.

Dated 1 AUG 2000 2000

WILLIAM DEANE
Governor-General

By His Excellency’s Command

JOHN ANDERSON
Minister for Transport and Regional Services
Civil Aviation Amendment Regulations 2000 (No.5)¹

Statutory Rules 2000 No. ²

made under the

Civil Aviation Act 1988

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1  **Name of Regulations**

These Regulations are the *Civil Aviation Amendment Regulations 2000* (No. 7).

2  **Commencement**

These Regulations commence, or are taken to have commenced, as follows:

(a) on 1 December 1998 — Schedule 1;
(b) on gazetted — regulations 1 to 4 and Schedules 2 and 3;
(c) on 1 September 2000 — Schedules 4 and 5.

3  **Amendment of Civil Aviation Regulations 1998 and Civil Aviation Regulations 1988**

(1) Schedules 1, 2 and 4 amend the *Civil Aviation Regulations 1998*.

(2) Schedules 3 and 5 amend the *Civil Aviation Regulations 1988*.

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.
Schedule 1 Amendments of Civil Aviation Regulations 1998 taken to have commenced on 1 December 1998
(subregulation 3 (1))

[1] Subregulation 21.303 (1)

*omit*

Except as provided in subregulation (2),

*insert*

Except as provided in subregulation (1A) or (2),


*insert*

(1A) In spite of subregulation (1), a person may produce such a modification or replacement part if the person holds an approval to do so issued under regulation 30 of CAR 1988 (as in force immediately before 1 December 1998).

(1B) Subregulation (1A) ceases to have effect on 30 November 2003.
Schedule 2 Amendments of *Civil Aviation Regulations 1998* commencing on gazettal
(subregulation 3 (1))

Part 1 Amendments of Part 21, Subpart G

[1] Regulation 21.131

*omitted*

aircraft, aircraft engines and propellers

*inserted*

Class I, Class II, Class III and unapproved Class I products


*substituted*

21.132 Definitions for Subpart 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

(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 CASA or an authorised person (or if the product is exported, the NAA of the importing 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.

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 to manufacture a Class I, Class II, Class III or unapproved Class I product for export; and
   (b) the terms of the agreement require that the person be approved to manufacture the product.

(3) An application for a production certificate must be in an approved form.

Source FARs section 21.133 modified.


omit
   aircraft, aircraft engine or propeller

insert
   Class I, Class II, Class III or unapproved class I product


substitute

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.

[5] Subregulation 21.143 (1)

substitute

(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:

(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) an outline of the materials review system, including 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.


*omitted*

*insert*

paragraph 21.143 (1) (c)
[7] **Paragraph 21.144 (c)**

*omit*

aircraft, aircraft engine or propeller

*insert*

Class I, Class II, Class III or unapproved Class I product

[8] **Paragraph 21.144 (d)**

*substitute*

(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;


*substitute*

(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;
[10] Paragraph 21.144 (g)

*omit*

aircraft, aircraft engine or propeller;

*insert*

Class I, Class II, Class III or unapproved Class I product;


*omit*

aircraft, aircraft engine or propeller;

*insert*

Class I, Class II, Class III or unapproved Class I product;

[12] Paragraph 21.144 (j)

*omit*

aircraft, aircraft engine or propeller

*insert*

Class I, Class II, Class III or unapproved Class I product

[13] Subregulation 21.147 (2)

*substitute*

(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 for subregulation (2): 50 penalty units.

[14] Regulation 21.149

substitute

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.


substitute

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

(b) for a Class II, Class III or unapproved Class I product — the product design of each product authorised to be manufactured under the production certificate.

Source: FARs section 21.151 modified.
[16] **Subregulation 21.153 (1)**

*substitute*

(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.

---


*substitute*

**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.

(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.
(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.

Source FARs section 21.165 modified.

[18] Regulation 21.166

substitute

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.

(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.

(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.

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

(5) If the person stops manufacturing a product under the production certificate, the person must send the records retained for subregulation (3) to CASA as soon as practicable after manufacturing stops, unless the person continues manufacturing the product at another place under another production certificate.

