Civil Aviation Safety Regulations 1998

Statutory Rules 1998 No. 237 as amended

made under the

Civil Aviation Act 1988

This compilation was prepared on 25 May 2007
taking into account amendments up to SLI 2007 No. 41

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

This document has been split into three volumes
Volume 1 contains Parts 1 to 43
Volume 2 contains Parts 45 to 138
Volume 3 contains Parts 139 to 202, the Dictionary and the Notes
Each volume has its own Table of Contents

Prepared by the Office of Legislative Drafting and Publishing,
Attorney-General’s Department, Canberra
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**Part 43  Maintainers’ responsibilities**
How to use the Civil Aviation Safety Regulations 1998

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

What are the Regulations?
2. The Civil Aviation Safety Regulations 1998 (‘CASR’), together with the Civil Aviation Regulations 1988 (‘CAR’), are the detailed legislation of the Commonwealth regarding aviation safety. Both of those sets of regulations are made under the Civil Aviation Act 1988. There are also Civil Aviation Orders made under CAR and that Act.
3. CAR were made in 1988 and have been amended many times since. They are being progressively reviewed as CASA brings its requirements into line with international standards and best regulatory practice. Major new policies are generally incorporated into CASR.
4. The intention is that the matter in CAR and the Civil Aviation Orders will be progressively brought into CASR. As part of that process, CASR is to be written in modern, easy-to-understand language.
5. CASR and CAR, and the Orders, are parts of Australian law. They are delegated legislation, made by the Governor-General (for the Regulations) or CASA itself (for the Orders) under authority given by the Commonwealth Parliament. The authority for the Governor-General to make the Regulations is in section 98 of the Civil Aviation Act 1988, and the authority for CASA to make the Orders is in subsection 98 (4A) of that Act and regulation 5 of the 1988 Regulations.
6. The Civil Aviation Act, CASR and CAR give effect to some of Australia’s obligations under the Convention on International Civil Aviation (usually called the Chicago Convention) entered into at Chicago on 7 December 1944. The English texts of the Chicago Convention, and several Protocols amending it, are set out as Schedules to the Commonwealth Air Navigation Act 1920.
7. The Chicago Convention sets up the International Civil Aviation Organization (ICAO) as the regulatory body for international civil aviation. The Council of ICAO adopts Annexes (18 so far) to the Chicago Convention setting out ‘international standards and recommended practices’ (Chicago Convention, Art. 54 (l)). The Annexes provide the basis for aviation safety regulation throughout the world. The Annexes vary in length from a few pages to hundreds of pages, and are not set out in the Air Navigation Act.

8. The Civil Aviation Act, CASR and CAR are not the whole of the Commonwealth legislation regarding aviation. Aspects of aviation other than safety are regulated under (for example):
   - the Air Navigation Act 1920
   - the Air Navigation Regulations 1947
   - the Air Services Act 1995
   - the Air Services Regulations
   - the Aviation Transport Security Act 2004
   - the Civil Aviation (Carriers’ Liability) Act 1959.

How to read the Regulations

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

How the Regulations are organised

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

11. The Regulations are divided into Parts, each Part dealing with a particular topic. A Part may be divided into Subparts, and a Subpart into Divisions. Divisions are divided into regulations, but a Part or Subpart can also be divided directly into regulations (that is, a Part need not have Subparts, and a Subpart need not have Divisions). An individual regulation may be divided into subregulations, a subregulation into paragraphs and a paragraph into subparagraphs. A regulation that is not divided into subregulations can be directly divided into paragraphs. (For how these levels of the structure are numbered and referred to, see paragraphs 16 to 24 below.)
12. All these levels of structure are made visible on the printed page by typographic devices such as variations in type size, bold type and indentation. This is how it looks in print (Acts look somewhat different but the principles are the same):

Part 1 Part heading
Subpart 1.A Subpart heading
Division 1.A.1 Division heading

1.000 Regulation headings look like this
This is the text of a regulation that is not divided into subregulations.

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

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

14. The division of the Regulations into Parts basically follows the framework of the Federal Aviation Regulations (FARs) of the USA and Joint Aviation Requirements (JARs), although some Parts of the Regulations have no equivalent in either the FARs or JARs. (For more information about the FARs and the JARs, see below.) The division of a Part into Subparts, Divisions and regulations is basically a matter of convenience — a Subpart, Division or regulation must be unified enough in subject-matter to be able to be accurately described by a reasonably short heading, in much the same way as a chapter or section in a book.
15. As a rule of thumb, drafters generally do not allow a single subregulation to be more than 5 or 6 lines long, nor a single regulation to contain more than 6 subregulations.

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

17. The conventional numbering formats for subregulations, paragraphs and subparagraphs are as follows:
   - subregulations: numerals in brackets
   - paragraphs: lower-case letters in brackets
   - subparagraphs: lower-case roman numerals in brackets.

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

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

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

21. Acts are divided into sections and subsections instead of regulations and subregulations, but otherwise work in exactly the same way. The number of a section of an Act is a number without brackets, and the number of a subsection is enclosed in brackets, as is the number of a subregulation.
22. Some people find confusing the way in which legislative provisions refer to a series of other provisions — for example, ‘subregulation 21.204 (3) or (4)’ instead of ‘subregulation 21.204 (3) or subregulation 21.204 (4)’.

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

<table>
<thead>
<tr>
<th>A reference like:</th>
<th>refers to:</th>
</tr>
</thead>
<tbody>
<tr>
<td>subsection (3)</td>
<td>another subsection in the same section</td>
</tr>
<tr>
<td>subregulation (3)</td>
<td>another subregulation in the same regulation</td>
</tr>
<tr>
<td>or (3)</td>
<td>another subsection or subregulation in the same section or regulation as was last mentioned</td>
</tr>
<tr>
<td>, (4),</td>
<td>yet another subsection or subregulation in the same section or regulation as was last mentioned</td>
</tr>
<tr>
<td>paragraph (b)</td>
<td>another paragraph in the same subsection or subregulation as the paragraph in which the reference occurs</td>
</tr>
<tr>
<td>or (b)</td>
<td>yet another paragraph in the same subsection or subregulation as was last mentioned</td>
</tr>
</tbody>
</table>

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

24. The gaps between regulations may be filled in later by adding new regulations. When a new regulation must be added, the drafter tries to put it into a place where it fits logically. If there is no gap in the numbers for the new regulation, the new regulation gets the number of the last regulation before the gap, but with a capital letter added. For example, regulation 21.305 might be followed by regulation 21.305A.
25. Some regulations contain tables. A table in a regulation is numbered the same as the regulation. Thus, Table 101.250 will be found in regulation 101.250. In the case of there being 2 or more tables in 1 regulation, the tables would be numbered (say) Table 101.250-1, 101.250-2, 101.250-3, and so on.

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

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

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

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

and

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

are legitimate, but the form:

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

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

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

‘(1) The alternatives are the following:
(a) a paragraph;
(b) another paragraph;
(c) yet another paragraph.’.

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

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

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

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

**Definitions and meanings**

30. A piece of legislation often includes definitions of terms used within it. The terms defined are principally the ones that are specific to the legislation in some way — for example because they have been specially invented. Ordinary dictionary words are not normally defined; they are assumed to take their ordinary dictionary meanings. Terms defined in the Act take the same meanings in the Regulations unless redefined in the Regulations. Legal terms also are not normally defined; again, they are assumed to have their ordinary legal meanings.
31. Naturally, the Regulations use many technical terms. A term of which the meaning is well known within aviation and generally accepted is usually not defined. If an unfamiliar word or term occurs in the Regulations, it may be defined in a general dictionary. For example, chord, empennage, fuselage, and longeron are all defined in the Macquarie Dictionary.

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

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

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

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

36. If a definition that applies throughout the Regulations is in the Regulations but not in the Dictionary, there is a ‘signpost’ in the Dictionary to the regulation where the definition is. For example: *major change*, for a type design — see regulation 21.093.

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

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

Offences

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

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

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

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

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

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

45. Strict liability also does not mean that an assertion by the prosecutor is enough to get the defendant convicted. Strict liability or not, the prosecution must still put before the court evidence that establishes the defendant’s guilt beyond reasonable doubt.

46. There are also provisions in the Commonwealth Crimes Act 1914 relevant to matters like the legal burden of proof.
47. Fines for offences created by the Regulations are expressed in penalty units. The amount of the penalty unit is specified in section 4AA of the Crimes Act 1914. Currently, 1 penalty unit is $110.

How the Parts relate to each other

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

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

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

Notes and this Guide

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

Incorporated manuals

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

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

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

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

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

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

**How to find things in the Regulations**

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

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

56. The page headings in a copy printed in any of those ways give the Part number and Subpart letter, and the Part and Subpart titles, for the text on that page. The page header on a left-hand page gives the number of the regulation that starts nearest the top of the page. The page header on a right hand page gives the number of the regulation that starts nearest the bottom of the page.
57. Each Part also contains a table of the Subparts, Divisions and regulations in the Part. That table is in the form of a note immediately after the Part heading.

The FARs

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

The JARs

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

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

Other things that may be useful

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

62. CASA does not investigate aviation-related accidents or incidents — this is the role of the Australian Transport Safety Bureau, which is an operating arm of the Department of Transport and Regional Services. The Bureau publishes various reports relating to its investigations and material about aviation safety generally.
62A. The Australian Transport Safety Bureau also operates the Aviation Self Reporting Scheme established under s 30DN of the Act. For further details, see Subpart 13.K of the Regulations.

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

64. Australian airspace is managed by Airservices Australia. Airservices has powers under the Air Services Act 1995 to make various kinds of determinations and declarations about the use of airspace, and provides air traffic control and flight information services.

How to obtain documents mentioned in this Guide or the Regulations

Websites mentioned in this Guide

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

Sites for other Commonwealth law

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

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

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

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

Airservices Australia Publication Centre
Locked Bag 8500
CANBERRA ACT 2601

or

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

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

GPO Box 2005
CANBERRA ACT 2601
Telephone 131 757.

The Australian Transport Safety Bureau

72. The ATSB’s postal address is:

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


ICAO publications

74. The Chicago Convention itself is available on-line at http://www.austlii.edu.au/au/other/dfat/treaties/19570005.html or from SCALEplus as part of the text of the Air Navigation Act 1920. The Annexes are not included, but are available from ICAO on paper or CD-ROM or by on-line subscription.
75. ICAO’s home page is http://www.icao.int/. There is no ICAO office in Australia. ICAO publications are available from:

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

or


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

**FARs**

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

**JARs**

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

**How to seek changes to the Regulations or Manuals of Standards**

79. This section sets out how you can ask CASA for a change to CASR or CAR or a Manual of Standards, and what CASA will do in processing your request.
80. If you think that a change to the Regulations, a Manual of Standards or advisory information is necessary, you should set out your suggestion in writing, and send it to CASA’s Regulatory Development Management Branch at any of:

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

email: review@casa.gov.au; or

fax: (freefax) 1 800 653 897;

or deliver it to CASA at:

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

81. Your request should contain:

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

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

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

84. The next stage is formulation of the draft proposal and public consultation on it. CASA is required by section 16 of the Civil Aviation Act 1988 to consult with ‘government, commercial, industrial, consumer and other relevant bodies and organisations (including ICAO and bodies representing the aviation industry)’.
85. The basic procedure for consultation on a proposed change to the Regulations is as follows:

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

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

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

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

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

87. The notice will also give the date by which comments must be submitted, and where to send comments. There will be a response sheet in the NPRM or NPC, and you are urged to use it in responding. There is also an online response system at [http://rrp.casa.gov.au/ors.asp](http://rrp.casa.gov.au/ors.asp).
88. Requests for extension of time to comment should be sent to CASA no later than 2 days before the announced expiry time. It may not be possible in a particular case to allow an extension of time to comment. However, extensions are normally granted if you have a substantive interest in the proposed change and a good reason for the extension. Bear in mind that extending the time for comment will delay the process.

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

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

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

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

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

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

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

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

*Controlled airspace* is airspace in which aircraft are subject to air traffic control. For more details, see the Air Services Regulations and the determinations made by Airservices Australia under regulation 2.04 of those Regulations.

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

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

*Jet A-1* is the usual term in Australia for the grade of hydrocarbon fuel approved for use in aircraft turbine engines. It is similar to power kerosene in terms of volatility. (Kerosene-type fuels are not graded by octane number.) In US military usage, a similar fuel is called ‘JP-1’.
**JP-4** is a wide-cut hydrocarbon fuel used as a turbine engine fuel in some parts of the world, but not permitted for aviation use in Australia.

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

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

**TAS** means true airspeed — that is, the actual speed of an aircraft through the air. It is worked out by correcting the aircraft’s indicated airspeed for altitude, temperature, position error and compressibility effects.
Part 1

Preliminary

Note This Part is made up as follows:

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

1.001 Name of Regulations [see Note 1]

These Regulations are the Civil Aviation Safety Regulations 1998.

1.003 Harmonisation with FARs

(1) These regulations contain provisions based on the FARs.

(2) An object of these regulations is to harmonise certain parts of Australia’s aviation safety law with the FARs.

(3) The words ‘Source FARs’ below a regulation indicate that the regulation is based on the section of the FARs, as in force on 1 January 1997, stated after the words and, if the section number is followed by the word ‘modified’, the word indicates that the FARs section has been modified for the regulation.

Example

Eligibility

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

Source FARs section 21.13 modified.

The words set out below the regulation in this example indicate that the regulation is based on section 21.13 of the FARs as in force on 1 January 1997 and that the FARs section has been modified for the regulation.
(4) If a word or expression is used in both a regulation and the FARs section on which the regulation is based, the meaning of the word or expression in the FARs section may be taken into account in interpreting the word or expression in the regulation, unless the contrary intention appears.

1.004 Dictionary

(1) The Dictionary at the end of these Regulations consists of 2 parts.

(2) Part 1 contains:
(a) definitions of certain expressions; and
(b) signpost references to expressions that are explained in Part 2 or elsewhere in these Regulations.

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

(3) Part 2 consists of numbered clauses that explain certain other expressions otherwise than by means of definitions.

(4) Unless the contrary intention appears, the definition or explanation of an expression in these Regulations applies to each use of the expression in these Regulations.

(5) The Dictionary is part of these Regulations.

1.005 Appendixes

(1) Some provisions have an appendix.

(2) An appendix is not numbered separately from the provision to which it is an appendix, but is identified by a heading in the form ‘Appendix to [kind of provision] [number]’.

Example
An appendix might be headed:
Appendix to subparagraph 139.095 (a) (i).
(3) A provision may have more than 1 appendix, and if a provision has 2 or more appendixes each is identified by a heading in the form ‘Appendix [number] to [kind of provision] [number]’.

(4) An appendix to a subregulation, paragraph or subparagraph appears at the end of the regulation that contains the subregulation, paragraph or subparagraph.

(5) An appendix may be divided into subsections, and a subsection of an appendix may be divided into paragraphs and subparagraphs, in the same way as a regulation.

(6) An appendix to a regulation, or a provision that is part of a regulation, is part of that regulation.

1.006 Status of lists of contents of Parts

(1) A Part of these Regulations may contain a list of the Subparts, Divisions and regulations in the Part, headed ‘Note This Part is made up as follows:’.

(2) Such a list is not part of these Regulations, but is for convenience of reference only.

(3) Such a list may be added to or edited in any published version of these Regulations.

1.007 Status of notes

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

1.008 Inconsistency between MOS and Act or Regulations

(1) In this regulation:

*MOS* has the same meaning as in Subpart 11.J.
(2) If there is an inconsistency between a MOS and a provision of the Act or these Regulations, the provision of the Act or these Regulations prevails to the extent of the inconsistency.

*Note*  A MOS (Manual of Standards) is a document that supports CASR by providing detailed technical material, such as technical specifications or standards. See generally ‘Incorporated Manuals’ (paragraphs 52 and 53) in the Guide.
Part 11  Regulatory administrative procedures

Note  This Part is made up as follows:

Subpart 11.A  Preliminary
  11.005  Applicability of this Part
  11.010  What is in this Part
  11.015  Definitions for Part

Subpart 11.B  Applications
  11.020  Effect of this Subpart
  11.025  Application of this Subpart to authorised representatives
  11.030  When application taken to be complete
  11.035  Other things CASA can ask applicant to do — test or interview
  11.040  Other things CASA can ask applicant to do — provide more information
  11.045  Other things CASA can ask applicant to do — demonstrate a service or facility
  11.050  Material that CASA may or must take into account
  11.055  Grant of authorisation
  11.060  Notice of decision
  11.065  When authorisation comes into effect
  11.070  Conditions of authorisations — notice to CASA of certain matters
  11.080  When authorisations cease

Subpart 11.C  Authorisation documents, certificates and related matters
  11.090  Authorisation document — authorisations to which Chicago Convention, Annex 1 applies
  11.095  Authorisation document — maintenance operation authorisations
  11.100  Registration certificate (Chicago Convention, Annex 7)
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Subpart 11.A     Preliminary

11.005     Applicability of this Part

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

11.010     What is in this Part

(1) Subpart 11.A contains preliminary matters and definitions.

(2) Subpart 11.B contains rules that apply to CASA in administering applications for certain authorisations, licences, ratings, certificates, endorsements and qualifications (collectively called authorisations) granted under CASR.

(3) In particular, Subpart 11.B sets out what CASA can or must do in the course of processing an application for such an authorisation, including what documents and matters CASA can or must take into account in making its decision.
(4) Subpart 11.C provides for the form of authorisation documents and other matters related to such documents.

(5) Subpart 11.D is about variation, suspension or cancellation of an authorisation at the holder’s request.

(6) Subpart 11.E is about renewal of a time-limited authorisation.

(7) Subpart 11.F is about exemptions from the provisions of CASR.


(9) Subpart 11.H deals with delegation of CASA’s powers under CASR.

(10) Subpart 11.J sets out the procedure for issuing or amending Manuals of Standards.

11.015 Definitions for Part
In this Part:

*authorisation* means:

(a) an authorisation, licence, certificate, rating, endorsement or qualification capable of being granted to a person by CASA under CASR; or

(b) an approval, capable of being granted to a person by CASA under CASR, to provide a service.

*corporation* means a legal person that is not an individual.

*medical* includes psychological and psychiatric.

*officer*, of a corporation, means:

(a) in the case of a corporation that is a company (within the meaning of the *Corporations Act 2001*), a director, secretary, executive officer or employee of the corporation; or

(b) in the case of a corporation of any other kind:

(i) a person exercising responsibility, in relation to the corporation, as nearly as possible the same as that of a director, secretary or executive officer of a
company (within the meaning of the *Corporations Act 2001*); or

(ii) an employee or staff member of the corporation; or

(c) a receiver and manager, appointed under a power contained in an instrument, of property of the corporation.

*time-limit* means:

(a) an authorisation that, under another provision of CASR, ceases after a particular period; or

(b) an authorisation granted by CASA for a specified period.

### Subpart 11.B Applications

#### 11.020 Effect of this Subpart

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

#### 11.025 Application of this Subpart to authorised representatives

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

#### 11.030 When application taken to be complete

(1) An application for an authorisation is not taken to have been made unless:

(a) it is made in the manner approved by CASA for that purpose; and

(b) it includes all the information required by CASR; and

(c) it is accompanied by every document required by CASR; and
(d) if a fee is payable for the application — that fee has been paid.

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

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

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

(1) In this regulation:

   test includes a written, oral or on-line examination and a practical assessment.

(2) If CASA reasonably needs to interview or test an applicant who is an individual (including a member of a partnership) for the purpose of satisfying itself about a matter or matters referred to in paragraph 11.055 (1) (a), (b), (c) or (d), CASA may by written notice ask the applicant to:

   (a) undertake a test or tests of knowledge, skill or competence relevant to the application; or

   (b) come to a specified CASA office at a specified time to be interviewed.

(3) The time of interview and the CASA office specified in a notice under paragraph (2) (b) must be reasonable in the circumstances.

(4) In the case of an applicant that is a corporation, CASA may by written notice ask the applicant to have a specified officer or officers of the applicant do anything mentioned in paragraph (2) (a) or (b).

(5) CASA must give to the applicant a copy of the record of any test (including the testing officer’s assessment of the competence of the person tested), or the record of any interview, conducted under subregulation (2) or (4).
(6) However, subregulation (5) does not require CASA to return marked examination papers or give copies of marked examination papers.

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

(1) If CASA reasonably needs more information or another document to allow it to consider an application, CASA may by written notice ask the applicant to give to it information, or a copy of a document, specified in the request.

(2) CASA may ask an applicant to provide evidence as to the applicant’s financial standing and financial capacity if there would be likely to be an adverse effect on the safety of air navigation if the applicant were granted the authorisation applied for and either did not have the resources to carry out the functions of the authorisation or were afterwards unable to continue trading.

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

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

(a) to give a practical demonstration of its ability to provide the relevant service; or

(b) to demonstrate the operation of a facility to be used in the course of providing the service; or

(c) to allow CASA to inspect any relevant facility or equipment (whether or not it is operating).

11.050 Material that CASA may or must take into account

(1) In making a decision on an application, CASA may take into account:

(a) anything in the application or in any other document submitted by the applicant; and
(b) the record or results of any test or interview under regulation 11.035; and
(c) anything else in its records about the applicant; and
(d) the results of any demonstration or inspection under regulation 11.045.

(2) However, if CASA proposes to take into account anything adverse to an applicant in its records, CASA must, before making a decision adverse to the applicant (including a decision to grant the application sought but to do so subject to a condition not sought by the applicant):
   (a) tell the applicant in writing that it intends to take the material into account, and the substance of what it intends to take into account; and
   (b) invite the applicant in writing to make, within a specified reasonable time, a written submission about the matter.

(3) If the applicant makes such a submission within the specified time, CASA must take the submission into account.

(4) When deciding whether to grant a new authorisation to an applicant who or that held, or was otherwise connected with, an authorisation (or a right, licence or permission similar to an authorisation granted under CAR or the law of another country) that was cancelled otherwise than at the request of the holder, CASA must take into account:
   (a) the fact of the cancellation; and
   (b) the reasons for the cancellation, as given by the cancelling authority at the time of the cancellation; and
   (c) any evidence that the applicant submits about the applicant’s capacity to exercise the powers or privileges or carry out the functions that would be conferred by the authorisation applied for, if it were granted.

(5) For subregulation (4), an applicant was connected with an authorisation (including a right, licence or permission similar to an authorisation granted under CAR or the law of another country) if:
   (a) where the applicant is an individual (including a member of a partnership) — the applicant was a member or officer of the holder of the authorisation; or
(b) where the applicant is a corporation — an officer of the applicant was a member or officer of the holder of the authorisation.

