Civil Aviation Amendment Regulations 2003 (No. 4)¹

Statutory Rules 2003 No.² 189

I, GUY STEPHEN MONTAGUE GREEN, Administrator 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 17 JUL 2003 2003

G S M Green
Administrator

By His Excellency’s Command

JOHN ANDERSON
Minister for Transport and Regional Services
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1 Name of Regulations
These Regulations are the Civil Aviation Amendment Regulations 2003 (No. 4).

2 Commencement
These Regulations commence 1 October 2003.

3 Amendment of Civil Aviation Safety Regulations 1998
Schedule 1 amends the Civil Aviation Safety Regulations 1998.

4 Amendment of Civil Aviation Regulations 1988
Schedule 2 amends the Civil Aviation Regulations 1988.
# Schedule 1

Amendments of *Civil Aviation Safety Regulations 1998*  
(regulation 3)

**[1] Part 173**

*substitute*

**Part 173** Instrument flight procedure design

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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.


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.

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.

(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.

(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.

(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
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

(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:

(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 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:
(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.

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.

(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.

(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.

(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.

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.

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.

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.

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.

(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
(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.

(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.

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.

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 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.

(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.

(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.

(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

(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

(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.

(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
(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.


*insert the following definitions in the appropriate alphabetical position (determined on a letter-by-letter basis)*

**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.

*lowest safe altitude* has the same meaning as in the AIP.
Schedule 2 Amendments of Civil Aviation Regulations 1988
(regulation 4)

[1] Subregulation 2 (1), definition of instrument approach procedure
omit

[2] Regulation 178
substitute

178 Minimum height for flight under I.F.R.

(1) Subject to subregulation (4), the pilot in command of an aircraft flown along a route segment for which there is a published lowest safe altitude must not fly the aircraft at a height lower than the published lowest safe altitude.

Penalty: 50 penalty units.

(2) Subject to subregulation (4), the pilot in command of an aircraft flown along a route segment for which there is no published lowest safe altitude must not fly the aircraft at a height lower than the lowest safe altitude calculated in accordance with a method for determining a lowest safe altitude that is determined by CASA under subregulation (6).

Penalty: 50 penalty units.

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

(4) An aircraft may be flown along a route segment at a height less than the height that is applicable under subregulation (1) or (2):
(a) during take-off or landing; or
(b) during arrival or departure, if the aircraft is being flown:
   (i) at a safe height above the terrain; and
   (ii) in accordance with any instructions published in
        AIP; or
(c) during an authorised instrument departure procedure or
    authorised instrument approach procedure; or
(d) if the aircraft is being flown by day in V.M.C.; or
(e) if the aircraft is being flown in accordance with
    instructions from air traffic control.

(5) This regulation has effect subject to regulation 157.

(6) For the purposes of these Regulations, CASA may, in writing,
    determine any or all of the following:
   (a) a method of calculating a lowest safe altitude;
   (b) an instrument approach procedure;
   (c) an instrument departure procedure.

(7) In this regulation:

arrival means the time during which an aircraft is descending
for a landing at a rate that is reasonable under the
circumstances.

authorised instrument approach procedure means an
instrument approach procedure that:

(a) either:
   (i) is designed by a certified designer or authorised
designer; and
   (ii) is published in the AIP or given to CASA under
Part 173 of CASR; or
(b) is determined by CASA under subregulation (6).

authorised instrument departure procedure means an
instrument departure procedure that:

(a) either:
   (i) is designed by a certified designer or authorised
designer; and
   (ii) is published in the AIP or given to CASA under
Part 173 of CASR; or
(b) is determined by CASA under subregulation (6).
departure means the time during which an aircraft is climbing after take-off at a rate that is reasonable under the circumstances.

published lowest safe altitude means a lowest safe altitude that:

(a) is calculated in accordance with a method determined by CASA under subregulation (6); and

(b) is published in the AIP or NOTAMS.

[3] Regulation 179, heading

substitute

179 Authorised instrument approach procedures to be used

[4] Regulation 179

omit

shall follow the instrument approach procedures approved in respect of the aerodromes used.

insert

must follow the authorised instrument approach procedures (within the meaning of regulation 178) for the aerodromes used.

[5] After regulation 323

insert

323A Transitional — determinations under regulation 178

(1) A determination under paragraph 178 (1)(b) of the old regulations that was in force immediately before the commencement of this regulation has effect after the commencement as if it were a determination under subregulation 178 (6) of the amended regulations.
(2) A determination under subregulation 178 (5) of the old regulations that was in force immediately before the commencement of this regulation has effect after the commencement as it were a determination under subregulation 178 (6) of the amended regulations.

(3) In this regulation:

amended regulations means CAR as in force and as amended from the commencement of this regulation.

old regulations means CAR as in force immediately before the commencement of this regulation.

Notes

1. These Regulations amend Statutory Rules 1998 No. 237, as amended by 1999 Nos. 166 (as amended by 1999 No. 262) and 262; 2000 Nos. 7, 204 (item [7] of Schedule 2 was disallowed by the Senate on 8 November 2000) and 227; 2001 Nos. 34, 242 and 349 (as amended by 2002 No. 79); 2002 Nos. 167 (as amended by 2003 No. 58), 266, 268, 320, 321, 349 and 350; 2003 Nos. 58 and 75.