Penalty: 50 penalty units.

Source FARs section 21.293 modified.
Part 2  Amendment of Part 21, Subpart H

[19]  After subregulation 21.190 (1)

insert

(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

(b) CASA may direct that a requirement of that section does not apply in a particular case.

Part 3  Amendments of Part 25

[20]  Before regulation 25.1

insert

Subpart A  General

[21]  Subregulation 25.1 (1)

substitute

(1) The airworthiness standards for an aeroplane in the transport category are:

(a) the airworthiness standards:

(i) set out in Part 25 of the FARs, as in force on 1 December 1998, with the changes provided under Subpart B; or

(ii) set out in JAR-25, as in force on 1 December 1998, with the changes provided under Subpart B; and

(b) the airworthiness standards set out in Subpart C.
[22] After regulation 25.2

*insert*

Subpart B Changes to FARs and JAR-25

[23] After regulation 25.6

*insert*

Subpart C Airworthiness standards directed by ICAO

25.11 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.

25.13 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.

Part 4 Additional amendments

[24] Additional amendments
The following provisions are amended by omitting ‘these regulations’ and inserting ‘CAR 1998’:

- subregulation 200.1 (1)
- subregulation 200.2 (2)
- subregulation 200.3 (1)
Schedule 2  Amendments of Civil Aviation Regulations 1998 commencing on gazetted
gazetted

Part 4  Additional amendments

- subregulation 200.4 (2)
- subregulation 200.5 (1)
- regulation 200.6
- subregulation 200.8 (2)
- subregulation 200.9 (1)
- subregulation 200.13 (2)
- regulation 200.14
- regulation 200.20
- subregulation 201.1 (1) (twice occurring)
- subregulation 201.2 (1)
- paragraph 201.4 (a).
Schedule 3  Amendment of Civil Aviation Regulations 1988 commencing on gazetted
(subregulation 3 (2))

[1] Subregulation 262AM (14)

*omit*

as in force at the commencement of this regulation,

*insert*

as published from time to time,
Schedule 4  Amendments of Civil Aviation Regulations 1998 commencing on 1 September 2000
(subregulation 3 (1))

[1] Paragraph 21.231 (1) (b)

*omit*

airworthiness tags/release notes

*insert*

authorised release certificates

[2] Paragraphs 21.251 (1) (f) and (g)

*omit*

airworthiness tags/release notes

*insert*

authorised release certificates

[3] Paragraph 21.325 (4) (a)

*omit*

and other Class I products located in Australian territory.

[4] Paragraph 21.325 (4) (b)

*omit*

CAR 1998;

*insert*

CAR 1998.

*omit*


*insert*

(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.


*omit*

[8] **Dictionary, Part 1, after definition of authorised person**

*insert*

authorised release certificate means a document that complies with regulation 42WA of CAR 1988.

[9] **Additional amendments**

The following provisions are amended by omitting ‘airworthiness tag/release note’ and inserting ‘authorised release certificate’:

- paragraphs 21.130 (1) (a) and (b)
- regulation 21.271, heading
- subregulations 21.271 (1) and (2)
- paragraph 21.325 (1) (b)
- subregulation 21.325 (3)
- Dictionary, definition of export airworthiness approval, paragraphs (a) and (b).
Schedule 5  Amendments of Civil Aviation Regulations 1988  
commencing on 1 September 2000  
(subregulation 3 (2))

[1] Subregulations 42W (4) and (5)

*substitute*

(4) Subject to regulations 42Y and 42Z, a person must not install an aircraft component in an aircraft unless:

(a) completion of the component, and of any other component that it incorporates, was certified:

(i) in accordance with regulation 34; or

(ii) if the component was not manufactured in Australia — in a way acceptable to CASA; and

(b) if the component, or another aircraft component that is incorporated in it, has had maintenance carried out on it — completion of the maintenance was certified in accordance with regulation 42ZE or 42ZN; and