(6) When considering an application referred to in subregulation (4), CASA is not obliged to reconsider, or inquire into the circumstances of, the cancellation.

11.055 Grant of authorisation

(1) Subject to section 30A and paragraphs 30DY (2) (b), 30DZ (2) (b) and 30EC (2) (b) of the Act, if a person has applied for the grant of an authorisation in accordance with CASR, CASA must grant the authorisation if:

(a) the person meets the criteria specified in CASR for the grant of the authorisation; and

(b) any other requirements in relation to the person specified in CASR for the grant of the authorisation are met; and

(c) CASR does not forbid CASA granting the authorisation in the particular case; and

(d) granting the authorisation would not be likely to have an adverse effect on the safety of air navigation.

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

(2) In paragraph (1) (a), a reference to meeting the criteria for the grant of an authorisation includes (in the case of an applicant who is an individual):

(a) having any qualifications required by or under CASR for the grant of the authorisation; and

(b) having any experience required by or under CASR for that grant; and

(c) having successfully completed any training required by or under CASR for that grant; and

(d) if there is a requirement as to recency or currency of the applicant’s training or experience — meeting that requirement; and
(e) if a standard of medical fitness is required by or under CASR for that grant:
   (i) having attained that standard; and
   (ii) having been granted any medical certificate required; and
(f) if particular attributes of character are required by or under CASR for that grant — having those attributes; and
(g) if a standard of proficiency in an activity is required by or under CASR for that grant — meeting that standard of proficiency.

(3) If CASR limits in any way the number of authorisations of the relevant kind that may be granted, CASA may refuse to grant the authorisation if the limit will be exceeded if the authorisation is granted.

(4) In deciding whether granting an authorisation to an applicant would be likely to have an adverse effect on the safety of air navigation, CASA may take into account:
(a) the applicant’s record of compliance with regulatory requirements (in Australia or elsewhere) relating to aviation safety and other transport safety; and
(b) the applicant’s demonstrated attitude towards compliance with regulatory requirements (in Australia or elsewhere) relating to aviation safety and other transport safety; and
(c) the applicant’s experience (if any) in aviation; and
(d) the applicant’s knowledge of the regulatory requirements applicable to civil aviation in Australia; and
(e) the applicant’s history, if any, of serious behavioural problems; and
(f) any conviction (other than a spent conviction, within the meaning of Part VIIC of the Crimes Act 1914) of the applicant (in Australia or elsewhere) for a transport safety offence; and
(g) any evidence held by CASA that the applicant has contravened:
   (i) the Act, CASR or CAR; or
   (ii) a law of another country relating to aviation safety; or
(iii) another law (of Australia or of another country) relating to transport safety; and

(h) in the case of an authorisation referred to in subregulation 11.040 (2), the applicant’s financial standing and financial stability; and

(i) any other matter relating to the fitness of the applicant to hold the authorisation.

(5) For the application of paragraphs (4) (a) to (i) in relation to an applicant that is a corporation, references to the applicant include each of the officers (other than employees) of the applicant.

(6) For the application of paragraphs (4) (a) to (i) in relation to an applicant that is a member of a partnership, references to the applicant include each of the other members of the partnership.

(7) CASA may grant the authorisation in respect of only some of the matters sought in the application.

(8) CASA may grant an authorisation subject to:

(a) any conditions applicable to the authorisation under CASR; and

(b) any other condition necessary in the interests of the safety of air navigation.

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

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

11.060 Notice of decision

(1) After making a decision on an application, CASA must:

(a) if the decision was to grant the authorisation applied for, and not to impose any condition not sought by the applicant:

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

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

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

11.065 When authorisation comes into effect

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

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

11.070 Conditions of authorisations — notice to CASA of certain matters

(1) It is a condition of an authorisation that its holder tells CASA in writing of a change of any of the following kinds within 14 days (or any other period allowed, in relation to a particular kind of authorisation, by another provision of CASR) after the change:
(a) the holder changes his, her or its name;
(b) the holder changes any address that CASA has required to be stated in the application for the authorisation;
(c) in the case of a probity-critical authorisation — subject to Part VIIC of the Crimes Act 1914, the holder is convicted of a probity offence;

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

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

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

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

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

(3) It is a condition of an authorisation used in connection with an aviation-related activity of a business that its holder tells CASA in writing of a change of any of the following kinds within 14 days (or any other period allowed, in relation to a particular kind of authorisation, by another provision of CASR) after the change:

(a) if the holder carries on the business under a name that is registered as a trading or business name under the law of a State or Territory — the holder changes that name, ceases to use that name, or begins to use another name;

(b) the holder ceases to be entitled to occupy the premises from which the holder carries on the business;

(c) the holder ceases temporarily or permanently to carry on the business;

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

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

(4) It is a condition of an authorisation held by an individual that its holder’s personal representative tells CASA in writing within a reasonable period if the holder dies.

(5) It is a condition of an authorisation held by a member of a partnership that, if any of the members dies, another of the members tells CASA in writing within a reasonable period.

(6) It is a condition of an authorisation held by a corporation that, if the holder is placed in liquidation, the liquidator tells CASA in writing within 14 days.

(7) It is a condition of an authorisation held by a member of a partnership that, if the partnership is dissolved, a former member tells CASA in writing within 14 days.

Note: Regulation number 11.075 is reserved for future use.

11.080 When authorisations cease

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

Subpart 11.C Authorisation documents, certificates and related matters

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

(1) This regulation applies to an authorisation to which Annex 1, Personnel Licensing, to the Chicago Convention applies.

(2) CASA must issue to the holder of such an authorisation a document that complies with Chapter 5 of that Annex.

11.095 Authorisation document — maintenance operation authorisations

(1) This regulation applies to a maintenance operation authorisation (within the meaning given by Annex 6, Operation of Aircraft, to the Chicago Convention).

(2) CASA must issue to the holder of such an authorisation a document that complies with paragraph 8.7.1.2 of that Annex.

11.100 Registration certificate (Chicago Convention, Annex 7)

(1) This regulation applies to a certificate of registration for an aircraft.

(2) The certificate must be in a form that complies with section 7.1 of Annex 7, Aircraft Nationality and Registration Marks, to the Chicago Convention.

11.105 Certificate of Airworthiness (Chicago Convention, Annex 8)

(1) This regulation applies to a certificate of airworthiness for an aircraft.
Regulation 11.110

(2) The certificate must be in a form that complies with section 7 of Annex 8, *Airworthiness of Aircraft*, to the Chicago Convention.

11.110 Authorisation document — other authorisations

(1) This regulation applies to an authorisation to which none of regulations 11.090 to 11.105 apply.

(2) CASA must issue to the holder of such an authorisation a document that sets out:
   (a) what the authorisation is; and
   (b) any conditions applicable to it; and
   (c) when it came into effect, and, if it will cease (either under a provision of CASR or on a day set by CASA) if not sooner cancelled — the day when it will cease; and
   (d) any other information CASA thinks should be included.

11.115 Replacement documents

CASA may issue a replacement authorisation document in place of one:
   (a) that contains anything that is not, or is no longer, correct; or
   (b) from which anything has been omitted; or
   (c) that has been lost or destroyed.

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

11.120 Applicability of this Subpart

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

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

11.125 Application of Subpart 11.B to variation of authorisation

(1) Subpart 11.B applies in relation to an application, to which this Subpart applies, to vary an authorisation.

(2) However, if the applicant has previously given to CASA information or a document relevant to the application, the applicant need not do so again unless the information or document has changed.

(3) If CASR allows an application for an authorisation to be made to an authorised representative, a reference in Subpart 11.B (as applied by this Subpart) to CASA includes, in relation to such an application, an authorised representative to whom such an application is made.

11.130 Suspension or cancellation of authorisation at holder’s request

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

(2) Suspension or cancellation under this Subpart has effect:
   (a) at the time the holder specifies as the time for the suspension or cancellation to have effect; or
   (b) if the holder does not specify such a time — when the holder is given written notice by CASA of the suspension or cancellation.

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

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

### Subpart 11.E Time-limited authorisations

**11.135 Applicability of this Subpart**

This Subpart applies in relation to time-limited authorisations.

**11.140 Continuation of authorisation until application decided**

(1) This regulation applies in relation to a time-limited authorisation (the *old authorisation*) if:

(a) at least:

(i) in the case of an authorisation held by a corporation, 90 days; or

(ii) in any other case, 21 days;

before the time when the old authorisation would otherwise cease, its holder applies to CASA for the issue of a new time-limited authorisation that confers the same privileges, or authorises the holder to carry out the same functions or duties, as the old authorisation; and

(b) at the time when the old authorisation would otherwise cease, CASA has not made a decision on the application.

(2) For subregulation (1), an applicant has applied for the new authorisation only if:

(a) the applicant has given to CASA the necessary application, in the form required by CASR; and

(b) the application is taken to be complete, in accordance with regulation 11.030; and

(c) the applicant has given to CASA any other documents required by CASR to be given to CASA with the application.

*Note* The applicant does not need to give to CASA information or a document that CASA already has — see regulation 11.145.
(3) In spite of any other provision of CASR, but subject to
subregulation (4), the old authorisation continues in force until:
(a) CASA makes a decision on the application; and
(b) if the decision is to grant the new authorisation — the new
authorisation comes into force.

(4) If CASA asks for further information or a document or invites
the applicant to make a submission, under a provision of
Subpart 11.B as applied by regulation 11.145, and the applicant
does not do so within the period specified by CASA under that
provision, then, despite subregulation (3), the old authorisation
is taken to cease at the end of that period.

11.145 Application of Subpart 11.B

(1) Subpart 11.B applies to an application referred to in paragraph
11.140 (1) (a).

(2) However, if the applicant has previously given to CASA
information or a document relevant to the application, the
applicant need not do so again unless the information or
document has changed.

(3) If CASR allows an application for an authorisation to be made
to an authorised representative, a reference in Subpart 11.B or
this Subpart to CASA includes, in relation to an application
referred to in paragraph 11.140 (1) (a), an authorised
representative to whom such an application is made.

11.150 Conditions on new authorisation

Unless another provision of CASR says otherwise, if CASA
grants the new authorisation, CASA is not obliged:
(a) to impose the same conditions, restrictions or limitations
on the new authorisation as applied to the old one; or
(b) to grant the new authorisation for the same duration as for
the old one.
Subpart 11.F  Exemptions from provisions of CASR

Division 11.F.1  Grant of standard exemptions

11.155  Applicability of this Division

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

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

11.160  What exemptions can be granted under this Division

(1) CASA may, by instrument, grant an exemption under this Division from compliance with a provision of CASR.

(2) CASA may grant an exemption under this Division to a person, or to a class of person, and may specify the class by reference to membership of a specified body or any other characteristic.

(3) CASA may grant an exemption under this Division either on application or on its own initiative.

11.165  Applications for exemptions

(1) A person may apply to CASA, in accordance with this regulation, for an exemption under this Division.

(2) The application must be in writing.

(3) The application must set out:

(a) the applicant’s name and address; and
(b) details of any relevant authorisation; and
(c) references to the relevant provisions of CASR; and
(d) details of any aircraft or aeronautical product, or type of aircraft or aeronautical product, or material or kind of material, or service or kind of service, to be affected by the exemption; and
(e) if the exemption will affect a particular kind of operation, the kind of operation; and
(f) the reasons why the exemption is necessary; and
(g) details of how the applicant proposes to ensure that an acceptable level of safety will be provided when operating in accordance with the exemption; and
(h) the date on which the applicant requires the exemption to commence; and
(i) how long the applicant requires the exemption to remain in effect.

(4) Unless CASA agrees otherwise, the applicant must give the application to CASA at least 3 months before the day on which the applicant requires the exemption to commence.

11.170 Consideration of applications

(1) Regulations 11.035 to 11.050 apply in relation to an application under this Division.

(2) For that application, a reference to an authorisation is taken to be a reference to an exemption.

(3) In making its decision, CASA must regard the preservation of a level of aviation safety that is at least acceptable as paramount.

11.175 Renewal of exemptions under this Division

(1) CASA must not grant an exemption under this Division to a person in the same or similar terms as an exemption previously granted under this Division to the person unless the person:
   (a) applies, in accordance with regulation 11.165, for the new exemption; and
   (b) includes with the application a statement of the additional reasons why the exemption is necessary, or the reasons why the continuation of the exemption is necessary.

(2) Regulations 11.035 to 11.050 apply in relation to the consideration of an application mentioned in subregulation (1).

(3) For that application, a reference to an authorisation is taken to be a reference to an exemption.
(4) In making its decision, CASA must:
(a) take into account the reasons given by the applicant for the new exemption, or the continuation of the exemption, and the fact that the applicant has previously been granted a similar exemption; and
(b) regard the preservation of a level of aviation safety that is at least acceptable as paramount.

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

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

11.185 Exemptions in exceptional circumstances
(1) In exceptional circumstances, CASA may, on its own initiative or on application, by instrument grant an exemption from any provision of CASR.

(2) In subregulation (1):

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

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

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

11.190 Application
An application for an exemption under this Division may be made in any way that is reasonable in the circumstances.
11.195 Consideration by CASA

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

Division 11.F.3 Exemptions generally

11.200 Applicability of this Division

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

11.205 Conditions

(1) CASA may impose, on an exemption under this Subpart, any condition necessary in the interests of the safety of air navigation.

(2) The condition must be set out in the instrument of exemption.

11.210 Offence: failure to comply with condition

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

Penalty: 50 penalty units.

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

11.215 Exemptions to be disallowable

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

11.220 Notice of grant of exemption

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

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

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

11.225 Publication of exemption

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

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

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

11.230 When exemptions cease

(1) An exemption under Division 11.F.1 ceases:
   (a) at the end of the day (no longer than 2 years after the day on which it commences) specified in the instrument of exemption as the day on which it ceases; or
   (b) if no day is specified for that purpose in the instrument — 2 years after it commences.

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

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

11.235 Exemptions not transferable
An exemption under this Subpart is not transferable.

Subpart 11.G Directions

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

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

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

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

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

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

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

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**11.250 Period of effect of direction**

A direction ceases to be in force:

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

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

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**11.255 Contravention of direction**

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

Penalty: 50 penalty units.

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

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**Subpart 11.H Delegation of CASA’s powers**

**11.260 Delegation**

(1) The Director may, by instrument, delegate to a person CASA’s powers and functions under CASR.

(2) However, the following powers of CASA must be exercised by the Director personally:

(a) the power to issue a direction under Subpart 11.G;
(b) the power to issue a type acceptance certificate subject to a condition under subregulation 21.029B (2);
(c) the power to refuse to issue a type acceptance certificate under subregulation 21.029C (1);
(d) the power to suspend or cancel a type acceptance certificate under subregulation 21.051 (4).

(3) A delegation may be subject to conditions stated in the instrument of delegation.

(4) A delegate is subject to any written direction of the Director in the exercise of a power, or the performance of a function, delegated under subregulation (1).

Subpart 11.J  Manuals of Standards — procedures

11.265 Applicability

(1) This Subpart sets out the procedures for consultation before CASA issues a Manual of Standards.

(2) The procedures in this Subpart apply to the amendment or revocation of a MOS in the same way as to the issue of a MOS.

Note Manuals of Standards are documents which support CASR by providing detailed technical material, such as technical specifications or standards. See generally ‘Incorporated Manuals’ (paragraphs 52 and 53) in the Guide. Manuals of Standards are disallowable instruments and are subject to registration and disallowance under the Legislative Instruments Act 2003.

11.270 Definition — MOS

In this Subpart:

MOS means Manual of Standards.

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

(1) CASA must comply with the procedures set out in this Subpart before issuing a MOS unless the Director determines, in writing, that:

(a) it is necessary to issue the MOS as soon as practicable in the interests of aviation safety; or

(b) the MOS is required to give effect to a specific undertaking given by the Minister; or
(c) the MOS is required to give effect to an obligation under an international treaty or an intergovernmental agreement; or

(d) the MOS is of a minor or machinery nature that does not substantially alter existing arrangements; or

(e) following the procedures would endanger aviation security or be otherwise contrary to the public interest.

(2) If the Director makes such a determination, CASA must publish it, and a statement of the reasons for it, on the World Wide Web within 28 days after the determination is made.

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

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

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

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

11.280 Notice of intention to issue Manuals of Standards

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

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

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

(2) A notice must include the following information about the draft MOS:

(a) its title and a description of its contents;
(b) how to obtain a copy of it;
(c) the period during which comments on it may be lodged;
(d) how comments are to be made and lodged.

(3) For paragraph (2) (c), the period must be reasonable in the circumstances but not less than 28 days.
11.285 **Comments on draft Manuals of Standards**
A person may comment on a draft MOS in the way set out in the notice published under regulation 11.280 in relation to the MOS.

11.290 **CASA to consider comments on draft Manuals of Standards**
Before issuing a MOS, CASA:
(a) must consider any comments it has received on the draft MOS; and
(b) may consult with any person on issues arising out of the comments.

11.295 **Failure to comply with procedures not to affect validity of Manuals of Standards**
(1) A failure to comply with the procedures in this Subpart in relation to a MOS does not affect the validity of the MOS.

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

(3) Regulations 11.285 and 11.290 apply in relation to such a MOS as if it were a draft MOS.
Part 13 Enforcement procedures

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

Subpart 13.K Voluntary reporting and demerit points schemes

Division 13.K.1 Aviation Self Reporting Scheme

13.320 Definitions

In this Division:

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

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

13.325 Contraventions that are not reportable

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

(a) regulation 282;
(b) subregulation 288 (2);
(c) regulation 298A;
(d) regulation 298B;
(e) regulation 298C;
(f) regulation 301;
(g) regulation 302;
(h) subregulation 305 (1A).
13.330 Prescribed person (Act s 30DM)

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

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

(1) There is established a scheme (to be known as the *Aviation Self Reporting Scheme*) for the voluntary reporting of reportable contraventions.

(2) The scheme is to be administered by the Executive Director.

(3) The purposes of the scheme are:
   (a) to enable holders of civil aviation authorisations to voluntarily report reportable contraventions without administrative action being taken against them; and
   (b) to strengthen the foundation of aviation human factors safety research; and
   (c) to identify deficiencies and problems in the Australian aviation safety system; and
   (d) to provide data for planning and improvements to the Australian aviation safety system.

13.340 Powers and functions of Executive Director

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

(a) to process and accept reports;
(b) to give receipts for reports;
(c) to review information contained in reports in order to identify potential safety deficiencies and lessen the likelihood of accidents and serious incidents;
(d) to issue information briefs or alert bulletins that the Executive Director considers are necessary in the interests of aviation safety;
Regulation 13.345

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

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

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

(1) A holder of a civil aviation authorisation who has committed a reportable contravention may make a written report of the reportable contravention under ASRS.

(2) The report must be made to the Executive Director, in a form approved by the Executive Director, not later than 10 days after the reportable contravention.

(3) The report must include the following information:
   (a) the name, postal address and daytime telephone number of the authorisation holder making the report;
   (b) if applicable — the aviation reference number of the authorisation holder;
   (c) the class or classes of civil aviation authorisation held by the authorisation holder;
   (d) the time, date, place and nature of the contravention;
   (e) a description of the circumstances of the contravention;
   (f) so far as is practicable, the regulations contravened by the authorisation holder.

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

Note 2 A report made by an authorisation holder under this regulation does not satisfy the reporting obligations under:
   (a) the Transport Safety Investigation Act 2003; or
   (b) any other provision of these Regulations relating to the reporting of defects or service difficulties on aircraft or aeronautical products.

13.350 Processing of reports

(1) A report purportedly made in accordance with regulation 13.345 must be accepted by the Executive Director, unless it appears on the face of the report that the contravention for which the report is made is not a reportable contravention.
Under section 30DL of the Act, the following contraventions are not reportable contraventions:

(a) a contravention of these Regulations that is deliberate;
(b) a contravention of these Regulations that is fraudulent;
(c) a contravention of these Regulations that causes or contributes to an accident or to a serious incident (whether before or after the contravention is reported);
(d) a contravention of a regulation prescribed under regulation 13.325.

(2) If the Executive Director accepts a report, the Executive Director must:

(a) ensure that the report is given a unique receipt number and stamped, on the front page, with the receipt number and the date when the report was made; and

(b) give to the holder of a civil aviation authorisation who made the report a receipt that sets out:
   (i) the authorisation holder’s name; and
   (ii) the date the report was made; and
   (iii) the date and nature of the contravention; and

(c) having regard to subregulation 13.360 (2), determine what information contained in the report is to be included in the files or databases primarily kept for the purposes of ASRS; and

(d) return the report to the authorisation holder who made the report.

(3) If the Executive Director does not accept a report, he or she must, subject to regulation 13.355, return the report to the authorisation holder.

13.355 Reports relating to unlawful interference

If a report relates to an act of unlawful interference (within the meaning of ICAO Document 9713, ‘International Civil Aviation Vocabulary’, as in force from time to time), the Executive Director must send it to the Aviation Security Duty Officer in the Department.
13.360 Use of information contained in reports (Acts 30DN (2) (c))

(1) The Executive Director must not keep a copy of a report made under ASRS.

(2) The Executive Director must ensure that, to the extent practicable, information that identifies the authorisation holder who made the report (or any person referred to in the report) is not included in any file or database primarily kept for the purposes of ASRS.

(3) Information contained in a report of a reportable contravention (other than information that is personal information within the meaning of the Privacy Act 1988) may be disclosed by the Executive Director without the consent of the authorisation holder who made the report but only if the information is to be used for a purpose mentioned in subregulation 13.335 (3).

13.365 Delegation by Executive Director

(1) The Executive Director may, in writing, delegate to a person engaged to perform duties in the Department (whether as an APS employee, SES employee or under any other arrangement) a power (except this power of delegation), function or duty of the Executive Director under this Division.

(2) In exercising powers, functions and duties under a delegation, the delegate must comply with any directions of the Executive Director.

Division 13.K.2 Demerit points scheme

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

(1) All offences under CAR and CASR that are specified as strict liability offences are prescribed as offences to which Division 3D (Demerit points scheme) of Part III of the Act applies.
(2) The number of points that are incurred in relation to an offence to which that Division applies are as follows:
   (a) if the maximum penalty for the offence is 10 penalty units or less — 1 demerit point;
   (b) if the maximum penalty for the offence is more than 10 penalty units but less than 26 penalty units — 2 demerit points;
   (c) if the maximum penalty for the offence is 26 penalty units or more — 3 demerit points.

13.375 Classes of civil aviation authorisations

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

Table 13.375 Classes of civil aviation authorisations

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**Subpart 13.K Voluntary reporting and demerit points schemes**

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(c) the earlier cancellation is later set aside by the Administrative Appeals Tribunal; the subsequent suspension or cancellation has effect, in relation to the civil aviation authorisation, on the day immediately following the day when the Administrative Appeals Tribunal set aside the earlier cancellation.
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21.001 Applicability

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

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

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

Source FARs section 21.1 modified.

**21.001A Definition for Subpart**

In this Subpart:

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

**21.002A Requests for information**

1. CASA or an authorised person may, by written notice, require an applicant for an instrument to give CASA or the authorised person any written information or document necessary to decide the application.

2. If CASA or an authorised person gives the applicant a notice, CASA or the authorised person is not required to consider, or further consider, the application until the applicant complies with the notice.

**21.002B Applicants to be told about decisions**

1. As soon as practicable after CASA or an authorised person decides an application for an instrument, CASA or the authorised person must tell the applicant in writing of its decision.

2. If the decision is to refuse the application, CASA or the authorised person must also give the applicant written reasons for the decision.

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

**21.002C Suspension or cancellation of an instrument**

1. CASA may suspend or cancel an instrument, by written notice given to its holder, if:
   a. CASA is reasonably satisfied that the holder has made or caused to be made:
Regulation 21.002D

(i) a fraudulent or intentionally false statement on the application for the instrument; or
(ii) an intentionally false entry in a record or report that is required to be kept, made, or used to show compliance with any requirement for the issue or the exercise of the privileges of the instrument; or
(iii) a reproduction for a fraudulent purpose of any instrument; or
(iv) an alteration for a fraudulent purpose of any instrument; and

(b) CASA has given the holder a show cause notice under regulation 21.002D in relation to the instrument; and

(c) CASA has taken into account any representations made by or on behalf of the holder within the period stated in the notice.

(2) A notice must set out:

(a) the grounds for the suspension or cancellation; and
(b) in the case of a suspension — when the suspension stops having effect.

(3) An instrument that is suspended under this regulation has no force while it is suspended, but, if it was issued for a fixed term, the suspension period counts as part of the term.

(4) If CASA suspends an instrument under this regulation, the holder cannot use it to meet the requirements for the issue of any other instrument during the period of suspension.

Source FARs section 21.2 modified.

21.002D Show cause notices

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

(2) A show cause notice must be in writing and must:

(a) inform the holder of the facts or circumstances that, in CASA’s opinion, would justify the suspension or cancellation of the instrument; and
(b) invite the holder to show cause, within the period stated in the notice, why the instrument should not be suspended or cancelled.

(3) The period stated in the notice must be reasonable, having regard to all the circumstances of the case.

21.002E Cancellation of certain certificates

(2) If CASA cancels a type certificate, provisional type certificate, type acceptance certificate or supplemental type certificate under regulation 11.130, CASA must publish a notice in the Gazette stating:

(a) that the certificate is cancelled; and
(b) when the cancellation takes effect.

(3) The cancellation of a certificate mentioned in subregulation (2) takes effect on the day after the notice is published in the Gazette, or if a later day is stated in the request for cancellation, on the later day.

21.003 Reporting failures, malfunctions, and defects

(1) The holder of a type certificate, a supplemental type certificate, an APMA or an ATSO authorisation, or the licensee of a type certificate or supplemental type certificate, must report to CASA any failure, malfunction, or defect in any of the following that has resulted in any of the occurrences listed in subregulation (4):

(a) an aircraft, aircraft engine or propeller, or any other part or article manufactured by it;
(b) a manufacturing process specified by it.

Penalty: 25 penalty units.

(2) The holder of a type certificate, a supplemental type certificate, an APMA, or an ATSO authorisation, or the licensee of a type certificate or supplemental type certificate, must report to CASA any defect in any aircraft, aircraft engine or propeller, or in any part, or article manufactured by it that has left its control and that could result in any of the occurrences listed in subregulation (4).
Penalty: 25 penalty units.

(4) The following occurrences must be reported as provided in subregulations (1) and (2):

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

(5) This subregulation applies to:

(a) failures, malfunctions, or defects that the holder of a type certificate, a supplemental type certificate, an APMA or an
(a) has reasonable grounds for believing were caused by improper maintenance, or improper usage; or

(ii) has reasonable grounds for believing were reported to CASA by another person under Part 4B of CAR 1988; or

(iii) has already reported under the accident reporting provisions of the Air Navigation Act 1920; and

(b) failures, malfunctions, or defects in aircraft, aircraft engines, propellers, or other parts or articles:

(i) manufactured by a foreign manufacturer under a type certificate of the kind mentioned in regulation 21.025 or 21.027 or issued under regulation 21.029, or a letter of ATSO design approval under regulation 21.617; or


(6) For subregulations (1) and (2), a report must:

(a) be given to CASA, in writing, within 3 working days after the person required to make the report becomes aware, or could reasonably be expected to have become aware, that the failure, malfunction, or defect required to be reported has occurred; and

(b) include as much of the following information as is available and applicable:

(i) the aircraft’s serial number;

(ii) the aircraft’s registration mark;

(iii) when the failure, malfunction, or defect is associated with an article approved under an ATSO authorisation — the article serial number and model designation, as appropriate;

(iv) when the failure, malfunction, or defect is associated with an aircraft engine or propeller — the aircraft engine or propeller serial number, as appropriate;

(v) identification of the product model;
(vi) identification of the part, component, or system involved (including the part number);
(vii) the nature of the failure, malfunction, or defect.

(7) Whenever the investigation of an accident or service difficulty report shows that an article manufactured under an ATSO authorisation is unsafe because of a manufacturing or design defect, the manufacturer must, upon request of CASA, investigate the defect and report to CASA the results of its investigation and any action taken or proposed by the manufacturer to correct that defect.

Penalty: 25 penalty units.

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

Penalty: 10 penalty units.

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

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

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

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

Source FARs section 21.3 modified.

21.005  Aeroplane or rotorcraft flight manual

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

Penalty: 10 penalty units.

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

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

(2) The aeroplane or rotorcraft flight manual must contain the operating limitations and information required to be furnished in an aeroplane or rotorcraft flight manual or in manual material, markings, and placards, by the applicable regulations under which the aeroplane or rotorcraft was type certificated.

(3) The maximum ambient atmospheric temperature for which engine cooling was demonstrated must be stated in the performance information section of the flight manual, if the applicable regulations under which the aircraft was type certificated do not require ambient temperature on engine cooling operating limitations in the flight manual.

Source FARs section 21.5 modified.

Subpart 21.B Type certificates and type acceptance certificates

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

21.011 Applicability

This Subpart prescribes:

(a) requirements for the issue of:

(i) type certificates for aircraft, aircraft engines and propellers; and

(ii) type acceptance certificates for aircraft; and
Part 21 Certification and airworthiness requirements for aircraft and parts
Subpart 21.B Type certificates and type acceptance certificates

Regulation 21.012

(b) rules governing the holders of those certificates; and
(c) rules dealing with the NAAs of foreign countries.

Source FARs section 21.11 modified.

21.012 Recognised foreign countries

Each of the following countries is a recognised country for these regulations:
(a) Canada;
(aa) Federal Republic of Germany;
(b) New Zealand;
(c) The French Republic;
(d) The Kingdom of the Netherlands;
(e) The United Kingdom;
(f) The United States of America.

21.013 Eligibility

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

Source FARs section 21.13 modified.

21.013A Issue of type certificate

CASA must issue a type certificate (except a type certificate mentioned in regulation 21.029) to an applicant for the certificate if the applicant:
(a) is eligible, under regulation 21.013, to apply for the certificate; and
(b) applies for the certificate in accordance with this Subpart; and
(c) is entitled, under this Subpart, to the certificate; and
(d) otherwise complies with this Part.
21.014 Recognition of foreign certification

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

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

(b) a type certificate may be issued for the aircraft under regulation 21.029.

21.015 Application for type certificate

(1) An application for a type certificate must be made to CASA in a form and manner acceptable to CASA.

(2) An application for an aircraft type certificate must be accompanied by a three-view drawing of that aircraft and available preliminary basic data.

(3) An application for an aircraft engine type certificate must be accompanied by a description of the engine design features, the engine operating characteristics, and the proposed engine operating limitations.

Source FARs section 21.15 modified.

21.016 Special standards and other conditions on type certificates

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

(2) CASA may issue a type certificate for an aircraft, aircraft engine or propeller subject to any other conditions that are necessary in the interests of aviation safety.
(3) A condition imposed under subregulation (2) may include operational limitations.

(4) A special condition or other condition must be in writing, and set out in, or attached to, the type certificate.

(5) A person must not engage in conduct that results in a breach of a special condition or other condition of a type certificate.

Penalty: 50 penalty units.

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

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

Source  FARs section 21.16 modified.

Source  FARs section 21.16 modified.

21.017 Designation of applicable airworthiness standards

(1) An applicant for a type certificate for an aircraft mentioned in regulation 21.021 or 21.025, or an aircraft engine or propeller, must show that the aircraft, aircraft engine or propeller meets:

(a) the applicable requirements of this Part, and of the airworthiness standards mentioned in Parts 22, 23, 25, 27, 29, 31, 32, 33 and 35, that are effective on the date of application for that certificate unless:

(i) otherwise specified by CASA; or

(ii) compliance with later effective amendments is elected or required under this regulation; and

(b) any special conditions imposed under regulation 21.016.

(2) For special classes of aircraft (airships and other non-conventional aircraft), including the engines and propellers installed thereon, for which airworthiness standards have not been prescribed in these regulations, the airworthiness standards are the portions of those airworthiness standards mentioned in Parts 22, 23, 25, 27, 29, 31, 32, 33 and 35 that CASA considers to be appropriate for the aircraft and applicable to a specific type design, or such airworthiness criteria as CASA may consider provide an equivalent level of safety to those Parts.
(3) An application for type certification of a transport category aircraft is effective for 5 years, and an application for any other type certificate is effective for 3 years, unless an applicant shows, before the application lapses, that the aircraft requires a longer period of time for design, development, and testing, and CASA approves a longer period.

(4) If an application ceases to be effective, the applicant may:
   (a) file a new application for a type certificate and comply with all the provisions of subregulation (1) applicable to an original application; or
   (b) file for an extension of the original application and comply with the applicable airworthiness requirements of these regulations that were effective on a date, to be selected by the applicant, not earlier than the date which precedes the date of issue of the type certificate by the time limit established under subregulation (3) for the original application.

(5) If an applicant elects to comply with an amendment to these regulations, or to any matter incorporated by reference in these regulations, that is effective after the filing of the application for a type certificate, the applicant must also comply with any other amendment or incorporated matter that CASA considers is directly related to the application.

(6) For primary category aircraft, the airworthiness standards are the airworthiness standards mentioned in Part 26 or such other airworthiness criteria that CASA considers are appropriate to the specific design and intended use and provide a level of safety acceptable to CASA when the aircraft is operated under the conditions stated in its type certification basis.

(7) For intermediate category aircraft, the airworthiness standards are the airworthiness standards mentioned in Part 26 or such other airworthiness criteria that CASA considers are appropriate to the specific design and intended use and provide a level of safety acceptable to CASA when the aircraft is operated under the conditions stated in its type certification basis.
(8) If an airworthiness standard has been agreed by CASA or one of its predecessors after 30 September 1993 as a response to a design advice mentioned in section 100.3 or 100.6 of the Civil Aviation Orders, the standard continues to apply until 5 years after the date of approval of the design advice, unless the applicant elects to comply with a later standard.

Source FARs section 21.17 modified.

21.019 Changes requiring a new type certificate

(1) A type certificate for an aircraft, aircraft engine or propeller ceases to apply to an aircraft, aircraft engine or propeller of that type if:

(a) a change is made in the design configuration, power, power limitations (engines), speed limitations (engines), or weight of the aircraft, aircraft engine or propeller that is so extensive that a substantially complete investigation of compliance with the requirements applicable under regulation 21.017 is necessary in the interests of aviation safety; or

(b) in the case of a normal, utility, acrobatic, commuter or transport category aircraft, a change is made:
   (i) in the number of its engines or rotors; or
   (ii) to engines or rotors using different principles of propulsion or to rotors using different principles of operation; or

(c) in the case of an aircraft engine — a change is made in the principle of operation; or

(d) in the case of propellers — a change is made in the number of blades or principle of pitch change operation.

(2) A person who proposes to make a change mentioned in subregulation (1) may apply to CASA for a new type certificate for the aircraft, aircraft engine or propeller.

Source FARs section 21.19 modified.
21.021 Type certificate: normal, utility, acrobatic, commuter, and transport category aircraft; manned free balloons; special classes of aircraft; aircraft engines; propellers

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

(a) the applicant submits the type design, test reports, and computations necessary to show that the aircraft, aircraft engine or propeller to be certificated meets the applicable requirements of this Part, the airworthiness standards mentioned in these regulations and any conditions subject to which the type certificate is to be issued; and

(b) CASA is satisfied that the type design and the aircraft, engine or propeller meet the applicable requirements of this Part and the airworthiness standards mentioned in these regulations, and any airworthiness provisions not complied with are compensated for by factors that provide an equivalent level of safety; and

(c) for an aircraft — CASA is satisfied the aircraft can reasonably be expected to be safe for its intended use when it is operated under any conditions limiting its intended use.

Source: FARs section 21.21 modified.

21.024 Type certificate: primary category aircraft

(1) The applicant is entitled to a type certificate for an aircraft in the primary category if:

(a) the aircraft:

(i) is unpowered; is an aeroplane powered by a single, naturally aspirated engine with a $61 \text{ knots}$ or less $V_{S0}$ stall speed as defined in FARs section 23.49; or is a rotorcraft powered by a single, naturally aspirated engine with a $29.3 \text{ kgm}^{-2}$ main rotor disc loading limitation, under sea level standard day conditions; and
(ii) has a maximum take-off weight of not more than 1225 kg or, if the aircraft is a seaplane, a maximum take-off weight of not more than 1530 kg; and

(iii) has a maximum seating capacity of not more than 4 persons, including the pilot; and

(iv) has an unpressurised cabin; and

(b) the applicant has submitted to CASA:

(i) except as provided by subregulation (3), a statement, in a form and manner acceptable to CASA, certifying that: the applicant has completed the engineering analysis necessary to demonstrate compliance with the applicable airworthiness requirements; the applicant has conducted appropriate flight, structural, propulsion, and systems tests necessary to show that the aircraft, its components, and its equipment are reliable and function properly; the type design complies with the airworthiness standards established for the aircraft under subregulation 21.017 (6); and the aircraft can reasonably be expected to be safe for its intended use when it is operated under any conditions limiting its intended use; and

(ii) the flight manual required by regulation 21.005, including any information required to be furnished by the applicable airworthiness standards; and

(iii) instructions for continued airworthiness in accordance with subregulation 21.050 (2); and

(iv) a report that: summarises how compliance with each provision of the type certification basis was determined; lists the specific documents in which the type certification data information is provided; lists all necessary drawings and documents used to define the type design; and lists all the engineering reports on tests and computations the applicant must retain and make available under regulation 21.049 to substantiate compliance with the applicable airworthiness standards; and

(c) CASA is satisfied that:
(i) the aircraft complies with the airworthiness standards or other criteria established under subregulation 21.017 (6); and
(ii) the aircraft can reasonably be expected to be safe for its intended use when it is operated under any conditions limiting its intended use.

(2) An applicant may include a special inspection and preventive maintenance program, designed to be accomplished by the pilot-owner, as part of the aircraft’s type design or supplemental type design.

(3) For aircraft manufactured outside Australian territory in a country with which Australia has a bilateral agreement for the acceptance of these aircraft, and from which the aircraft is to be imported into Australian territory, the statement required by subparagraph (1) (b) (i) must be made by the NAA of the exporting country.

Source  FARs section 21.24 modified.

### 21.025 Issue of type certificate: restricted category aircraft

(1) An applicant is entitled to a type certificate for an aircraft in the restricted category for one or more of the special purpose operations mentioned in subregulation (2) if:

(a) the aircraft can reasonably be expected to be safe for its intended use when it is operated under any conditions limiting its intended use; and

(b) the aircraft:

   (i) meets the airworthiness requirements of the normal, utility, acrobatic, commuter or transport category, except those requirements that CASA considers are inappropriate for the special purpose for which the aircraft is to be used; or

   (ii) is of a type that has been manufactured in accordance with the requirements of, and accepted for use by, the Defence Force, or an armed force of Canada, the United Kingdom or the United States of America, and has been later modified for the special purpose operation or operations.
Part 21 Certification and airworthiness requirements for aircraft and parts
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Regulation 21.026

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

Source FARs section 21.25 modified.

21.026 Type certificate: intermediate category aircraft

(1) The applicant is entitled to a type certificate for an aircraft in the intermediate category if:
   (a) the aircraft:
      (i) is an aeroplane with a 61 knots or less $V_{S0}$ stall speed as defined in FARs section 23.49; or is a rotorcraft with a 29.3 kg/m$^2$ main rotor disc loading limitation, under sea level standard day conditions; and
      (ii) has a maximum take-off weight of not more than 1750 kg; and
      (iii) has a maximum seating capacity of 4 persons, including the pilot; and
      (iv) has an unpressurised cabin; and
   (b) the applicant has submitted to CASA:
      (i) except as provided by subregulation (3), a statement, in a form and manner acceptable to CASA,
certifying that: the applicant has completed the engineering analysis necessary to demonstrate compliance with the applicable airworthiness requirements; the applicant has conducted appropriate flight, structural, propulsion, and systems tests necessary to show that the aircraft, its components, and its equipment are reliable and function properly; the type design complies with the airworthiness standards established for the aircraft under subregulation 21.017 (7); and the aircraft can reasonably be expected to be safe for its intended use when it is operated under any conditions limiting its intended use; and

(ii) the flight manual required by regulation 21.005, including any information required to be furnished by the applicable airworthiness standards; and

(iii) instructions for continued airworthiness in accordance with subregulation 21.050 (2); and

(iv) a report that: summarises how compliance with each provision of the type certification basis was determined; lists the specific documents in which the type certification data information is provided; lists all necessary drawings and documents used to define the type design; and lists all the engineering reports on tests and computations that the applicant must retain and make available under regulation 21.049 to substantiate compliance with the applicable airworthiness standards; and

(c) CASA is satisfied that:

(i) the aircraft complies with the airworthiness standards or other criteria established under subregulation 21.017 (7); and

(ii) the aircraft can reasonably be expected to be safe for its intended use when it is operated under any conditions limiting its intended use.

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

Source  FARs section 21.24 modified.

21.027 Type certificate: surplus aircraft of the Armed Forces

(1) Except as provided in subregulation (2), an applicant is entitled to a type certificate for an aircraft in the normal, utility, acrobatic, commuter, or transport category that was designed and constructed in Australian territory and was accepted for operational use, and declared surplus by, the Defence Force, or an armed force of Canada, the United Kingdom or the United States of America (in this regulation called a surplus defence aircraft), and that is shown to comply with the applicable certification requirements in subregulation (6).

(2) An applicant is entitled to a type certificate for a surplus defence aircraft that is a counterpart of a previously type certificated civil aircraft, if the applicant shows compliance with the regulations governing the original civil aircraft type certificate.

(3) Aircraft engines, propellers, and their related accessories installed in surplus defence aircraft, for which a type certificate is sought under this regulation will be approved for use on those aircraft if the applicant shows that on the basis of the previous military qualifications, acceptance, and service record, the engines or propellers provide substantially the same level of airworthiness as would be provided if the engines or propellers met the airworthiness standards mentioned in Part 33 or 35.

(4) CASA may relieve an applicant from strict compliance with a specific provision of the applicable requirements in subregulation (6), if CASA is satisfied that the method of compliance proposed by the applicant provides substantially the same level of airworthiness and that strict compliance with the requirements would impose a severe burden on the
applicant. CASA may use experience that was satisfactory to the relevant armed force in making such a determination.

(5) CASA may require an applicant to comply with later requirements than those in subregulations (3) and (6) if CASA is satisfied that compliance with the requirements in those subregulations would not ensure an adequate level of airworthiness for the aircraft.

(6) Except as provided in subregulations (2), (3), (4) and (5), an applicant for a type certificate under this regulation must comply with the appropriate regulations listed in Table 21.027.

<table>
<thead>
<tr>
<th>Type of Aircraft</th>
<th>Date accepted for operational use by the Armed Force</th>
<th>Regulations that apply</th>
</tr>
</thead>
<tbody>
<tr>
<td>Small reciprocating-engine powered aeroplanes</td>
<td>Before May 16, 1956</td>
<td>Civil Air Regulations Part 3, as effective May 15 1956</td>
</tr>
<tr>
<td></td>
<td>After May 15, 1956</td>
<td>Civil Air Regulations Part 3, or FARs Part 23, or CASR Part 23</td>
</tr>
<tr>
<td>Small turbine-engine powered aeroplanes</td>
<td>Before Oct. 2, 1959</td>
<td>Civil Air Regulations Part 3, as effective Oct. 1 1959</td>
</tr>
<tr>
<td></td>
<td>After Oct. 1, 1959</td>
<td>Civil Air Regulations Part 3, or FARs Part 23, or CASR Part 23</td>
</tr>
<tr>
<td>Commuter category aeroplanes</td>
<td>After Feb. 17, 1987</td>
<td>FARs Part 23, as effective Feb 17, 1987, or CASR Part 23</td>
</tr>
<tr>
<td>Large reciprocating-engine powered aeroplanes</td>
<td>Before Aug. 26, 1955</td>
<td>Civil Air Regulations Part 4b, as effective Aug. 25, 1955</td>
</tr>
<tr>
<td></td>
<td>After Aug. 25, 1955</td>
<td>Civil Air Regulations Part 4b, or FARs Part 25, or CASR Part 25</td>
</tr>
</tbody>
</table>
Table 21.027  Regulations that must be complied with for particular kinds of aircraft

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

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

Source  FARs section 21.27 modified.

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

(1) CASA may issue a type certificate for an aircraft, aircraft engine or propeller manufactured in a foreign country and for which a foreign type certificate issued by the NAA of a recognised country is not in force, if the aircraft, aircraft engine or propeller:
(a) meets the applicable airworthiness requirements mentioned in regulation 21.017; or
(b) meets the airworthiness requirements of a Contracting State and any other requirements imposed by CASA that are necessary to provide a level of safety equivalent to that provided under these regulations for comparable aircraft, aircraft engines or propellers.