(c) if the component, or another aircraft component that is incorporated in it, has been modified or repaired — the modification or repair was carried out in accordance with a design that:

(i) was approved under regulation 35; or

(ii) was specified by CASA in, or by means of, an airworthiness directive or a direction under regulation 44 or subregulation 21.176 (2) of CAR 1998; or

(iii) was specified in the component’s, or the incorporated component’s, approved maintenance data; or
(iv) if the modification or repair was carried out outside Australian territory — was approved or specified in a manner that is acceptable to CASA having regard to the safety of air navigation; and

(d) if subregulation (5) applies to the component, and the component was supplied by another person — the supplier of the component supplied an authorised release certificate with it and for it; and

(e) if the component includes a component to which subregulation (5) applies, and the included component was supplied by another person — the supplier of the included component supplied an authorised release certificate with it and for it.

Penalty: 50 penalty units.

*Note* Authorised release certificate means a certificate that complies with regulation 42WA — see the Dictionary.

(5) This subregulation applies to:

(a) an aircraft component manufactured to approved data by a manufacturer that holds an approval from CASA or an NAA to do so; or

(b) an aircraft component that has had maintenance carried out on it.

[2] **After regulation 42W**

*insert*

42WA  **Requirements for authorised release certificate**

(1) The requirements for an authorised release certificate for an aircraft component are the following:

(a) it has a unique identifying number;

(b) it is issued by, or with the authority or approval of:

   (i) if maintenance has been carried out on the relevant component — the NAA of the
country in which the most recent maintenance was carried out; or
(ii) if no maintenance has been carried out on the component — the NAA of the country in which it was manufactured;
(c) it specifies the NAA that issued it or that authorised its issue;
(d) it contains at least the following information about the component (or, if it applies to 2 or more components, about each of them):
(i) the full name and business address of the supplier of the component;
(ii) enough information to identify the contract, work order or invoice related to the supply of the component;
(iii) the component’s name or description, and part number;
(iv) the types or models of aircraft, propeller or engine on which the component can be installed (if known to the body issuing the certificate);
(v) the serial number or batch number of the component;
(vi) the component’s status (that is, whether it is manufactured or newly overhauled, or has been inspected, modified or repaired, or is a prototype) and a statement of any limitations that apply to it;
(e) if the certificate applies to 2 or more components, it gives an identifying number for each;
(f) if the certificate applies to 2 or more components that have the same part number, it states how many of them the certificate applies to;
(g) it quotes or identifies the authorisation under which it is issued;
(h) the person who signed it is a proper person to do so, in accordance with subregulation (2), (3) or (4).
(2) A person is a proper person to sign an authorised release certificate for a component on which maintenance has been carried out in Australia if:

(a) he or she is permitted by regulation 42ZC to carry out the maintenance; and

(b) he or she is employed by, or is working under an arrangement with, the person who carried out the most recent such maintenance.

(3) A person is a proper person to sign an authorised release certificate for a component on which maintenance has been carried out in a country other than Australia if:

(a) he or she is permitted to carry out the maintenance by the NAA of the country in which that maintenance was carried out; and

(b) he or she carried out the most recent such maintenance, or is employed by, or works under an arrangement with, the person who did so.

(4) A person is a proper person to sign an authorised release certificate for a component on which no maintenance has been carried out if he or she is the manufacturer of the component, or is employed by, or works under an arrangement with, its manufacturer.

Note For a list of the kinds of documents issued in other countries that (if completed correctly) comply with the requirements for an authorised release certificate, see Civil Aviation Advisory Publication No. 42W-1, as issued from time to time. For guidelines on how to prepare such a certificate in Australia, see Civil Aviation Advisory Publication 42W-2, as issued from time to time. Both of those documents are available on CASA’s website.
Notes

1. These Regulations amend (in Schedules 1, 2 and 4) Statutory Rules 1998 No. 237, as amended by 1999 Nos. 166 (as amended by 1999 No. 262) and 262; 2000 No. 57.