(2) CASA may accept a certificate given by the NAA of a Contracting State to the effect that an aircraft, aircraft engine or propeller meets the State’s airworthiness requirements as evidence of that fact.

(3) An application for a type certificate under this regulation must be accompanied by:
   (a) any relevant certificate issued by the NAA of a Contracting State; and
   (b) the relevant technical data.

(4) CASA may inspect the aircraft, aircraft engine or propeller and carry out, or require the applicant to carry out, any tests and inspections necessary to enable CASA to decide whether or not to issue the type certificate.

Source: FARs section 21.29 modified.

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

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

(a) a foreign type certificate or equivalent document issued by the NAA of a recognised country is in force for aircraft of that type; and

(b) the applicant has given CASA:
   (i) evidence that the type design has been approved by the NAA of the recognised country by issue of a type certificate or equivalent document; and
(ii) details of any equivalent safety determinations or waivers (however described) that were made in the course of the type certification; and

(iii) a copy of the applicable type certificate data sheet; and

(iv) a copy of the flight manual that contains all the available options applicable to the type, and that was approved by the NAA that issued the foreign type certificate; and

(v) a copy of the manufacturer’s instructions for continued airworthiness of the aircraft; and

(vi) a copy of the parts catalogue for the aircraft; and

(vii) a list of all current field service documents applicable to the aircraft; and

(viii) an undertaking from the holder of the foreign type certificate to continue to supply to CASA service bulletins and instructions for the continuing airworthiness of aircraft of that type and any amendments of the documents mentioned in subparagraphs (iv), (v), (vi) and (vii).

21.029B Issue of type acceptance certificates subject to conditions

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

(2) Also, CASA may issue a type acceptance certificate subject to other conditions if:

(a) there are reasonable grounds for believing that issuing the certificate without imposing conditions or taking other measures would constitute a significant threat to aviation safety; and

(b) CASA has consulted the applicant, the manufacturer of the aircraft and the NAA that issued the foreign type certificate about the safety issues involved; and

(c) CASA has considered the views of the applicant, the manufacturer and the NAA before deciding whether or not
to issue the type acceptance certificate subject to conditions; and
(d) there are reasonable grounds for believing that imposing the conditions would substantially reduce the threat to aviation safety; and
(e) there are no other practicable means of substantially reducing the threat to aviation safety.

(3) A condition may include operational limitations.

(4) A condition must be in writing, and set out in, or attached to, the type acceptance certificate.

(5) A person must not engage in conduct that results in a breach of a condition of a type acceptance certificate.

Penalty: 50 penalty units.

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

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

21.029C Refusal to issue type acceptance certificate

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

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

21.031 Type design — meaning

(1) The type design of an aircraft, aircraft engine or propeller (except an aircraft, aircraft engine or propeller type certificated under regulation 21.029 or 21.029A) consists of the following:

(a) the drawings and specifications approved by CASA or an authorised person, and a listing of those drawings and specifications, necessary to define the configuration and the design features of the aircraft, aircraft engine or propeller shown to comply with the airworthiness standards applicable to it under regulation 21.017;

(b) information on dimensions, materials, and processes necessary to define the structural strength of the aircraft, aircraft engine or propeller;

(c) the airworthiness limitations section of the instructions for continued airworthiness as required by the airworthiness standards mentioned in Parts 22, 23, 25, 26, 27, 29, 31, 32, 33 and 35; or as otherwise required by CASA and as specified in the applicable airworthiness criteria for special classes of aircraft mentioned in subregulation 21.017 (2);

(d) the operating limitations and other information necessary for the safe operation of the aircraft, aircraft engine or propeller as required by the airworthiness standards mentioned in Parts 22, 23, 25, 26, 27, 29, 31, 32, 33 and 35 and as specified in the applicable airworthiness criteria for special classes of aircraft mentioned in subregulation 21.017 (2);

(e) for primary and intermediate category aircraft, if maintenance on the aircraft is to be carried out by an appropriately rated and trained pilot-owner — a special inspection and preventive maintenance program designed to be accomplished by the pilot-owner;
(f) any other data necessary to allow, by comparison, the
determination of the airworthiness of later aircraft, aircraft
engines or propellers of the same type.

(2) The type design for an aircraft, aircraft engine or propeller type
certificated under regulation 21.029 consists of the following:

(a) the drawings and specifications, and a listing of those
drawings and specifications, necessary to define the
configuration and the design features of the aircraft,
aircraft engine or propeller shown to comply with the
airworthiness standards applicable to it under regulation
21.017;

(b) information on dimensions, materials, and processes
necessary to define the structural strength of the aircraft,
aircraft engine or propeller;

(c) the airworthiness limitations section of the instructions for
continued airworthiness as required by the airworthiness
standards mentioned in Parts 22, 23, 25, 26, 27, 29, 31,
32, 33 and 35, or as otherwise required by CASA and
as specified in the applicable airworthiness criteria
for special classes of aircraft mentioned in
subregulation 21.017 (2);

(d) the operating limitations and other information necessary
for the safe operation of the aircraft, aircraft engine or
propeller as required by the airworthiness standards
mentioned in Parts 22, 23, 25, 26, 27, 29, 31, 32, 33 and
35, and as specified in the applicable airworthiness criteria
for special classes of aircraft mentioned in subregulation
21.017 (2);

(e) for primary category aircraft, if maintenance on the
aircraft is to be carried out by an appropriately rated and
trained pilot-owner — a special inspection and preventive
maintenance program designed to be accomplished by the
pilot-owner;

(f) any other data necessary to allow, by comparison, the
determination of the airworthiness of later aircraft, aircraft
engines or propellers of the same type.
(3) The type design for an aircraft type certificated under regulation 21.029A consists of the type design that was accepted by the NAA of the recognised country that issued the foreign type certificate for the aircraft.

Source   FARs section 21.31 modified.

**21.033 Inspection and tests**

(1) CASA is not required to issue, under regulation 21.013A, a type certificate for an aircraft, aircraft engine or propeller unless the applicant allows CASA to make any inspection and any flight and ground test necessary to determine that the aircraft, aircraft engine or propeller complies with the applicable requirements of these regulations. However:

(a) no aircraft, aircraft engine, propeller, or part thereof may be presented to CASA for test unless compliance with paragraphs (2) (b), (c) and (d) has been shown for that aircraft, aircraft engine, propeller, or part thereof; and

(b) no change may be made to an aircraft, aircraft engine, propeller, or part thereof between the time that compliance with paragraphs (2) (b), (c) and (d) is shown for that aircraft, aircraft engine, propeller, or part thereof and the time that it is presented to CASA for test.

(2) Each applicant must make all inspections and tests necessary to determine:

(a) compliance with the applicable airworthiness requirements; and

(b) that the aircraft, aircraft engine or propeller and its materials conform to the specifications in the type design; and

(c) that parts of the aircraft, aircraft engine or propeller conform to the drawings in the type design; and

(d) that the manufacturing processes, construction and assembly conform to those specified in the type design.

(3) For an aircraft with not more than 2 seats, a maximum take-off weight not exceeding 750 kg and a 45 knots or less $V_{SO}$ stall speed as defined in FARs section 23.49 that is to be type certificated in the primary category or intermediate category,
an authorised person may make any determination, inspection, flight test or ground test necessary to establish whether the aircraft complies with the applicable requirements of these regulations.

Source FARs section 21.33 modified.

21.035 Flight tests

(1) Each applicant for a type certificate mentioned in regulation 21.021 (except a type certificate issued under regulation 21.029) must make the tests listed in subregulation (2). Before making the tests the applicant must show CASA:

(a) compliance with the applicable structural requirements of these regulations; and
(b) completion of necessary ground inspections and tests; and
(c) that the aircraft conforms with the type design; and
(d) that CASA received a flight test report from the applicant (signed, in the case of an application for a type certificate for an aircraft in the transport category, by the applicant’s test pilot) containing the results of the tests.

(2) Upon showing compliance with subregulation (1), the applicant must make all flight tests that CASA considers are necessary:

(a) to determine compliance with the applicable requirements of these regulations; and
(b) for aircraft to be type certificated under these regulations, except gliders and except aeroplanes of 2720 kg or less maximum certificated weight in the normal, utility, acrobatic, or commuter category — to determine whether there is reasonable assurance that the aircraft, its components, and its equipment are reliable and function properly.

(3) Each applicant must, if practicable, make the tests prescribed in paragraph (2) (b) upon the aircraft that was used to show compliance with:

(a) paragraph (2) (a); and
(b) for rotorcraft — the rotor drive endurance tests prescribed in the applicable airworthiness standards mentioned in Parts 27 and 29.
Regulation 21.037

(4) Each applicant must show CASA for each flight test (except in a glider or a manned free balloon) that adequate provision is made for the flight test crew for emergency egress and the use of parachutes.

(5) Except in a manned free balloon, an applicant must discontinue flight tests under this regulation until the applicant shows CASA that corrective action has been taken, whenever:
   (a) the applicant’s test pilot is unable or unwilling to make any of the required flight tests; or
   (b) items of non-compliance with requirements are found that may make additional test data meaningless or that would make further testing unduly hazardous.

(6) The flight tests prescribed in paragraph (2) (b) must include:
   (a) for aircraft incorporating turbine engines of a type not previously used in a type certificated aircraft — at least 300 hours of operation with a full complement of engines that conform to a type certificate; and
   (b) for all other aircraft — at least 150 hours of operation.

Source FARs section 21.35 modified.

21.037 Flight test pilot

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

Source FARs section 21.37 modified.

21.039 Flight test instrument calibration and correction report

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

Source  FARs section 21.39 modified.

21.041 Type certificate — meaning

(1) In these regulations, unless the contrary intention appears:

**foreign type certificate**, for an aircraft, aircraft engine or propeller:

(a) means a certificate (however described) for the aircraft, aircraft engine or propeller that is issued by the NAA of a foreign country and is equivalent to a type certificate; but

(b) does not include a certificate (however described) for the aircraft, aircraft engine or propeller that is issued by the NAA of a foreign country solely on the basis of a certificate (however described) for the aircraft, aircraft engine or propeller that is issued by the NAA of another country and is equivalent to a type certificate.

**type certificate**, for an aircraft, aircraft engine or propeller, means a type certificate issued by CASA under regulation 21.013A or 21.029 certifying that the aircraft, aircraft engine or propeller meets the airworthiness standard mentioned for it in the certificate.

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

Source  FARs section 21.41 modified.

21.043 Location of manufacturing facilities

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

Source  FARs section 21.43 modified.

### 21.047 Transferability

(1) A type certificate may be transferred or made available to third persons by licensing agreements.

(2) A transferor or licensor must, within 30 days after the transfer of a certificate or execution or termination of a licensing agreement, notify CASA in writing.

Penalty: 5 penalty units.

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

Penalty: 5 penalty units.

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

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

Source  FARs section 21.47 modified.

### 21.049 Availability

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

Penalty: 5 penalty units.

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

Note  For strict liability, see section 6.1 of the Criminal Code.
21.050 Instructions for continued airworthiness and manufacturer’s maintenance manuals having airworthiness limitations sections

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

Penalty: 5 penalty units.

(2) The holder of a design approval, including either the type certificate or supplemental type certificate for an aircraft, aircraft engine, or propeller must furnish at least one set of complete Instructions for Continued Airworthiness, prepared in accordance with the applicable airworthiness standards mentioned in Parts 22, 23, 25, 27, 26, 29, 31, 32, 33 and 35, or as specified in the applicable airworthiness criteria for special classes of aircraft mentioned in subregulation 21.017 (2), as applicable, to the owner of each type of aircraft, aircraft engine, or propeller upon its delivery, or upon issue of the first standard certificate of airworthiness for the affected aircraft, whichever occurs later, and thereafter, on request by a person required by these regulations to comply with any of the terms of the instructions, give them to the person. In addition, changes to the Instructions for Continued Airworthiness shall be made available to any person who requests the changes and who is required by these regulations to comply with any of those instructions.

Penalty: 5 penalty units.

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

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

Source FARs section 21.49 modified.
(1) Subject to regulation 21.019, a type certificate or type acceptance certificate remains in force until it is cancelled.

(2) Despite subregulation (1), a type certificate or type acceptance certificate is not in force during any period of suspension.

(3) CASA may suspend or cancel a type certificate if there are reasonable grounds for believing that the type certificate no longer provides a reliable guide that the aircraft can reasonably be expected to be safe for its intended use when operated under any conditions limiting its intended use.

(4) CASA may suspend or cancel a type acceptance certificate if:
   (a) there are reasonable grounds for believing that not doing so would constitute a significant threat to aviation safety; and
   (b) CASA has consulted the operator of the aircraft, the manufacturer of the aircraft and the NAA that issued the foreign type certificate about the safety issues involved; and
   (c) CASA has considered the views of the operator, the manufacturer and the NAA before deciding whether to suspend or cancel the type acceptance certificate.

(5) If CASA suspends or cancels a type certificate it must:
   (a) notify the certificate holder in writing of the suspension or cancellation; and
   (b) publish a notice of the suspension or cancellation, in accordance with subregulation (8), in the Gazette.

(6) If CASA suspends or cancels a type acceptance certificate CASA must publish a notice of the suspension or cancellation, in accordance with subregulation (8), in the Gazette.

(7) A suspension or cancellation takes effect on the day after the notice is published in the Gazette.

(8) A notice of suspension or cancellation under paragraph (5) (b) or subregulation (6) must set out:
   (a) the grounds for the suspension or cancellation; and
(b) when the suspension or cancellation takes effect; and
(c) in the case of a suspension — when the suspension stops having effect.

Source  FARs section 21.51 modified.

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

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

21.053  Statement of conformity

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

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

Source  FARs section 21.53 modified.

Subpart 21.C  Provisional type certificates

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

21.071  Applicability

This Subpart prescribes:

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

Source FARs section 21.71 modified.

21.073 Eligibility

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

(2) Any manufacturer of aircraft manufactured in a foreign country with which Australia has an agreement for the acceptance of those aircraft for export and import is eligible to apply for a Class II provisional type certificate, for approval of amendments to Class II provisional type certificates held by the manufacturer, and for approval of provisional amendments to type certificates held by the manufacturer.

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

Source FARs section 21.73 modified.

21.075 Application

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

Source FARs section 21.75 modified.
21.076 **Issue of provisional type certificate**

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

(a) is eligible, under regulation 21.073, to apply for the certificate or approval; and

(b) applies for the certificate or approval in accordance with this Subpart; and

(c) is entitled, under this Subpart, to the certificate or approval; and

(d) otherwise complies with this Part.

21.077 **Duration**

(1) Unless sooner superseded or cancelled, provisional type certificates and amendments thereto are effective for the periods specified in this regulation.

(2) A Class I provisional type certificate is effective for 24 months after the date of issue.

(3) A Class II provisional type certificate is effective for 12 months after the date of issue.

(4) An amendment to a Class I or Class II provisional type certificate is effective for the duration of the amended certificate.

(5) A provisional amendment to a type certificate is effective for 6 months after its approval or until the amendment of the type certificate is approved, whichever is first.

*Source*  FARs section 21.77 modified.

21.078 **Suspension and cancellation**

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

(3) Despite regulation 21.077, a provisional type certificate is not effective while it is suspended but the suspension period counts as part of a period mentioned in subregulation 21.077 (2) or (3).

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

21.079 Transferability

Provisional type certificates are not transferable.

Source FARs section 21.79.

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

(1) An applicant for a type certificate or a supplemental type certificate is entitled to the issue of a Class I provisional type certificate, or an approval of an amendment of a Class I provisional type certificate, if the applicant shows compliance with this regulation and CASA is satisfied that the relevant aircraft can reasonably be expected to be safe for its intended use when operated in accordance with the limitations:
(a) established by the applicant under subregulation (4); and
(b) in regulation 262AO of CAR.

(2) The applicant must certify that:
(a) the aircraft has been designed and constructed in accordance with the airworthiness requirements applicable to the issue of the type certificate or supplemental type certificate applied for; and
(b) the aircraft substantially meets the applicable flight characteristic requirements for the type certificate or supplemental type certificate applied for; and
(c) the aircraft can be operated safely under the appropriate operating limitations specified in subregulation (1).

(3) The applicant must submit a report to CASA showing that the aircraft had been flown in all manoeuvres necessary to show compliance with the flight requirements for the issue of the type certificate or supplemental type certificate applied for, and to establish that the aircraft can be operated safely in accordance with the limitations contained in these regulations.

(4) The applicant must establish all limitations required for the issue of the type certificate or supplemental type certificate applied for, including limitations on weights, speeds, flight manoeuvres, loading, and operation of controls and equipment unless, for each limitation not established, appropriate operating restrictions are established for the aircraft.

(5) The applicant must establish an inspection and maintenance program for the continued airworthiness of the aircraft.

(6) The applicant must show CASA that a prototype aircraft has been flown for at least 50 hours under an experimental certificate or under the auspices of the Defence Force, or an armed force of Canada, the United Kingdom or the United States of America. However, in the case of an approval of an amendment to a provisional type certificate, CASA may reduce the number of required flight hours.

Source  FARs section 21.81 modified.

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

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

(2) An applicant who manufactures an aircraft in a country with which Australia has an agreement for the acceptance of those aircraft for export and import, and who applies for a type certificate for the aircraft in the transport category, is entitled to the issue of a Class II provisional type certificate, or an approval of an amendment to a Class II provisional type certificate, if the NAA of the country in which the aircraft was manufactured certifies that the applicant has shown compliance with this regulation and that the aircraft meets the requirements of subregulation (5) and CASA is satisfied that the aircraft can reasonably be expected to be safe for its intended use when operated in accordance with the limitations:
(a) in the provisional aircraft flight manual (if any) required by subregulation (7); and
(b) in regulation 262AO of CAR.

(3) The applicant must hold a type certificate for at least one other aircraft in the same transport category as the subject aircraft.

(4) The flight test program to be carried out for the purposes of the type certificate or the flight test program conducted by the authorities of the country in which the aircraft was manufactured, with respect to the issue of a type certificate for that aircraft, must be in progress.

(5) The applicant or, in the case of a foreign manufactured aircraft, the NAA of the country in which the aircraft was manufactured, must certify that:
(a) the aircraft has been designed and constructed in accordance with the airworthiness requirements applicable to the issue of the type certificate applied for; and
(b) the aircraft substantially complies with the applicable flight characteristic requirements for the type certificate applied for; and
(c) the aircraft can be operated safely under the appropriate operating limitations in these regulations.
(6) The applicant must submit a report to CASA showing that the aircraft has been flown in all manoeuvres necessary to show compliance with the flight requirements for the issue of the type certificate and to establish that the aircraft can be operated safely in accordance with the limitations in these regulations.

(7) The applicant must prepare a provisional aircraft flight manual containing all limitations required for the issue of the type certificate applied for, including limitations on weights, speeds, flight manoeuvres, loading, and operation of controls and equipment unless, for each limitation not established, appropriate operating restrictions are established for the aircraft.

(8) The applicant must establish an inspection and maintenance program for the continued airworthiness of the aircraft.

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

Source: FARs section 21.83 modified.

21.085 Provisional amendments to type certificates

(1) An applicant who manufactures an aircraft within Australian territory, and who applies for an amendment to the type certificate for the aircraft, is entitled to a provisional amendment to the type certificate if the applicant shows compliance with this regulation and CASA is satisfied that the aircraft can reasonably be expected to be safe for its intended use when operated under the appropriate limitations contained in these regulations.

(2) An applicant who manufactures an aircraft in a foreign country with which Australia has an agreement for the acceptance of those aircraft for export and import, and who applies for an amendment to the type certificate for the aircraft, is entitled to a provisional amendment to the type certificate if the NAA of the country in which the aircraft was manufactured certifies that the applicant has shown compliance with this regulation and that the aircraft meets the requirements mentioned in

Source: Federal Register of Legislative Instruments F2007C00308
subregulation (4) and CASA is satisfied that the aircraft can reasonably be expected to be safe for its intended use when operated under the appropriate limitations contained in these regulations.

(3) The flight test program approved by CASA, or conducted under the agreement by the authorities of the country in which the aircraft was manufactured, with respect to the amendment of the type certificate, must be in progress.

(4) The applicant or, in the case of foreign manufactured aircraft, the NAA of the country in which the aircraft was manufactured, must certify that:

(a) the modification involved in the amendment to the type certificate has been designed and constructed in accordance with the airworthiness requirements applicable to the issue of the type certificate for the aircraft; and

(b) the aircraft incorporating the modification substantially complies with the applicable flight characteristic requirements for the type certificate; and

(c) the aircraft can be operated safely under the appropriate operating limitations in these regulations.

(5) The applicant must submit a report to CASA showing that the aircraft incorporating the modifications involved has been flown in all manoeuvres necessary to show compliance with the flight requirements applicable to those modifications and to establish that the aircraft can be operated safely in accordance with the limitations mentioned in regulation 262AO of CAR.

(6) The applicant must establish and publish, in a provisional aircraft flight manual or other document and on appropriate placards, all limitations required for the issue of the type certificate applied for, including weight, speed, flight manoeuvres, loading, and operation of controls and equipment, unless, for each limitation not established, appropriate operating restrictions are established for the aircraft.

(7) The applicant must establish an inspection and maintenance program for the continued airworthiness of the aircraft.
(8) The applicant must operate a prototype aircraft, modified in accordance with the corresponding amendment to the type certificate, for the number of hours found necessary by CASA in the particular case.

Source FARs section 21.85 modified.

Subpart 21.D Changes to type certificates

21.091 Applicability

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

Source FARs section 21.91 modified.

21.093 Classification of changes in type design

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

Source FARs section 21.93 modified.

21.095 Approval of minor changes in type design

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

Source FARs section 21.95 modified.

21.097 Eligibility for approval of major changes in type design

(1) The holder of a type certificate for an aircraft, aircraft engine or propeller is eligible to apply to CASA or an authorised person for approval of a major change in the type design of the aircraft, aircraft engine or propeller.
(2) An applicant is entitled to the approval if the applicant:
   (a) submits with the application substantiating data and necessary descriptive data for inclusion in the type design; and
   (b) complies with regulation 21.101.

(3) Approval of a major change in the type design of an aircraft engine is limited to the specific engine configuration upon which the change is made unless the applicant identifies in the necessary descriptive data for inclusion in the type design the other configurations of the same engine type for which approval is requested and shows that the change is compatible with the other configurations.

Source: FARs section 21.97 modified.

21.098 Issue of approval of major change in type design

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

(2) If an approval is issued, CASA must give the applicant notice of the approval.

(3) An approval takes effect when the notice is given to the applicant.

21.099 Required design changes

(1) If an airworthiness directive is issued for an aircraft, aircraft engine or propeller, and CASA considers that design changes are necessary to correct the unsafe condition of the aircraft, aircraft engine or propeller, the holder of the type certificate for the aircraft, aircraft engine or propeller must, on CASA’s request, submit appropriate design changes for approval.
Regulation 21.101

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

Penalty: 50 penalty units.

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

Penalty: 5 penalty units.

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

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

Source FARs section 21.99 modified.

21.101 Designation of applicable regulations

(1) An applicant for approval of a change in the type design described or identified in a type certificate must comply with either:

(a) the regulations mentioned in the type certificate; or

(b) the applicable regulations in effect on the date of the application, plus any other amendments that CASA is satisfied are directly related.
(2) If CASA is satisfied that a proposed change consists of a new design or a substantially complete redesign of a component, equipment installation, or system installation, and that the regulations mentioned in the type certificate for the aircraft, aircraft engine or propeller do not provide adequate standards with respect to the proposed change, the applicant must comply with:

(a) the applicable provisions of these regulations, in effect on the date of the application for the change, that CASA is satisfied are necessary to provide a level of safety equivalent to that established by the regulations mentioned in the type certificate for the aircraft, aircraft engine or propeller; and

(b) any special conditions, and amendments to those special conditions, prescribed by CASA to provide a level of safety equal to that established by the regulations mentioned in the type certificate for the aircraft, aircraft engine or propeller.

(3) Unless otherwise required by subregulation 21.019 (1), an applicant for a change to a type certificate for a transport category aeroplane involving the replacement of reciprocating engines with the same number of turbopropeller powerplants must comply with the provisions of Part 25 of the FARs for the aeroplane as type certificated with reciprocating engines, and with the following:

(a) the certification performance requirements prescribed in sections 25.101 to 25.125 (inclusive) and 25.149, 25.1533, 25.1583, and 25.1587 of Part 25 of the FARs;

(b) the powerplant requirements of Part 25 of the FARs that apply to turbopropeller engine-powered aeroplanes;

(c) the requirements of Part 25 of the FARs for the standardisation of cockpit controls and instruments, unless CASA is satisfied that compliance with a particular detailed requirement would be impractical and would not contribute materially to standardisation;

(d) any other requirement of Part 25 of the FARs that applies to turbopropeller engine-powered aeroplanes that CASA is satisfied relates to the changes in engines and that is
necessary to ensure a level of safety equal to that of the aeroplane certificated with reciprocating engines.

(4) For subregulation (3), for each new limitation established with respect to weight, speed, or altitude that is significantly altered from those approved for the aeroplane with reciprocating engines, the applicant must show compliance with the requirements of Part 25 of the FARs applicable to the limitations being changed.

Source FARs section 21.101 modified.

Subpart 21.E Supplemental type certificates

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

21.111 Applicability

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

Source FARs section 21.111 modified.

21.113 Eligibility for supplemental type certificate

(1) Any person is eligible to apply to CASA for a supplemental type certificate for the approval of the design of a major change to a type certificated aircraft, aircraft engine or propeller, if the change is not great enough to require an application for a new type certificate under regulation 21.019.

(2) The holder of the type certificate for the aircraft, aircraft engine or propeller may apply for amendment of the type certificate instead of applying for a supplemental type certificate.

(3) An application must be made in a form and manner acceptable to CASA.

Source FARs section 21.113 modified.
21.113A Issue of supplemental type certificate

CASA must issue a supplemental type certificate to an applicant for the certificate if the applicant:
(a) is eligible, under regulation 21.113, to apply for the certificate; and
(b) applies for the certificate in accordance with this Subpart; and
(c) is entitled, under this Subpart, to the certificate; and
(d) otherwise complies with this Part.

21.114 Foreign supplemental type certificates

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

21.115 Applicable requirements

(1) Each applicant for a supplemental type certificate must show that the altered aircraft, aircraft engine or propeller meets the applicable airworthiness requirements mentioned in subregulation 21.101 (1) and (2).

(2) Regulations 21.033 (Inspections and tests) and 21.053 (Statement of conformity) apply in relation to the application, with respect to each change in the type design, as if it were an application for a type certificate under Subpart 21.B.

Source FARs section 21.115 modified.

21.117 Entitlement to supplemental type certificates

(1) An applicant is entitled to a supplemental type certificate if the applicant meets the requirements of regulations 21.113 and 21.115.

(2) A supplemental type certificate is taken to consist of:
(a) the type certificate or type acceptance certificate previously issued for the aircraft, aircraft engine or propeller; and
(b) each change in the type design of the aircraft, aircraft engine or propeller described or identified in the supplemental type certificate.

Source FARs section 21.117 modified.

21.118 Duration, suspension and cancellation of supplemental type certificates

(1) A supplemental type certificate for an aircraft, aircraft engine or propeller remains in force until it is cancelled or the type certificate previously issued for the aircraft, aircraft engine or propeller is cancelled, whichever happens first.

(2) Despite subregulation (1), a supplemental type certificate for an aircraft, aircraft engine or propeller is not in force during any period of suspension or any period of suspension of the type certificate previously issued for the aircraft, aircraft engine or propeller.

(3) CASA may suspend or cancel a supplemental type certificate by written notice given to its holder if CASA considers that it is necessary to do so in the interests of aviation safety.

(4) If CASA suspends or cancels a supplemental type certificate it must publish a notice of the suspension or cancellation in the Gazette.

(5) A suspension or cancellation takes effect on the day after the notice is published in the Gazette.

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

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

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

(2) Despite subregulation (1), a foreign supplemental type certificate for an aircraft, aircraft engine or propeller is not in force during any period of suspension or any period of suspension of the type certificate previously issued for the aircraft, aircraft engine or propeller.

(3) CASA may suspend or cancel a foreign supplemental type certificate if CASA considers that it is necessary to do so in the interests of aviation safety.

(4) If CASA suspends or cancels a foreign supplemental type certificate it must publish a notice of the suspension or cancellation in the Gazette.

(5) A suspension or cancellation takes effect on the day after the notice is published in the Gazette.

(6) A notice must set out:
   (a) the grounds for the suspension or cancellation; and
   (b) when the suspension or cancellation takes effect; and
   (c) in the case of a suspension — when the suspension stops having effect.

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

Subpart 21.F Production under type certificate only

21.121 Applicability

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

Source  FARs section 21.121 modified.

Note  Subpart 21.G deals with production certificates.

21.123 Production under type certificate

(1) Each manufacturer of an aircraft, aircraft engine or propeller being manufactured under a type certificate only must:

(a) make each aircraft, aircraft engine or propeller available for inspection by CASA; and

(b) maintain at the place of manufacture the technical data and drawings necessary for CASA to determine whether the aircraft, aircraft engine or propeller and its parts conform to the type design; and

(c) establish and maintain an approved production inspection system that:

(i) meets the requirements of subregulation 21.125 (2); and

(ii) ensures that each aircraft, aircraft engine or propeller manufactured under the type certificate more than 6 months after it was issued conforms to the type design and is in a condition for safe operation; and

(d) upon the establishment of the approved production inspection system—submit to CASA a manual that describes the system and the means for meeting the requirements of subregulation 21.125 (2).

Penalty:  25 penalty units.

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

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

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

Source  FARs section 21.123 modified.

21.125 Production inspection system: Materials Review Board

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

Penalty:  50 penalty units.

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

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

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

(f) ensuring that current design drawings are readily available to manufacturing and inspection personnel, and used when necessary;

(g) ensuring that design changes, including material substitutions, are controlled before being incorporated in a finished aircraft, aircraft engine or propeller;

(h) segregating, identifying, marking and disposing of rejected materials and parts in a manner that precludes installation in the finished aircraft, aircraft engine or propeller;

(i) a system for processing through the Materials Review Board any materials and parts that are withheld because of departures from design data or specifications, and that are to be considered for installation in a finished aircraft, aircraft engine or propeller;

(j) a system for identifying and reinspecting materials and parts determined by the Materials Review Board to be serviceable if rework or repair is necessary;

(k) maintaining inspection records, identified with the finished aircraft, aircraft engine or propeller where practicable, and retaining them for at least 2 years.

Source FARs section 21.125 modified.

21.127 Tests: aircraft

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

Penalty: 25 penalty units.

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

Note For strict liability, see section 6.1 of the Criminal Code.
(2) Each production flight test procedure must include the following:

(a) an operational check of the trim, controllability, or other flight characteristics to establish that the production aircraft has the same range and degree of control as the prototype aircraft;

(b) an operational check of each part or system operated by the crew while in flight to establish that, during flight, instrument readings are within normal range;

(c) a determination that all instruments are properly marked, and that all placards and required flight manuals are installed after flight test;

(d) a check of the operational characteristics of the aircraft on the ground;

(e) a check on any other items peculiar to the aircraft being tested that can best be done during the ground or flight operation of the aircraft.

Source  FARs section 21.127 modified.

21.128 Tests: aircraft engines

(1) Each person manufacturing aircraft engines that are not rocket engines under a type certificate only must subject each engine to an acceptable test run that includes the following:

(a) break-in runs that include a determination of fuel and oil consumption and a determination of power characteristics at rated maximum continuous power or thrust and, if applicable, at rated take-off power or thrust;

(b) at least five hours of operation at rated maximum continuous power or thrust, including, for engines having a rated take-off power or thrust higher than rated maximum continuous power or thrust, 30 minutes at rated take-off power or thrust.

Penalty:  25 penalty units.

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

Penalty: 25 penalty units.

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

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

Source FARs section 21.128 modified.

21.129 Tests: variable pitch propellers

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

Penalty: 25 penalty units.

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

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

Source FARs section 21.129 modified.

21.130 Statement of conformity

(1) Each holder or licensee of a type certificate for a type of aircraft, aircraft engine or propeller must give CASA a statement of conformity, in a form acceptable to CASA, for each aircraft, aircraft engine or propeller manufactured under the type certificate only:

(a) when the holder or licensee applies for the original issue of an aircraft certificate of airworthiness or an aircraft engine or propeller authorised release certificate for the aircraft, aircraft engine or propeller; or

(b) if the holder or licensee transfers the ownership of the aircraft, aircraft engine or propeller without applying for an authorised release certificate for it — when the ownership of the aircraft, aircraft engine or propeller is transferred.
Regulation 21.130A

(2) The statement of conformity must be signed by a person who holds a responsible position in the manufacturing organisation and has been authorised by the manufacturer to sign the statement, and must include:

(a) for each aircraft, aircraft engine or propeller, a statement that it conforms to its type certificate and is in a condition for safe operation; and

(b) for each aircraft, a statement that the aircraft has been flight checked; and

(c) for each aircraft engine or variable pitch propeller, a statement that the engine or propeller has been subjected by the manufacturer to a final operational check.

(3) However, in the case of an aircraft, aircraft engine or propeller manufactured for the Defence Force, or for an armed force of Canada, the United Kingdom or the United States of America, a statement of conformity is not required if the aircraft, aircraft engine or propeller has been accepted by the relevant force.

Source FARs section 21.130 modified.

21.130A Records to be kept by manufacturer

(1) A person who manufactures an aircraft, aircraft engine or propeller under a type certificate only must keep, at the place of manufacture, the following current records for the aircraft, aircraft engine or propeller:

(a) a technical data file that includes the type design drawings, specifications, reports on tests prescribed by this Part, and the original type inspection report and any amendments to that report;

(b) the information required to prepare the statement of conformity mentioned in regulation 21.130;

(c) a complete inspection record, the serial number, and data covering the processes and tests to which materials and parts are subjected;

(d) a record of service difficulties reported to the manufacturer.

Penalty: 50 penalty units.
(2) The records mentioned in paragraphs (1) (a) and (b) must be kept for the period in which aircraft, aircraft engines or propellers are manufactured by the person under the type certificate.

Penalty: 50 penalty units.

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

Penalty: 50 penalty units.

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

Penalty: 50 penalty units.

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

Penalty: 50 penalty units.

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

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

Source FARs section 21.293 modified.

Source FARs section 21.293 modified.

Subpart 21.G Production certificates

21.131 Applicability

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

Source FARs section 21.131 modified.

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:
      (A) CASA; or
      (B) an authorised person; or
      (C) if the product is manufactured under an agreement with a foreign manufacturer for supply to that manufacturer — the NAA of the relevant foreign country; and
(b) must include all the information necessary to manufacture the product, including:
   (i) information that shows the dimensions and appearance of the product; and
(ii) the materials used in the manufacture of the product; and

(iii) information about the process or processes used to manufacture the product; and

(iv) any methods used to test or measure the product; and

(v) information that shows the structural strength of the product.

21.133 Eligibility

(1) A person is eligible to apply for a production certificate for a Class I product if the person:

(a) holds a current type certificate or foreign type certificate for the product; or

(b) holds the right, under a licensing agreement, to the benefits of the type certificate or foreign type certificate for the product; or

(c) holds a supplemental type certificate or foreign supplemental type certificate for the product.

(2) A person is also eligible to apply for a production certificate if:

(a) the person has an agreement with a foreign manufacturer to:

   (i) manufacture a Class I, Class II, Class III or unapproved Class I product; and

   (ii) supply the product to the foreign manufacturer; and

(b) the terms of the agreement require that the person be approved to manufacture the product.

(2A) A person is also eligible to apply for a production certificate for a Class II or Class III product if:

(a) the product is an aircraft component of a type in respect of which a certificate of type approval is in force; and

(b) the person is lawfully manufacturing the component or is proposing to manufacture the component and is entitled to do so.
A person is also eligible to apply for a production certificate to manufacture a Class II or Class III product on a one-off basis for supply to:

(a) the holder of a certificate of approval engaged in the maintenance of an aircraft for installation in or on the aircraft; or

(b) the operator of an aircraft or the owner of an aircraft, aircraft engine or propeller for installation in or on the aircraft, aircraft engine or propeller.

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

Source  FARs section 21.133 modified.

### 21.134 Issue of production certificate

(1) CASA must issue a production certificate to an applicant for the certificate if the applicant:

(a) is eligible, under regulation 21.133, to apply for the certificate; and

(b) applies for the certificate in accordance with this Subpart; and

(c) is entitled, under this Subpart, to the certificate; and

(d) otherwise complies with this Part.

(2) CASA may issue the production certificate subject to any conditions that CASA considers necessary in the interests of aviation safety.

(3) Any conditions must be in writing and set out in, or attached to, the production certificate.

(4) A person must not engage in conduct that results in a breach of a condition set out in the production certificate.

Penalty: 50 penalty units.

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

Note  For strict liability, see section 6.1 of the Criminal Code.
21.135 Requirements for entitlement

(1) An applicant is entitled to a production certificate if CASA is satisfied that the applicant has complied with regulations 21.139 and 21.143 in relation to the Class I, Class II, Class III or unapproved class I product to be manufactured under the certificate.

(2) CASA may inspect the applicant’s organisation and manufacturing facilities to determine whether the applicant has complied with regulations 21.139 and 21.143.

Source FARs section 21.135 modified.

21.137 Location of manufacturing facilities

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

Source FARs section 21.137 modified.

21.139 Quality system

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

(a) each Class I product to be manufactured under the certificate will conform to the type design for the product; and

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

Source FARs section 21.139 modified.

21.143 Quality system data requirements: prime manufacturer

(1) An applicant for a production certificate must submit to CASA, for approval, a manual describing the inspection and test procedures necessary to ensure that each product manufactured
under the production certificate is in a condition for safe operation and conforms to:

(a) for a Class I product — the type design; and
(b) for a Class II, Class III or unapproved Class I product — the product design.

(1A) The manual mentioned in subregulation (1) must include any of the following that apply to the product:

(a) a statement describing how responsibilities are assigned and authority is delegated in the quality system organisation, together with a chart indicating:
   (i) the functional relationship of the quality system organisation to management and to other organisational components;
   (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;
   (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;
   (ii) the methods used for the identification of any special manufacturing processes involved;
   (iii) the means used to control the processes;
   (iv) the final test procedure for the product;
   (v) in the case of a Class I product that is a completed aircraft, a copy of the manufacturer’s production flight test procedures and check-off list;

(d) for a product other than a Class II or Class III product referred to in subregulation 21.133 (2B), an outline of the materials review system, the procedure for recording
decisions of the Materials Review Board and for disposing of rejected parts;

(e) an outline of a system for informing company inspectors of current changes in engineering drawings, specifications, and quality system procedures;

(f) a list or chart showing the location and type of inspection stations.

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

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

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

Penalty: 25 penalty units.

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

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

Source FARs section 21.143 modified.

21.144 Production inspection system

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

(a) properly identifying incoming materials, and bought or subcontracted parts, if their physical or chemical properties cannot be readily and accurately determined;

(b) suitable storage and adequate protection of materials subject to damage and deterioration;

(c) carrying out processes affecting the quality and safety of the finished Class I, Class II, Class III or unapproved Class I product in accordance with acceptable industry or Australian specifications;

(d) inspecting parts and components, at points during the production process at which accurate determinations can be made, to determine whether:
Regulation 21.145

(i) parts and components for a Class I product conform to the type design data for the product; or
(ii) parts and components for a Class II, Class III or unapproved Class I product conform to the product design data for the product;

(e) ensuring that current design drawings are readily available to manufacturing and inspection personnel, and used when necessary;

(f) ensuring that design changes, including material substitutions, are controlled before being incorporated in:
   (i) a finished Class I product; or
   (ii) a Class II, Class III or unapproved Class I product;

(g) segregating and identifying rejected materials and parts in a manner that precludes installation in the finished Class I, Class II, Class III or unapproved Class I product;

(h) a system for processing through the Materials Review Board any materials and parts that are withheld because of departures from design data or specifications, and that are to be considered for installation in a finished Class I, Class II, Class III or unapproved Class I product;

(i) a system for identifying and reinspecting materials and parts determined by the Materials Review Board to be serviceable if rework or repair is necessary;

(j) maintaining inspection records, identified with the finished Class I, Class II, Class III or unapproved Class I product where practicable, and retaining them for at least 2 years.

Source  FARs section 21.125 modified.

21.145 Materials Review Board

(1) The holder of a production certificate (other than a production certificate referred to in subregulation 21.133 (2B)) must:

(a) establish a Materials Review Board (to include representatives from the manufacturer’s inspection and engineering departments) and materials review procedures; and

(b) maintain complete records of Materials Review Board action for at least 2 years after the action was taken.
Penalty: 50 penalty units.

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

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

*Source* FARs section 21.125 modified.

## 21.147 Changes in quality system

(1) After the issue of a production certificate, each change to the quality system is subject to review by CASA.

(2) The holder of a production certificate must immediately notify CASA, in writing, of any change to the quality system that may affect:

(a) the inspection of a Class I product being manufactured under the certificate, or the conformity of such a product to its type design data, or the airworthiness of such a product; or

(b) the inspection of an unapproved Class I product being manufactured under the certificate, or the conformity of such a product to its product design data, or the airworthiness of such a product; or

(c) the inspection of a Class II or Class III product being manufactured under the certificate, or the conformity of such a product to its product design data.

Penalty: 50 penalty units.

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

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

## 21.149 Multiple products

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

*Source* FARs section 21.149 modified.
21.151 Production limitation record

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

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

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

(c) for a Class II or Class III product referred to in subregulation 21.133 (2B) — a description of each product authorised to be manufactured under the production certificate.

Source FARs section 21.151 modified.

21.153 Amendment of production certificate

(1) The holder of a production certificate may apply to CASA to amend the certificate to add 1 or more of the following:

(a) a Class I product type certificate or foreign type certificate;
(b) a model to a Class I product type certificate or foreign type certificate;
(c) an unapproved Class I product design;
(d) a Class II product design;
(e) a Class III product design.

(2) CASA may amend the certificate if the applicant complies with the applicable requirements of regulations 21.139, 21.143 and 21.147.

(3) An application must be in a form and manner acceptable to CASA.

Source FARs section 21.153 modified.
21.155 Transferability

A production certificate is not transferable.

_Source_ FARs section 21.155.

21.157 Inspections and tests

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

Penalty: 50 penalty units.

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

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

_Source_ FARs section 21.157 modified.

21.159 Duration

(1) A production certificate ceases to be in force:
   (a) if the location of the manufacturing facility is changed; or
   (b) if it is cancelled; or
   (c) if a termination date is specified in the certificate — at midnight on that date.

(2) A production certificate is not in force during any period of suspension.

(3) CASA may suspend or cancel a production certificate by written notice given to its holder if CASA considers that it is necessary to do so in the interests of aviation safety.

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

_Source_ FARs section 21.159 modified.
Part 21 Certification and airworthiness requirements for aircraft and parts
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Note See also regulations 21.002C and 21.002E in relation to suspension and cancellation of production certificates.

21.161 Display

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

Penalty: 5 penalty units.

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

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

Source FARs section 21.161 modified.

21.163 Privileges

(1) Notwithstanding regulation 30 of CAR, the holder of a production certificate for a primary category aircraft who is eligible for a special certificate of airworthiness in the primary category under subregulation 21.184 (1), and the holder of a production certificate for a normal, utility, or acrobatic category aircraft of a type design that is eligible for a special certificate of airworthiness in the primary category under subregulation 21.184 (3), may:

(a) conduct training for persons in the performance of a special inspection and preventive maintenance program approved as a part of the aircraft’s type design under subregulation 21.024 (2), provided the training is given by the holder of an aircraft maintenance engineer licence in the category airframes or engines issued under regulation 31 of CAR; and

(b) issue a certificate of competency, specifying the aircraft make and model to which it applies, to persons successfully completing the approved training program.
(2) Notwithstanding regulation 30 of CAR, the holder of a production certificate for an intermediate category aircraft who is eligible for a special certificate of airworthiness in the intermediate category under subregulation 21.184A (1), may:

(a) conduct training for persons in the performance of a special inspection and preventive maintenance program approved as a part of the aircraft’s type design under subregulation 21.026 (2), provided the training is given by the holder of a maintenance engineer licence in the category airframes or engines issued under regulation 31 of CAR; and

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

Source FARs section 21.163 modified.

21.165 Responsibility of holder of production certificate

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

Penalty: 50 penalty units.

(2) The holder of a production certificate for a Class I product must ensure that each finished product that is:

(a) manufactured under the authority of the certificate; and

(b) submitted for airworthiness certification or approval;

conforms to the type design for the product and is in a condition for safe operation.

Penalty: 50 penalty units.

(3) The holder of a production certificate for a Class II, Class III or unapproved Class I product must ensure that each product that is:

(a) manufactured under the authority of the certificate; and

(b) submitted for approval;

conforms to the product design and is in a condition for safe operation.
Penalty: 50 penalty units.

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

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

Source FARs section 21.165 modified.

21.166 Records to be kept by holder of production certificate

(1) A person who manufactures a Class I, Class II, Class III or unapproved Class I product under a production certificate must keep, at the place of manufacture, the following records for each product:

(a) for a Class I product, a technical data file that includes:
   (i) the current type design drawings; and
   (ii) the current specifications; and
   (iii) the reports on the results of any tests required by or under this Part; and
   (iv) the original type inspection report; and
   (v) any amendments to that report;

(b) for a Class II, Class III or unapproved Class I product, the current product design and the reports on the results of any tests required by or under this Part;

(c) any data (including any amendments) required to be submitted with the original application for the production certificate;

(d) a record of any rebuilding or alteration performed by the person;

(e) an inspection record;

(f) any serial number;

(g) any data about the processes and tests to which materials and parts used in the product are subjected;

(h) a record of any service difficulties reported to the person.

Penalty: 50 penalty units.

(2) The records mentioned in paragraphs (1) (a), (b), (c) and (d) must be retained for the period during which the product is manufactured by the person under the production certificate.
Penalty: 50 penalty units.

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

Penalty: 50 penalty units.

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

Penalty: 50 penalty units.

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

Penalty: 50 penalty units.

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

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

Source FARs section 21.293 modified.

Source FARs section 21.293 modified.

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

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

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

Source FARs section 21.171 modified.

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

21.172 Definitions for Subpart

In this Subpart:

LSA standards means:

(a) the standards for the design, performance or continuing airworthiness of light sport aircraft issued by the American Society for Testing and Materials, as in force from time to time; or

(b) any other standards, for the design, performance or continuing airworthiness of light sport aircraft, the use of which is approved by CASA.

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

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

qualified manufacturer of a light sport aircraft means:

(a) a manufacturer who, at the time the light sport aircraft was manufactured, held a current production certificate for an aircraft; or

(b) a manufacturer who has made a written declaration that, at the time the light sport aircraft was manufactured, it had:

(i) contracted engineering personnel with experience in ultralight or light aircraft design to ensure compliance with LSA standards referred to in paragraph 21.186 (2) (b); and

(ii) facilities and tools suitable for the production of the aircraft in accordance with the applicable LSA standards; and
(iii) competent personnel, with appropriate training, skills and experience, to perform work that affects product quality.

21.173 Eligibility

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

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

(2) An application must be made in a form and manner acceptable to CASA or the authorised person.

(3) In this regulation:

- certificate of airworthiness does not include a provisional certificate of airworthiness or an experimental certificate.

Source FARs section 21.173 modified.

21.175 Certificates of airworthiness: classification

In these regulations:

special certificate of airworthiness means:

(a) a certificate of airworthiness issued for:

(i) an aircraft type certificated in the primary, intermediate or restricted category; or
(ii) an aircraft in the limited category; or
(iii) an amateur-built aircraft accepted under an ABAA; or
(iv) a light sport aircraft covered by regulation 21.186; or

(b) a provisional certificate of airworthiness; or

(c) an experimental certificate.

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

(a) an aircraft type certificated in the normal, utility, acrobatic, commuter, or transport category; or

(b) a manned free balloon; or
21.175 Certification and airworthiness requirements for aircraft and parts

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

Regulation 21.175

(c) an aircraft in a special class of aircraft.

Source FARs section 21.175 modified.

21.176 Issue of certain certificates of airworthiness

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

(2) CASA or an authorised person may issue a certificate of airworthiness for an aircraft subject to any conditions that CASA or the authorised person considers necessary in the interests of aviation safety.

(3) A condition imposed under subregulation (2) may include operational limitations.

(4) Any conditions imposed under this regulation, and any conditions imposed under regulation 21.016 or 21.029B that limit the use of the aircraft, must be in writing, and set out in, or attached to, the certificate of airworthiness.

(5) A person must not engage in conduct that results in a breach of a condition of a certificate of airworthiness.

Penalty: 50 penalty units.

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

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

(6) In this regulation:

certificate of airworthiness does not include a provisional certificate of airworthiness or an experimental certificate.
21.179 **Transferability**

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

Source   FARs section 21.179 modified.

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

21.181 **Duration of certain certificates of airworthiness**

(1) In this regulation:

*certificate of airworthiness* does not include a provisional certificate of airworthiness or an experimental certificate.

(2) Subject to subregulation (4), a certificate of airworthiness continues in force:

(a) if a period is specified in the certificate — until the end of the period or until it is cancelled, whichever occurs first; or

(b) in any other case — until it is cancelled.

(3) The holder of a certificate of airworthiness must, on request by CASA or an authorised person, make it available for inspection by CASA or the authorised person.

Penalty: 5 penalty units.

(4) A certificate of airworthiness for an aircraft stops being in force if:

(a) the aircraft ceases to be registered in Australia; or

(b) any type certificate or type acceptance certificate for the type of aircraft concerned stops being in force; or

(c) in the case of a certificate of airworthiness issued for a light sport aircraft covered by regulation 21.186, a modification is made to the aircraft and the modification:

(i) is not authorised by the manufacturer; or

(ii) if the manufacturer was no longer existing at the time of the modification or could not have authorised the modification at that time — is not authorised by a person appointed by CASA to perform the functions of the manufacturer in relation
to the continuing airworthiness of the light sport aircraft; or

(iii) does not comply with the LSA standards.

(5) CASA or an authorised person may suspend or cancel a certificate of airworthiness for an aircraft that is being used in regular public transport operations, by written notice given to its holder, if:

(a) any maintenance is not carried out in accordance with Part 4A of CAR; or

(b) the aircraft type ceases to be supported by the type certificate holder, the NAA of the country in which the aircraft’s original type certificate was issued or the NAA of a Contracting State, with respect to:

(i) collecting and investigating information on defects; or

(ii) reporting defects to the NAA of the country of original type certification; or

(iii) keeping type records; or

(iv) producing and maintaining manuals; or

(v) issuing instructions for continuing airworthiness; or

(c) CASA or the authorised person otherwise considers that it is necessary to do so in the interests of aviation safety.

(6) CASA or an authorised person may suspend or cancel a certificate of airworthiness for an Australian aircraft not covered by subregulation (5), by written notice given to its holder, if:

(a) any maintenance is not carried out in accordance with Part 4A of CAR; or

(b) CASA or the authorised person otherwise considers that it is necessary to do so in the interests of aviation safety.

(7) A notice under subregulation (5) or (6) must set out:

(a) the grounds for the suspension or cancellation; and

(b) in the case of a suspension — when the suspension stops having effect.
(8) Despite anything else in this regulation, a certificate of airworthiness is not in force during any period of suspension, but, if the certificate was issued for a specified period, the period of suspension counts as part of the period for which the certificate was issued.

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

Penalty: 5 penalty units.

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

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

Source FARs section 21.181 modified.

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

21.182 Aircraft manufacturer’s data plate

(1) Except as set out in subregulation (2), an applicant for a certificate of airworthiness for an aircraft must show that the aircraft is identified:

(a) as required by Subpart 21.Q; or

(b) in the case of an imported aircraft:

(i) as required by the NAA of the Contracting State in which it was certificated; or

(ii) in another way acceptable to CASA.

(2) Subregulation (1) does not apply to an applicant:

(a) if the applicant is applying for an experimental certificate for an aircraft that is not an amateur-built aircraft, a kit-built aircraft or a light sport aircraft; or

(b) if:

(i) a different certificate of airworthiness is in force for the aircraft; and
(ii) the applicant for the issue of that certificate complied with subregulation (1).

Source  FARs section 21.182 modified.

21.183 Standard certificates of airworthiness

New aircraft manufactured under a production certificate

(1) An applicant for a standard certificate of airworthiness for a new aircraft manufactured under a production certificate, is entitled to the certificate without further showing unless CASA or an authorised person decides that the aircraft:

(a) does not conform to the type design; or

(b) has been modified or repaired otherwise than in accordance with approved maintenance data; or

(c) is not in a condition for safe operation.

New aircraft manufactured under type certificate only

(2) An applicant for a standard certificate of airworthiness for a new aircraft manufactured under a type certificate only is entitled to the certificate upon presentation, by the holder or licensee of the type certificate, of the statement of conformity required by regulation 21.130, if CASA finds after inspection that the aircraft:

(a) conforms to the type design, has had any modifications or repairs carried out in accordance with approved maintenance data, and is in a condition for safe operation; and

(b) was manufactured by the holder of the type certificate for the aircraft or the licensee of that type certificate.

Imported aircraft

(3) An applicant for a standard certificate of airworthiness for an aircraft for which a type certificate was issued under regulation 21.029, or a type acceptance certificate was issued under regulation 21.029A, is entitled to the certificate if CASA or an authorised person is satisfied that:

(a) the aircraft conforms to the type design; and
(b) any modifications or repairs to the aircraft have been carried out in accordance with approved maintenance data; and

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

Other aircraft

(4) An applicant for a standard certificate of airworthiness for aircraft not covered by subregulation (1), (2) or (3) is entitled to the certificate if:

(a) the aircraft:

   (i) has a type design approved under a type certificate or a supplemental type certificate; or

   (ii) if there is no type certificate or supplemental type certificate for the aircraft — is of a type or model that has previously been issued a certificate of airworthiness in the category applied for; and

(b) the aircraft complies with any applicable airworthiness directives; and

(c) the aircraft (except an experimentally certificated aircraft that previously had been issued a different certificate of airworthiness under this regulation) has been inspected for the issue of a maintenance release; and

(d) CASA or an authorised person is satisfied that:

   (i) the aircraft conforms to the type design (if any); and

   (ii) any modifications or repairs to the aircraft have been carried out in accordance with approved maintenance data; and

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

Inspection

(5) CASA or an authorised person may inspect an aircraft mentioned in subregulation (1), (3) or (4) to determine whether:

(a) it conforms to the type design; and

(b) any modifications or repairs to it have been carried out in accordance with approved maintenance data; and
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Subpart 21.H Certificates of airworthiness (except provisional certificates of airworthiness) and special flight permits

Regulation 21.184

(c) it is in a condition for safe operation.

Source FARs section 21.183 modified.

21.184 Special certificates of airworthiness for primary category aircraft

New primary category aircraft manufactured under a production certificate

(1) An applicant for the original issue of a special certificate of airworthiness for a new aircraft in the primary category that meets the criteria of paragraph 21.024 (1) (a), manufactured under a production certificate, including aircraft assembled by another person from a kit provided by the holder of the production certificate and under the supervision and quality control of that holder, is entitled to the certificate without further showing unless CASA or an authorised person decides that the aircraft:
(a) does not conform to the type design; or
(b) has been modified or repaired otherwise than in accordance with approved maintenance data; or
(c) is not in a condition for safe operation.

Imported aircraft

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

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

Other aircraft

(4) An applicant for a special certificate of airworthiness for an aircraft in the primary category that meets the criteria of paragraph 21.024 (1) (a), and is not covered by subregulation (1), (2), or (3), is entitled to the certificate if CASA or an authorised person is satisfied that:

(a) the aircraft:
   (i) conforms to an approved primary, normal, utility, acrobatic or manned free balloon type design; or
   (ii) complies with section 101.55 of the Civil Aviation Orders; and
(b) the aircraft complies with all applicable airworthiness directives; and
(c) the aircraft has been inspected for the issue of a maintenance release; and
(d) any modifications or repairs to the aircraft have been carried out in accordance with approved maintenance data; and
(e) the aircraft is in a condition for safe operation.

Inspection

(5) CASA or an authorised person may inspect an aircraft mentioned in subregulation (3) or (4) to determine whether:

(a) it conforms to the type design; and
(b) any modifications or repairs to it have been carried out in accordance with approved maintenance data; and
(c) it is in a condition for safe operation.

Multiple-category certification

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

Source  FARs section 21.184 modified.

21.184A Special certificates of airworthiness for intermediate category aircraft

New intermediate category aircraft manufactured under a production certificate

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

Other aircraft

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

Inspection

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

Multiple-category certification

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

Source  FARs section 21.184 modified.

21.185 Certificates of airworthiness for restricted category aircraft

Aircraft manufactured under a production certificate or type certificate only

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

(2) An applicant for the original issue of a restricted category certificate of airworthiness for an imported aircraft type certificated only in the restricted category under regulation 21.029 or 21.029A is entitled to a certificate of airworthiness if CASA or an authorised person is satisfied that:

(a) the aircraft conforms to the type design; and

(b) any modifications or repairs to the aircraft have been carried out in accordance with approved maintenance data; and

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

**Other aircraft**

(3) An applicant for a special certificate of airworthiness for an aircraft type certificated in the restricted category, that was a surplus aircraft of the Defence Force, or of an armed force of Canada, the United Kingdom or the United States of America, or was previously certificated in another category, is entitled to the certificate if CASA or an authorised person is satisfied, after inspection, that the aircraft is in a good state of preservation and repair and is in a condition for safe operation.

(3A) Subregulation (3B) applies to an aircraft:

(a) that is type certificated in the normal, utility, acrobatic, commuter or transport category; and

(b) that has been modified for 1 or more of the special purpose operations mentioned in regulation 21.025; and

(c) the modifications to which have been carried out in accordance with:

(i) approved maintenance data; or

(ii) a supplemental type certificate.

(3B) An applicant for a special certificate of airworthiness for an aircraft to which this subregulation applies is entitled to the certificate as if the aircraft were type certificated in the restricted category if CASA or an authorised person finds, after inspection, that:
21.186 Special certificates of airworthiness for light sport aircraft

(1) An applicant is entitled to a special certificate of airworthiness for a light sport aircraft if:

(a) the aircraft was manufactured by a qualified manufacturer; and

(b) the applicant gives CASA, or the authorised person referred to in regulation 21.176, the following:

(i) a statement of compliance by the manufacturer that complies with subregulation (2);

(ii) copies of the aircraft operating instructions, aircraft maintenance and inspection procedures, and aircraft flight training supplement, issued for the aircraft by the manufacturer;

(iii) in the case of a light sport aircraft manufactured outside Australia — written information showing that:

(A) the aircraft was manufactured in a Contracting State; and
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(B) the aircraft is eligible for a certificate of airworthiness, or another document of similar effect, in the country of manufacture; and

(c) CASA or an authorised person finds, after inspection, that the aircraft is in a condition for safe operation.

(2) A statement of compliance must be signed by the manufacturer and include at least the following:

(a) a statement setting out the aircraft’s make and model, serial number and date of manufacture;

(b) a statement specifying which of the LSA standards apply to the design of the aircraft, including a statement to the effect that the design of the aircraft complies with the specified standards;

(c) a statement specifying that:
   (i) the manufacturer has a quality system that complies with the LSA standards; and
   (ii) based on that system, the aircraft conforms to the manufacturer’s design data;

(d) a statement to the effect that the manufacturer will make the statements, documents and information referred to in paragraph (1) (b) available to any person who asks the manufacturer for them;

(e) a statement to the effect that the manufacturer will monitor the continuing airworthiness of the aircraft and will issue directions or requirements that comply with the LSA standards to correct any unsafe condition;

(f) a statement to the effect that, in accordance with a production acceptance test procedure that complies with the LSA standards:
   (i) the manufacturer has ground-tested and flight-tested the aircraft; and
   (ii) the manufacturer found the aircraft’s performance during ground and flight testing acceptable; and
   (iii) the aircraft is in a condition for safe operation.
Regulation 21.187

21.187 Multiple-category airworthiness certification

(1) An applicant for a certificate of airworthiness for an aircraft in the restricted category, and in one or more other categories (except the primary or intermediate category), is entitled to the certificate, if the aircraft:

(a) complies with the requirements for a particular category, when the aircraft is in the configuration for that category; and

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

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

Penalty: 50 penalty units.

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

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

(3) The inspection must be carried out by:

(a) CASA or an authorised person; or

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

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

(a) complies with the requirements for a particular category, when the aircraft is in the configuration for that category; and

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

Source FARs section 21.187 modified.
Special certificate of airworthiness for limited category aircraft

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

(a) either:

(i) CASA or an authorised person is satisfied that the aircraft meets the airworthiness requirements for the issue of a standard certificate of airworthiness (except any requirements that are inappropriate for the special purpose for which the aircraft is to be used); or

(ii) the aircraft is of a type that has been manufactured in accordance with the requirements of, and accepted for use by, an armed force, and for which the applicant can demonstrate to CASA or an authorised person a satisfactory history of operation; and

(b) as far as can be reasonably determined, CASA or an authorised person is satisfied that the aircraft is in a good state of preservation and repair and is in a condition for safe operation; and

(c) as far as can be reasonably determined, CASA or an authorised person is satisfied that the aircraft can reasonably be expected to be safe when it is operated under the conditions limiting its intended use; and

(d) the applicant meets the requirements of subregulation (2).

(2) The applicant must give CASA or an authorised person the following:

(a) a statement, in a form and manner acceptable to CASA or the authorised person, setting out the purpose or purposes for which the aircraft is to be used;

(b) data (for example photographs) to identify the aircraft;

(c) any other information reasonably needed by CASA or the authorised person to enable it to impose any conditions necessary in the interests of the safety of other airspace users and persons on the ground or water.
(3) The special purpose operations are the following:
   (a) operating historic or ex-military aircraft in adventure style operations;
   (b) aerobatic flights;
   (c) aerobatic training;
   (d) exhibition flights;
   (e) mock combat;
   (f) operating replica aircraft;
   (g) operating aircraft to carry people for parachute jumping;
   (h) any other operation in which the only use of the aircraft is to carry people taking part in a recreational activity that is intrinsically hazardous.

(4) CASA or an authorised person may:
   (a) inspect the aircraft to determine whether it is in a good state of preservation and repair and is in a condition for safe operation; and
   (b) require the applicant to carry out a flight check to enable CASA or the authorised person to make the determination.

Source FARs section 21.189 modified.

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

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

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

(1A) In the case of an aircraft that is a rotorcraft, for the application of section 101.28 of the Civil Aviation Orders:

(a) a reference in that section to an aeroplane is taken to be a reference to an aircraft; and

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

(2) CASA or an authorised person must not give an ABAA for an aircraft, except an aircraft with:

(a) a maximum take-off weight not greater than 1500 kilograms; and

(b) not more than 4 seats; and

(c) if the aircraft is an aeroplane that is fitted with one or more type certificated engines:

(i) a stalling speed \( V_{so} \) at maximum weight not exceeding 61 knots; or

(ii) if accurate data about the stalling speed is not available — a maximum wing loading not exceeding:

   (A) 65 kg/m\(^2\) with a flap area of less than 6 percent gross wing area; or

   (B) 80 kg/m\(^2\) with a flap area of at least 6 percent gross wing area; and

(d) if the aircraft is an aeroplane that is fitted with one or more non-type certificated engines:

(i) a stalling speed \( V_{so} \) at maximum weight not exceeding 55 knots; or

(ii) if accurate data about the stalling speed is not available — a maximum wing loading not exceeding:

   (A) 55 kg/m\(^2\) with a flap area of less than 6 percent gross wing area; or
(B) 65 kg/m² with a flap area of at least 6 percent gross wing area.

(3) CASA or an authorised person must not give an ABAA for an aircraft if the ABAA is applied for after 30 September 2000.

21.191 Experimental certificates

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

(a) research and development: for example testing new aircraft design concepts, new aircraft equipment, new aircraft installations, new aircraft operating techniques, or new uses for aircraft;

(b) showing compliance with regulations: for example conducting flight tests and other operations to show compliance with the airworthiness regulations including flights to show compliance for issue of type and supplemental type certificates, flights to substantiate major design changes, and flights to show compliance with the function and reliability requirements of the regulations;

(c) training the applicant’s flight crew;

(d) exhibition: for example exhibiting the aircraft’s flight capabilities, performance, or unusual characteristics at air shows, motion picture, television, and similar productions, and the maintenance of exhibition flight proficiency, including (for persons exhibiting aircraft) flying to and from such air shows and productions;

(e) air racing: for example participating in air races, including (for participants) practising for air races and flying to and from racing events;

(f) market surveys: for example use of aircraft for purposes of conducting market surveys, sales demonstrations, and customer crew training only as provided in regulation 21.195;

(g) operating an amateur-built aircraft: that is an aircraft the major portion of which has been fabricated and assembled by a person who undertook the construction project solely for the person’s own education or recreation;
Regulation 21.192

(h) operating a kit-built aircraft: that is an aircraft in the primary category that meets the criteria of paragraph 21.024 (1) (a) and that was assembled by a person from a kit manufactured by the holder of a production certificate for that kit, without the supervision and quality control of the production certificate holder under subregulation 21.184 (1);

(i) private operations of prototype aircraft previously certificated under paragraph 21.191 (a), (b) or (d);

(j) operating a light sport aircraft that:
   (i) has been assembled from a kit in relation to which the applicant can give the information, statement and documents required by paragraph 21.193 (e); and
   (ii) has been assembled in accordance with the kit manufacturer’s instructions for assembling the aircraft; and
   (iii) is of the same make and model as a production aircraft covered by regulation 21.186 that has been issued with a special certificate of airworthiness;

(k) operating any other light sport aircraft covered by regulation 21.186 for which a special certificate of airworthiness for light sport aircraft, or another document of similar effect under a law of a Contracting State, has been issued.

Source FARs section 21.191 modified.

21.192 Experimental certificates: eligibility

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

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

21.193 Experimental certificates: general

An applicant for an experimental certificate is entitled to the certificate if the applicant gives CASA or an authorised person the following:
Regulation 21.193

(a) a statement, in a form and manner acceptable to CASA or the authorised person, setting forth the purpose for which the aircraft is to be used;

(b) enough data (such as photographs) to identify the aircraft;

(c) upon inspection of the aircraft, any information reasonably needed by CASA or the authorised person to enable it to impose any conditions or operational limitations necessary in the interests of the safety of other airspace users and persons on the ground or water;

(d) if the experimental certificate is to be issued for a purpose mentioned in paragraph 21.191 (a) (research and development) or paragraph 21.191 (b) (showing compliance with the regulations):
   (i) a description of the experimental purposes for which the certificate is sought; and
   (ii) a statement setting out the estimated time or number of flights required for the purpose; and
   (iii) a description of the areas over which the experiment will be conducted; and
   (iv) except for aircraft converted from a previously certificated type without appreciable change in the external configuration — three-view drawings or three-view dimensioned photographs of the aircraft;

(e) if the experimental certificate is to be issued for a purpose mentioned in paragraph 21.191 (j) (operating certain light sport aircraft):
   (i) written information that shows that a special certificate of airworthiness for light sport aircraft covered by regulation 21.186, or another document of similar effect under a law of a Contracting State, has been issued for a production aircraft of the same make and model; and
   (ii) a statement of compliance, issued by the manufacturer of the kit from which the aircraft was assembled, that includes the statements and information required by subregulation 21.186 (2), in so far as the statements and information relate to the manufacture of such kits; and
Regulation 21.195

(iii) copies of the aircraft assembly and operating instructions, aircraft maintenance and inspection procedures, and aircraft flight training supplement, issued for the aircraft by the manufacturer.

Source  FARs section 21.193 modified.

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

(1) A manufacturer of aircraft manufactured within Australian territory is eligible to apply for an experimental certificate for an aircraft that is to be used for a purpose mentioned in paragraph 21.191 (f).

(2) A manufacturer of aircraft engines who has altered a type certificated aircraft by installing different engines, manufactured by the manufacturer within Australian territory, is eligible to apply for an experimental certificate for a purpose mentioned in paragraph 21.191 (f) if the basic aircraft, before alteration, was type certificated in the normal, acrobatic, commuter, primary, intermediate or transport category.

(3) A person who has altered the design of a type certificated aircraft is eligible to apply for an experimental certificate for the altered aircraft to be used for a purpose mentioned in paragraph 21.191 (f) if the basic aircraft, before alteration, was type certificated in the normal, utility, acrobatic, primary, intermediate or transport category.

(4) An applicant for an experimental certificate for a purpose mentioned in paragraph 21.191 (f) is entitled to the certificate if, in addition to meeting the requirements of regulation 21.193:

(a) the applicant has established an inspection and maintenance program for the continued airworthiness of the aircraft; and

(b) the aircraft has been flown for at least 50 hours, or for at least 5 hours if it is a type certificated aircraft which has been modified.

Source  FARs section 21.195 modified.
21.195A Issue of experimental certificates

(1) CASA or an authorised person must issue an experimental certificate to an applicant for the certificate if the applicant:
   (a) is eligible, under regulation 21.192, to apply for the certificate; and
   (b) applies for the certificate in accordance with this Subpart; and
   (c) is entitled, under this Subpart, to the certificate; and
   (d) otherwise complies with this Part.

(2) CASA or an authorised person must issue the certificate subject to the conditions (if any) that CASA or the authorised person considers necessary for the safety of other airspace users and persons on the ground or water.

(3) A condition imposed under subregulation (2) may include operational limitations.

(4) Any conditions imposed under this regulation must be in writing and set out in, or attached to, the experimental certificate.

(5) A person must not engage in conduct that results in a breach of a condition of an experimental certificate.

   Penalty: 50 penalty units.

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

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

21.195B Duration of experimental certificates

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

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

(3) The holder of an experimental certificate must, on the request of CASA or an authorised person, make it available for inspection by CASA.

Penalty: 5 penalty units.

(4) An experimental certificate for an aircraft stops being in force if the aircraft ceases to be registered in Australia.

(5) CASA or an authorised person may suspend or cancel an experimental certificate for an aircraft, by written notice given to its holder, if:
(a) any maintenance is not carried out in accordance with regulation 42CB of CAR; or
(b) CASA or the authorised person otherwise considers that it is necessary to do so in the interests of the safety of other airspace users and persons on the ground or water.

(6) A notice under subregulation (5) must set out:
(a) the grounds for the suspension or cancellation; and
(b) in the case of a suspension — when the suspension stops having effect.

(7) Despite anything else in this regulation, an experimental certificate is not in force during any period of suspension, but, if the certificate was issued for a specified period, the period of suspension counts as part of the period for which the certificate was issued.
(8) The holder of an experimental certificate that stops being in force under subregulation (4), expires, or is suspended or cancelled, must, at the written request of CASA or an authorised person, surrender the certificate to CASA or the authorised person.

Penalty: 5 penalty units.

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

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

Source FARs section 21.181 modified.

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

21.196 Special flight permits: eligibility

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

21.197 Special flight permits

(1) A special flight permit may be issued for one or more of the following purposes for an aircraft that may not currently meet the applicable airworthiness requirements, but can reasonably be expected to be capable of safe flight for the intended purpose:

(a) flying the aircraft to a base where repairs, alterations, or maintenance are to be performed, or to a point of storage;
(b) delivering or exporting the aircraft;
(c) production flight testing new production aircraft;
(d) evacuating the aircraft from areas of impending danger;
(e) conducting customer demonstration flights in new production aircraft that have satisfactorily completed production flight tests;
(f) assisting in searching for, bringing aid to or rescuing persons in danger on a particular occasion;
(g) assisting in dealing with a state of emergency.
Regulation 21.199

(2) A special flight permit may authorise the operation of an aircraft at a weight in excess of its maximum certificated take-off weight for flight beyond the normal range over water, or over land areas where adequate landing facilities or appropriate fuel is not available. The excess weight that may be authorised under this paragraph is limited to the additional fuel, fuel-carrying facilities, and navigation equipment necessary for the flight.

(3) For subsection 20AA (1) of the Act, an aircraft with a special flight permit, except a special flight permit issued for a purpose mentioned in paragraph (1) (b), is not required to be registered.

(4) For paragraph 20AA (3) (a) of the Act, an aircraft with a special flight permit is not required to have a certificate of airworthiness.

(5) For paragraph 20AA (3) (b) of the Act, an aircraft with a special flight permit is not required to have a maintenance release.

(6) When CASA or an authorised person issues a special flight permit, it may direct that, while the permit is in force, all or any of paragraphs 133 (1) (a), (c) and (d), and regulation 139, of CAR do not apply to the aircraft.

Source FARs section 21.197 modified.

21.199 Applications for special flight permits

(1) An applicant for a special flight permit must submit a statement in a form and manner acceptable to CASA or an authorised person, indicating the following:

(a) the purpose or purposes of the flight;

(b) the proposed itinerary;

(c) the crew required to operate the aircraft and its equipment, for example, pilot, co-pilot, navigator;

(d) the ways, if any, in which the aircraft does not comply with the applicable airworthiness requirements;

(e) any restriction the applicant considers necessary for safe operation of the aircraft;
(f) any other information that CASA or the authorised person reasonably needs to be able to prescribe operating limitations or other conditions in the interests of aviation safety.

(2) CASA or an authorised person may make, or require the applicant to make, appropriate inspections or tests necessary to determine whether the aircraft can reasonably be expected to be capable of safe flight for the intended purpose or purposes.

Source  FARs section 21.199 modified.

### 21.200 Issue of special flight permits

(1) Subject to subregulation (1A), CASA or an authorised person must issue a special flight permit to an applicant for the permit if the applicant:

(a) is eligible, under regulation 21.196, to apply for the permit; and

(b) applies for the permit in accordance with this Subpart; and

(c) otherwise complies with this Part.

(1A) CASA or an authorised person must not issue a special flight permit for an aircraft if:

(a) the aircraft is covered by an AD; and

(b) the AD includes a statement to the effect that a special flight permit must not be issued for an aircraft covered by the AD.

(2) CASA or an authorised person may issue a special flight permit for an aircraft subject to any conditions that CASA or the authorised person considers necessary in the interests of aviation safety.

(3) A condition imposed under subregulation (2) may include operational limitations.

(4) Any conditions imposed under this regulation, and any conditions imposed under regulation 21.016 or 21.029B that limit the use of the aircraft, must be in writing and set out in, or attached to, the special flight permit.
(5) A person must not engage in conduct that results in a breach of a condition of a special flight permit.

Penalty: 50 penalty units.

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

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

## 21.201 Duration of special flight permits

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

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

Penalty: 5 penalty units.

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

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

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

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

(5) Despite anything else in this regulation, a special flight permit is not in force during any period of suspension, but, if the permit was issued for a specified period, the period of suspension counts as part of the period for which the permit was issued.
Subpart 21.I  Provisional certificates of airworthiness

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

21.211 Applicability

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

Source FARs section 21.211 modified.

21.213 Eligibility

(1) A manufacturer is eligible to apply for a Class I or Class II provisional certificate of airworthiness for aircraft manufactured by the manufacturer in Australian territory.

(2) The holder of an AOC issued for regular public transport operations is eligible to apply for a Class II provisional certificate of airworthiness for transport category aircraft if:

(a) the aircraft has a current Class II provisional type certificate or a current amendment of a Class II provisional type certificate; or

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

Source  FARs section 21.213 modified.

21.215 Application

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

Source  FARs section 21.215 modified.

21.216 Issue of provisional certificates of airworthiness

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

(a) is eligible, under regulation 21.213, to apply for the certificate; and

(b) applies for the certificate in accordance with this Subpart; and

(c) is entitled, under this Subpart, to the certificate; and

(d) otherwise complies with this Part.

21.217 Duration

(1) Unless sooner cancelled, provisional certificates of airworthiness are effective for the duration of the corresponding provisional type certificate, amendment to a provisional type certificate, or provisional amendment to the type certificate.

(2) Despite subregulation (1), a provisional certificate of airworthiness is not in force during any period of suspension.
(3) CASA may suspend or cancel a provisional certificate of airworthiness, by written notice given to its holder, if CASA considers that it is necessary to do so in the interests of aviation safety.

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

Source  FARs section 21.217 modified.

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

21.219 Transferability

(1) Class I provisional certificates of airworthiness are not transferable.

(2) Class II provisional certificates of airworthiness may be transferred to an AOC holder eligible to apply for a certificate under subregulation 21.213 (2).

Source  FARs section 21.219 modified.

21.221 Class I provisional certificates of airworthiness

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

(2) The manufacturer must hold a provisional type certificate for the aircraft.
(3) The manufacturer must submit a statement that the aircraft conforms to the type design corresponding to the provisional type certificate and has been found by the manufacturer to be in safe operating condition under all applicable limitations.

(4) The aircraft must be flown at least five hours by the manufacturer.

(5) The aircraft must be supplied with a provisional aircraft flight manual or other document and appropriate placards containing the limitations mentioned in subregulation 21.081 (4) of these regulations and regulation 262AO of CAR.

Source  FARs section 21.221 modified.

21.223 Class II provisional certificates of airworthiness

(1) Except as provided in regulation 21.225, an applicant who holds a Class II provisional type certificate for an aircraft is entitled to a Class II provisional certificate of airworthiness for the aircraft if:

(a) the applicant meets the eligibility requirements of regulation 21.213; and

(b) CASA is satisfied that the requirements of this regulation are satisfied and that there is no feature, characteristic, or condition of the aircraft that would make the aircraft unsafe when operated in accordance with the limitations mentioned in subregulation 21.083 (7) of these regulations and regulation 262AO of CAR.

(2) The applicant must show that a Class II provisional type certificate for the aircraft has been issued to the manufacturer.

(3) The applicant must submit a statement by the manufacturer that the aircraft has been manufactured under a quality system adequate to ensure that the aircraft conforms to the type design corresponding with the provisional type certificate.

(4) The applicant must submit a statement that the applicant has found the aircraft to be in a safe operating condition under the applicable limitations.

(5) The aircraft must be flown at least five hours by the manufacturer.
(6) The aircraft must be supplied with a provisional aircraft flight manual containing the limitations mentioned in subregulation 21.083 (7) of these regulations and regulation 262AO of CAR.

Source  FARs section 21.223 modified.

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

(1) An applicant is entitled to a Class I or a Class II provisional certificate of airworthiness for an aircraft for which a provisional amendment to the type certificate has been issued, if:

(a) the applicant meets the eligibility requirements of regulation 21.213; and

(b) CASA is satisfied that the requirements of this regulation are satisfied and that there is no feature, characteristic, or condition of the aircraft, as modified in accordance with the provisionally amended type certificate, that would make the aircraft unsafe when operated in accordance with the applicable limitations mentioned in subregulation 21.085 (6) of these regulations and regulation 262AO of CAR.

(2) The applicant must show that the modification was made under a quality system adequate to ensure that the modification conforms to the provisionally amended type certificate.

(3) The applicant must submit a statement that the applicant has found the aircraft to be in a safe operating condition under the applicable limitations.

(4) The aircraft must be flown at least five hours by the manufacturer.

(5) The aircraft must be supplied with a provisional aircraft flight manual or other document and appropriate placards containing the limitations mentioned in subregulation 21.085 (6) of these regulations and regulation 262AO of CAR.

Source  FARs section 21.225 modified.
Subpart 21.J  Delegation option authorisation procedures

21.231  Applicability

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

(2) In subregulation (1):
   small aeroplane means an aeroplane with a maximum take-off weight of not more than 5,700 kilograms.
   small glider means a glider with a maximum design weight of not more than 750 kilograms.

Source  FARs section 21.231, modified.

21.235  Application

(1) The manufacturer of an aircraft, aircraft engine or propeller may apply to CASA for a delegation option authorisation in relation to the aircraft, aircraft engine or propeller.

(2) The application must be in a form and manner acceptable to CASA.
(3) The application must include the names, signatures, and qualifications of the persons (nominated persons) for whom authorisation to sign certificates of airworthiness, repair and alteration certificates, and inspection certificates is requested.

Source FARs section 21.235, modified.

21.239 Eligibility

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

(a) holds a current type certificate for another aircraft, aircraft engine or propeller that is type certificated by reference to the same Part of these regulations as the aircraft, aircraft engines or propellers for which the authorisation is sought; and

(b) holds a current production certificate for aircraft, aircraft engines or propellers for which the authorisation is sought; and

(c) employs, or has available working under an arrangement, a staff of engineering, flight test, production and inspection personnel who can determine compliance with the applicable airworthiness requirements of these regulations; and

(d) meets any other requirements of this Subpart.

Source FARs section 21.239, modified.

21.243 Duration

(1) A delegation option authorisation continues in force until it is cancelled.

(2) CASA may suspend or cancel a delegation option authorisation, by written notice given to its holder, if:

(a) the holder of the authorisation does not continue to meet the requirements of this Part; or

(b) any change (including a change of personnel) occurs that could affect the ability of the holder to meet those requirements.
(3) Despite subregulation (1), a delegation option authorisation is not in force during any period of suspension.

(4) A notice under subregulation (2) must set out:
   (a) the grounds for the suspension or cancellation; and
   (b) in the case of a suspension — when the suspension stops having effect.

Source FARs section 21.243 modified.

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

21.245 Maintenance of eligibility

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

Penalty: 50 penalty units.

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

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

Source FARs section 21.245, modified.

21.247 Transferability

A delegation option authorisation is not transferable.

Source FARs section 21.247.

21.249 Inspections

(1) Upon request, each holder of, or applicant for, a delegation option authorisation must let CASA inspect the holder’s or applicant’s organisation, facilities, product, and records to determine whether the holder or applicant is suitable to hold a delegation option authorisation.

(2) If the holder of a delegation option authorisation does not comply with a request for inspection, the authorisation is suspended until the request is complied with.
(3) If an applicant for a delegation option authorisation does not comply with a request for inspection, CASA is not required to issue the authorisation.

Source  FARs section 21.249 modified.

21.251 Use of delegation option authorisation

(1) A delegation option authorisation authorises a nominated person for the authorisation to do any, or all, of the following in relation to an aircraft, aircraft engine or propeller to which the authorisation applies:

(a) certify that the type design meets the applicable requirements, and do anything else for the purpose of obtaining a type certificate under regulation 21.253;

(b) if the holder of the authorisation also holds the type certificate for the aircraft, aircraft engine or propeller — approve changes in the type design of the aircraft, aircraft engine or propeller;

(c) certify that a new model or type of aircraft, aircraft engine or propeller meets the production certification requirements, and do anything else for the purposes of regulation 21.267;

(d) if the authorisation relates to an aircraft for which the holder of the authorisation has applied for a type certificate or amended type certificate under regulation 21.253 — issue experimental certificates to permit the operation of the aircraft for the purpose of research and development, crew training, market surveys, or showing compliance with the applicable airworthiness requirements;

(e) if the authorisation relates to an aircraft for which the holder of the authorisation also holds a type certificate and holds, or is in the process of obtaining, a production certificate — issue certificates of airworthiness for the aircraft;

(f) if the authorisation relates to aircraft engines or propellers for which the holder of the authorisation also holds a type certificate and holds, or is in the process of obtaining, a production certificate — issue authorised release certificates for the aircraft engines or propellers;
(g) issue authorised release certificates for parts of aircraft, aircraft engines or propellers covered by the authorisation.

(2) Delegation option authorisation procedures may be applied to one or more types of aircraft, aircraft engine or propeller selected by the manufacturer, who must notify CASA of each model, and of the first serial number of each model manufactured under the delegation option authorisation procedures. Other types or models may remain under the standard procedures.

(3) Delegation option authorisations are subject to any additional limitations determined by CASA in the interests of aviation safety after inspection of the applicant’s facilities or review of the staff qualifications.

Source FARs section 21.251 modified.

21.253 Type certificates: application

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

(a) an application for the type certificate or amended type certificate; and

(b) a statement listing the airworthiness requirements of these regulations (by number and effective date) that the manufacturer considers applicable; and

(c) after determining that the type design meets the applicable requirements, a statement certifying that this determination has been made; and

(d) after placing the required technical data and type inspection report in the technical data file required by subparagraph 21.293 (1) (a) (i), a statement certifying that this has been done; and

(e) a proposed type certificate data sheet; and

(f) an aircraft flight manual (if required) or a summary of required operating limitations and other information necessary for safe operation of the aircraft, aircraft engine or propeller.
21.257 **Type certificates: issue**

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

(2) CASA may inspect an aircraft, aircraft engine or propeller to determine whether it meets the applicable airworthiness requirements.

*Source* FARs section 21.257 modified.

21.261 **Equivalent safety provisions**

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

Penalty: 50 penalty units.

(2) CASA must notify the manufacturer, in writing, if CASA is satisfied that the compensating factors provide an equivalent level of safety.

(3) If CASA is not satisfied that the compensating factors provide an equivalent level of safety, CASA must give the manufacturer a direction, in writing, setting out what the manufacturer must do to provide an equivalent level of safety.

(4) The manufacturer must not engage in conduct that results in a breach of a direction given under subregulation (3).

Penalty: 50 penalty units.

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

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

(a) an application for an amendment to the production certificate; and

(b) after determining that the production certification requirements of Subpart 21.G, with respect to the new model or type, are met, a statement certifying that this determination has been made; and

(c) a statement identifying the type certificate number under which the aircraft, aircraft engine or propeller is being manufactured; and

(d) after placing the manufacturing and quality system data required by regulation 21.143 with the data required by subparagraph 21.293 (1) (a) (ii), a statement certifying that this has been done.

Source FARs section 21.261 modified.

21.269 Export airworthiness approvals

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

Source FARs section 21.269 modified.

21.271 Authorised release certificates — criteria for issue

(1) A nominated person for a delegation option authorisation may issue an authorised release certificate mentioned in paragraph 21.251 (1) (f) or (g) for an aircraft engine, or propeller, or part if the aircraft engine, propeller or part, after inspection and operations tests:
(a) conforms to a type design for which the manufacturer who holds the delegation option authorisation also holds the type certificate; and

(b) is in a condition for safe operation.

(2) When a new model has been included on the production limitation record mentioned in regulation 21.151, the production certification number must be stamped on the aircraft engine or propeller identification data place instead of issuing an authorised release certificate.

Penalty: 50 penalty units.

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

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

Source FARs section 21.271 modified.

21.273 Certificates of airworthiness

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

(a) conforms to a type design for which the holder of a delegation authorisation option holds a certificate of type approval; and

(b) is in a condition for safe operation.

Source FARs section 21.273 modified.

21.275 Experimental certificates

(1) A nominated person for a delegation option authorisation must, before issuing an experimental certificate for an aircraft under this Subpart, obtain from CASA any limitations and conditions that CASA considers necessary in the interests of the safety of other airspace users and persons on the ground or water.
(2) For experimental certificates issued under this Subpart for aircraft for which the manufacturer holds the type certificate and which have undergone changes to the type design requiring flight test, the manufacturer may prescribe any operating limitations that the manufacturer considers necessary in the interests of the safety of other airspace users and persons on the ground or water.

Source: FARs section 21.275 modified.

21.277 Data review and service experience

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

Penalty: 50 penalty units.

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

Penalty: 50 penalty units.

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

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

Source: FARs section 21.277, modified.

21.289 Major repairs, rebuilding and alteration

A delegation option authorisation for an aircraft, aircraft engine or propeller authorises a nominated person for the authorisation:
(a) to approve a major repair or major alteration of the aircraft, aircraft engine or propeller; and
(b) to certify that the repair or alteration meets the applicable airworthiness requirements.

Source   FARs section 21.289, modified.

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

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

Penalty: 50 penalty units.

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

Penalty: 50 penalty units.

(3) The records mentioned in paragraphs (d) and (e) must be kept for 2 years after the aircraft, aircraft engine or propeller to which the records relate was manufactured.
Subpart 21.K Approval of materials, parts, processes and appliances

21.301 Applicability

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

Source FARs section 21.301 modified.

21.303 Replacement and modification parts

(1) A person may produce a modification or replacement part for sale for installation on a type certificated aircraft, aircraft engine or propeller only if:

(a) it is produced in accordance with an Australian Parts Manufacturer Approval (APMA) issued under this Subpart; or

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

Penalty: 50 penalty units.
(1A) An offence against subregulation (1) is an offence of strict liability.

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

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

(2) This regulation does not apply to the following:
   (a) parts manufactured in the course of maintenance by a maintenance organisation having approval to manufacture the parts;
   (b) parts produced under a type certificate or production certificate;
   (c) parts manufactured by the owner or operator of an aircraft, aircraft engine or propeller manufactured by the owner or operator, for maintaining or altering the aircraft, aircraft engine or propeller;
   (d) parts produced under an ATSO authorisation;
   (e) standard parts (such as bolts and nuts) conforming to established industry or Australian specifications.

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

(3) An application for an APMA may be made to CASA and must include the following:
   (a) the identity of the aircraft, aircraft engine or propeller on which the part is to be installed;
   (b) the name and address of the manufacturing facilities at which the part is to be manufactured;
   (c) the design of the part, which consists of:
      (i) drawings and specifications necessary to show the configuration of the part; and
      (ii) information on dimensions, materials, and processes necessary to define the structural strength of the part;
   (d) test reports and computations necessary to show that the design of the part meets the airworthiness requirements of these regulations applicable to the aircraft, aircraft engine or propeller on which the part is to be installed, unless the applicant shows that the design of the part is identical to the design of a part that is covered under a type certificate.
Regulation 21.303

If the design of the part was obtained by a licensing agreement, evidence of that agreement must be furnished;

(e) subject to subregulation (3A), a copy of the system that the applicant proposes to use, if granted an APMA, to comply with the requirements of subregulation 21.303 (11).

(3A) An applicant is not required to include a copy of the system referred to in paragraph 21.303 (3) (e) if the applicant has previously given CASA a copy of the same version of the system.

(4) An applicant is entitled to an APMA for a replacement or modification part if:

(a) following examination of the design, or on the basis of design data for the design approved by CASA or an authorised person, CASA is satisfied that the design meets the airworthiness requirements of these Regulations applicable to the aircraft, aircraft engine or propeller on which the part is to be installed; and

(b) the applicant will, if the APMA were to be granted, be able to comply with the requirements of subregulation (11).

(5) An applicant for an APMA must allow CASA to make any inspection or test necessary to determine compliance with the applicable regulations.

(6) CASA is not required to consider an application unless the applicant has complied with paragraphs (8) (b), (c) and (d).

(7) The applicant must ensure that no change is made to a part between the time compliance with paragraphs (8) (b), (c) and (d) is shown for that part and the time the part is presented to CASA for inspection or test.

(8) An applicant for an APMA must make all inspections and tests necessary to determine the following:

(a) compliance with the applicable airworthiness requirements;

(b) that materials conform to the specifications in the design;

(c) that the part conforms to the drawings in the design;
(d) that the fabrication processes, construction, and assembly conform to those specified in the design.

(9) CASA must issue an APMA to an applicant for the APMA if the applicant:
   (a) is eligible, under this regulation, to apply for the APMA; and
   (b) applies for the APMA in accordance with this Subpart; and
   (c) is entitled, under this Subpart, to the APMA; and
   (d) otherwise complies with this Part.

(10) CASA is not required to issue an APMA if the manufacturing facilities for the part are located outside Australian territory, unless the location of the manufacturing facilities places no undue burden on CASA in administering the applicable airworthiness requirements.

(11) The holder of an APMA must establish and maintain a fabrication inspection system that ensures that each completed part conforms to its design data and is safe for installation on applicable type certificated aircraft, aircraft engines or propellers. The system must be documented and include procedures to ensure that:
   (a) incoming materials used in the finished part are as specified in the design data; and
   (b) incoming materials are properly identified if their physical and chemical properties cannot otherwise be readily and accurately determined; and
   (c) materials subject to damage and deterioration are suitably stored and adequately protected; and
   (d) processes affecting the quality and safety of the finished aircraft, aircraft engine or propeller are accomplished in accordance with acceptable specifications; and
   (e) parts in process are inspected for conformity with the design data at points in production where accurate determination can be made. Statistical quality control procedures may be employed where it is shown that a satisfactory level of quality will be maintained for the particular part involved; and
(f) current design drawings are readily available to manufacturing and inspection personnel, and used when necessary; and

(g) major changes to the basic design are adequately controlled and approved before being incorporated in the finished part; and

(h) rejected materials and components are segregated and identified in such a manner as to preclude their use in the finished part; and

(i) inspection records are maintained, identified with the completed part, where practicable, and retained in the holder’s file for a period of at least 2 years after the part has been completed.

(12) An APMA is not transferable and continues in force until cancelled.

(13) The holder of an APMA must notify CASA in writing within 10 days from the date the manufacturing facility at which the parts are manufactured is relocated or expanded to include additional facilities at other locations.

(13A) The holder of an APMA must, within 2 days after the day when any change is made to the holder’s fabrication inspection system that may affect the inspection, conformation to design data or airworthiness of a part to which the APMA relates, tell CASA in writing of the change.

(14) The holder of an APMA must determine whether each completed part conforms to the design data and is safe for installation on type certificated aircraft, aircraft engines or propellers.

(15) CASA may suspend or cancel an APMA, by written notice given to its holder, if the holder does not comply, or ceases to comply, with this Subpart.

(16) Despite subregulation (12), an APMA is not in force during any period of suspension.

(17) A notice under subregulation (15) must set out:

(a) the grounds for the suspension or cancellation; and
(b) in the case of a suspension — when the suspension stops having effect.

Source  FARs section 21.303 modified.

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

21.304 Conditions of an APMA

(1) CASA may issue an APMA subject to any conditions that CASA considers necessary in the interests of the safety of air navigation.

(2) A condition must be set out in the APMA or in a document attached to the APMA.

(3) The holder of an APMA must not contravene a condition subject to which his or her APMA is issued.

Penalty:  50 penalty units.

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

21.304A Changes to an APMA

(1) The holder of an APMA may apply in writing to CASA to approve a change to any of the particulars specified in the APMA, including a condition of the APMA.

(2) CASA may, on receiving an application made under subregulation (1), approve the change.

(3) In deciding whether to approve the change, CASA must take into account any relevant considerations relating to the interests of the safety of air navigation.

21.305 Approval of materials, parts, processes and appliances

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

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

Source FARs section 21.305 modified.

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

(1) A person may apply to CASA or an authorised person for approval of any material, part, process or appliance that is not covered by regulation 21.305.

(2) CASA or an authorised person must, following any inspection that may be necessary, give the approval to the applicant if CASA or the authorised person is satisfied that doing so would be unlikely to have an adverse effect on aviation safety.

21.306 Use of standard parts and materials

(1) Standard parts (such as bolts and nuts) and materials conforming to established industry or Australian specifications may be used, where required by the type design, in the manufacture of an aircraft, aircraft engine, propeller, material, part or appliance if:

(a) the part or material to be used was supplied with a document that:
   (i) was issued under the law of a Contracting State; and
   (ii) contains a statement that identifies the part or material and that includes (if applicable) the specification of the part or material; and
(b) the part or material has zero time in service.

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

Subpart 21.L Export airworthiness approvals

21.321 Applicability

(1) This Subpart prescribes:
(a) requirements for the issue of export airworthiness approvals; and
(b) rules governing the holders of those approvals.

(2) For these regulations:
(a) a Class I product is a complete aircraft, aircraft engine, or propeller, that:
   (i) has been type certificated in accordance with these regulations and for which civil specifications or type certificate data sheets have been issued; or
   (ii) is identical to a type certificated product specified in subparagraph (i) in all respects except as is otherwise acceptable to the NAA of the importing state; and
(b) a Class II product is a major component of a Class I product (for example, wings, fuselages, empennage assemblies, landing gears, power transmissions and control surfaces), the failure of which would jeopardise the safety of a Class I product; or any part, material, or appliance, approved and manufactured under an ATSO in the “C” series; and
(c) a Class III product is any part or component which is not a Class I or Class II product and includes standard parts (for example, those designated as AN, NAS or SAE); and
(d) the word overhauled when used to describe a product means that the product has not been operated or placed in service, except for functional testing, since having been overhauled, inspected and approved for return to service in accordance with these regulations.
21.323 Eligibility

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

Source FARs section 21.323, modified.

21.324 Issue of export airworthiness approvals

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

(a) is eligible, under regulation 21.323, to obtain the approval; and

(b) applies for the approval in accordance with this Subpart; and

(c) is entitled, under this Subpart, to the approval; and

(d) otherwise complies with this Part.

21.325 Export airworthiness approvals

Kinds of approvals

(1) Export airworthiness approval of Class I products is issued:

(a) for an aircraft — in the form of an export certificate of airworthiness; or

(b) for an aircraft engine or propeller — in the form of an authorised release certificate.

(2) An export certificate of airworthiness does not authorise the operation of aircraft.

(3) Export airworthiness approval of Class II and III products is issued in the form of an authorised release certificate.

Products which may be approved

(4) Export airworthiness approvals may be issued for the following:
(a) new aircraft that are assembled and that have been flight-tested, except that export airworthiness approval may be issued for any of the following without assembly or flight-test:

(i) a small aeroplane type certificated by reference to Part 23 and manufactured under a production certificate;

(ii) a glider, powered sailplane or manned free balloon for which a type certificate of the kind mentioned in regulation 21.021 or 21.024 is issued under this Part and that is manufactured under a production certificate;

(iii) a normal category rotorcraft type certificated by reference to Part 27 and manufactured under a production certificate;

(b) used aircraft possessing a valid certificate of airworthiness, or other used Class I or Class II products that have been maintained in accordance with the applicable provisions of CAR or CASR.

(4A) Authorised release certificates may be issued for any of the following that are manufactured and located in Australia:

(a) Class I products other than aircraft;

(b) Class II and III products.

(5) Despite regulation 21.324, CASA is not required to issue an export airworthiness approval for used aircraft or used Class I products mentioned in paragraph (4) (b) that are located outside Australian territory, unless there is no undue burden on CASA in administering this regulation.

Export airworthiness approval exceptions

(6) If CASA or an authorised person issues an export airworthiness approval on the basis of a written statement by the importing state as provided for in paragraph 21.327 (4) (d), CASA or the authorised person must list on the export airworthiness approval, as exceptions, the requirements that are not met and the differences in configuration, if any, between the product to be exported and the related type certificated product.
Penalty: 50 penalty units.

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

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

Source  FARs section 21.325, modified.

21.327 Application

(1) Except as provided in subregulation (2), an application for export airworthiness approval for a Class I, Class II or Class III product must be made to CASA or an authorised person in a form and manner acceptable to CASA.

(2) A manufacturer holding a production certificate may apply orally to CASA or an authorised person for export airworthiness approval of a Class II product approved under the manufacturer’s production certificate.

(3) A separate application must be made for:
   (a) each aircraft; and
   (b) each engine or propeller, except that one application may be made for more than one engine or propeller, if all are of the same type and model and are to be exported to the same purchaser and country; and
   (c) each type of Class II product, except that one application may be made for more than one type of Class II product when:
       (i) they are separated in the application and the type and model of the related Class I product is identified; and
       (ii) they are to be exported to the same purchaser and country.

(4) Each application must be accompanied by a written statement from the importing country that will validate the export airworthiness approval if the product being exported is:
   (a) an aircraft manufactured outside Australian territory and being exported to a country with which Australia has a reciprocal agreement concerning the validation of export certificates; or
(b) an unassembled aircraft which has not been flight-tested; or
(c) a product that does not meet the special requirement of the importing country; or
(d) a product that does not meet a requirement specified in regulation 21.329, 21.331, or 21.333, as applicable, for the issue of an export airworthiness approval; or
(e) a product for which the importing country does not require the weight and balance report mentioned in paragraph (6) (b).

(5) The written statement must list any requirements mentioned in paragraph (4) (d) that are not met.

(6) Each application for export airworthiness approval of a Class I product must include the following, as applicable:

(a) a statement of conformity mentioned in subregulation 21.130 (2) for each new product that has not been manufactured under a production certificate;

(b) unless the importing country does not require it, a weight and balance report in accordance with subregulations (7), (8), (9) and (10), as applicable, with a loading schedule when applicable, for each aircraft in accordance with section 100.7 of the Civil Aviation Orders;

(c) a maintenance manual for each new product when such a manual is required under these regulations;

(d) evidence of compliance with the applicable airworthiness directives, or a suitable notation if any airworthiness directives are not complied with;

(e) when temporary installations are incorporated in an aircraft for the purpose of export delivery — a general description of the installations together with a statement that the installation will be removed and the aircraft restored to the approved configuration upon completion of the delivery flight;

(f) historical records such as aircraft and engine log books, repair and alteration forms, for used aircraft and overhauled products;

(g) for products intended for overseas shipment — a description of the methods used, if any, for the
preservation and packaging of such products to protect them against corrosion and damage while in transit or storage. The description must also indicate the duration of the effectiveness of such methods;

(h) the aircraft’s flight manual required by the applicable airworthiness regulations for the particular aircraft;

(i) a statement as to the date when title passed or is expected to pass to a foreign purchaser;

(j) the data required by the special requirements of the importing country.

Weight and balance reports

(7) A weight and balance report for transport aircraft and commuter category aeroplanes must be based on an actual weighing of the aircraft within the period of 12 months preceding the application for the export airworthiness approval for the aircraft, but after any major repairs or alteration to the aircraft.

(8) Any changes in equipment that are made after the actual weighing of the aircraft (except changes classes as major changes) may be accounted for on a “computed” basis and the report revised accordingly.

(9) Manufacturers of new non-transport category aeroplanes, normal category rotorcraft or gliders may include computed weight and balance data in the report, instead of the results of an actual weighing of the aircraft, if fleet weight control procedures approved by CASA have been established for the aircraft. In this case, the following statement must be included in each report: “The weight and balance data shown in this report are computed on the basis of CASA’s approved procedures for establishing fleet weight averages.”.

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

Source   FARs section 21.327, modified.
21.329 Issue of export airworthiness approvals for Class I products

(1) An applicant is entitled to an export airworthiness approval for a Class I product if the applicant shows, at the time the application is made, that the product meets the requirements of subregulations (2) to (6) (inclusive), as applicable, except as provided in subregulation (7).

(2) New and used aircraft must meet:
   (a) the airworthiness requirements for a standard certificate of airworthiness under regulation 21.183; or
   (b) the airworthiness certification requirements for a special certificate of airworthiness for an aircraft in the primary, intermediate or restricted category under regulation 21.184, 21.184A or 21.185 respectively.

(3) Used aircraft must have undergone an annual, or 100 hour, type inspection in accordance with Part 4A of CAR. The inspection must have been performed and properly documented within 30 days before the date the application is made for an export certificate of airworthiness. In complying with this subregulation, consideration may be given to any inspections performed within the 30 days prior to the date the application is made for an export certificate of airworthiness on an aircraft maintained in accordance with a system of maintenance for the aircraft approved in accordance with Part 4A of CAR.

(4) New engines and propellers must conform to the type design and must be in a condition for safe operation.

(5) Used engines and propellers which are not being exported as part of a certificated aircraft must have been overhauled.

(6) CASA or an authorised person must be satisfied that the special requirements of the importing country have been met.

(7) A product need not meet a requirement mentioned in subregulation (2), (3), (4), (5) or (6) if the product is acceptable to the importing country and the importing country indicates that acceptability in accordance with paragraph 21.327 (4) (d) and subregulation 21.327 (5).

Source  FARs section 21.329, modified.
21.331  Issue of airworthiness approvals for Class II products

(1) An applicant is entitled to an export airworthiness approval for a Class II product if that applicant shows, and CASA or an authorised person is satisfied, that the product:

(a) is new or has been overhauled and conforms to the approved design data; and
(b) is in a condition for safe operation; and
(c) is identified with at least the manufacturer’s name, part number, model designation (if applicable), and serial number or equivalent; and
(d) meets any special requirements of the importing country.

(2) However, a product need not meet a requirement mentioned in subregulation (1) if the product is acceptable to the importing country and the importing country indicates that acceptability in accordance with paragraph 21.327 (4) (d) and subregulation 21.327 (5).

Source  FARs section 21.331 modified.

21.333  Issue of export airworthiness approvals for Class III products

(1) An applicant is entitled to an export airworthiness approval for a Class III product if the applicant shows, and CASA or an authorised person is satisfied, that the product:

(a) conforms to the approved design data applicable to the Class I or Class II product of which it is a part; and
(b) is in a condition for safe operation; and
(c) meets any special requirements of the importing country.

(2) However, a product need not meet a requirement mentioned in subregulation (1) if it is acceptable to the importing country and the importing country indicates that acceptability in accordance with paragraph 21.327 (4) (d) and subregulation 21.327 (5).

Source  FARs section 21.333 modified.
21.337 Performance of inspections and overhauls

Unless otherwise provided for in this Subpart, an export airworthiness approval for a Class I or Class II product is not valid unless the product is inspected by an approved maintenance organisation.

Source  FARs section 21.337 modified.

21.339 Export airworthiness approval for aircraft

An applicant is entitled to an export certificate of airworthiness authorising the export of an aircraft to 2 or more foreign countries if:

(a) the applicant gives CASA a statement to the effect that the aircraft is to be flown to each of these countries for the purpose of sale; and

(b) a standard certificate of airworthiness or a special certificate of airworthiness is in force for the aircraft; and

(c) the aircraft is inspected by CASA before leaving Australian territory and is found to comply with all the applicable requirements; and

(d) a list of the foreign countries in which it is intended to conduct sales demonstrations, together with the expected dates and duration of such demonstration, is included in the application under regulation 21.327; and

(e) for each country listed, the applicant:

(i) has met that country’s special requirements, except those requiring documents, information, and materials to be furnished; and

(ii) has the documents, information, and materials necessary to meet the special requirements of that country; and

(f) all other requirements for the issue of an export certificate of airworthiness for a Class I product are met.

Source  FARs section 21.33 modified.
Subpart 21.N  Approval of engines, propellers, materials, parts and appliances: imported

21.500 Approval of imported aircraft engines and propellers

(1) Each holder or licensee of an Australian type certificate for an aircraft engine or propeller manufactured in a recognised country, or in a foreign country with which Australia has an agreement for the acceptance of those products for export and import, must furnish with each such aircraft engine or propeller imported into Australian territory by the holder or licensee, a certificate of airworthiness for export issued by the country of manufacture certifying that the individual aircraft engine or propeller:
(a) conforms to its type certificate; and
(b) is in a condition for safe operation; and
(c) has been subjected by the manufacturer to a final operational check.

(2) If these regulations require an imported aircraft engine or propeller to be type certificated, it is taken to be type certificated under these regulations if:
(a) the aircraft engine or propeller:
   (i) is manufactured:
      (A) in a recognised country; or
      (B) under a manufacturing approval (however described) issued by a recognised country; or
      (C) in a foreign country with which Australia has an agreement for the acceptance of the aircraft engine or propeller for export and import; or
   (ii) forms part of a type design for which a type certificate or a type acceptance certificate is in force under these regulations, or a certificate of type approval is in force under CAR; and
(b) the aircraft engine or propeller conforms to a valid type certificate, is in a condition for safe operation and has
been subjected to a final operational check by the manufacturer; and

(c) an airworthiness approval (however described), issued under the law of the foreign country, is in force certifying the matters mentioned in paragraphs (a) and (b).

(3) CASA may inspect an aircraft engine or propeller to which this regulation applies to determine whether it complies with this regulation.

Source FARs section 21.500 modified.

21.500A Approval of other imported aircraft engines and propellers

(1) A person may apply to CASA for approval of an imported aircraft engine, or propeller, that is not covered by regulation 21.500.

(2) An applicant must, on request by CASA, give CASA any technical data relevant to the aircraft engine or propeller.

(3) CASA must, following any necessary inspection, give the approval if CASA is satisfied that doing so would be unlikely to have an adverse effect on aviation safety.

21.502 Approval of imported materials, parts and appliances

(1) If these regulations, or the Civil Aviation Orders, require an imported material, part or appliance to be approved, it is taken to be approved if:

(a) the material, part or appliance:

(i) is manufactured:

(A) in a recognised country; or

(B) under a manufacturing approval (however described) issued by a recognised country; or

(C) in a foreign country with which Australia has an agreement for the acceptance of the material, part or appliance for export and import; or
(ii) forms part of a type design for which a type certificate or a type acceptance certificate is in force under these regulations, or a certificate of type approval is in force under CAR; and

(b) the material, part or appliance conforms to an aeronautical specification appropriate to the proposed use and is in a condition for safe operation; and

(c) an airworthiness approval (however described), issued under the law of the foreign country, is in force certifying the matters mentioned in paragraphs (a) and (b).

(2) CASA may inspect any material part or appliance to determine whether it complies with this regulation.

Source  FARs section 21.502 modified.

21.502A Approval of other imported materials, parts and appliances

(1) A person may apply to CASA or an authorised person for approval of an imported material, part or appliance that is not covered by regulation 21.502.

(2) An applicant must, on request by CASA or the authorised person, give to CASA or the authorised person any technical data relevant to the material, part or appliance.

(3) CASA or the authorised person must, following any necessary inspection, give the approval if CASA or the authorised person is satisfied that doing so would be unlikely to have an adverse effect on aviation safety.


21.601 Applicability

(1) This Subpart prescribes:

(a) requirements for the issue of Australian Technical Standard Order (ATSO) authorisations; and

(b) rules governing the holders of ATSO authorisations; and
(c) requirements for the issue of a letter of ATSO design approval.

(2) For the purpose of these regulations:

(a) an \textit{ATSO} is a minimum performance standard issued by CASA for specified articles (for the purpose of this Subpart, \textit{articles} means materials, parts, processes, or appliances) used on civil aircraft; and

(b) a \textit{TSO} is a Technical Standard Order issued by the FAA; and

(b) an \textit{ATSO authorisation} is:

(i) a CASA design and production approval issued to the manufacturer of an article that has been found to meet a specific ATSO or TSO; or

(ii) a CASA production approval issued to the manufacturer of an article manufactured in accordance with an FAA letter of TSO design approval; and

(c) a \textit{letter of ATSO design approval} is a CASA design approval for a foreign-manufactured article which has been found to meet a specific ATSO in accordance with the procedures of regulation 21.617; and

(ca) an \textit{FAA letter of TSO design approval} is an FAA design approval for an article manufactured outside the United States that has been found to meet a specific TSO in accordance with the procedures of FARs section 21.617; and

(d) an article manufactured under an ATSO authorisation or an appliance manufactured under a letter of ATSO design approval described in regulation 21.617 is an approved article or appliance for the purpose of meeting the provisions of these regulations that require the article to be approved; and

(e) an \textit{article manufacturer} is the person who controls the design and quality of the article produced (or to be produced, in the case of an application), including the parts of them and any processes or services related to them that are procured from an outside source.
(4) Despite subregulation 21.605 (4), CASA is not required to issue an ATSO authorisation for an article if the manufacturing facilities for the article are located outside Australian territory, unless the location of the manufacturer’s facilities places no undue burden on CASA in administering the applicable airworthiness requirements.

Source FARs section 21.601 modified.

21.603 ATSO marking and privileges

(1) Except as provided in subregulation 21.617 (3), a person may identify an article with an ATSO marking only if:
   (a) the person holds an ATSO authorisation; and
   (b) the article meets applicable ATSO or TSO performance standards.

Penalty: 50 penalty units.

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

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

Source FARs section 21.603 modified.

21.605 Application and issue

(1) An article manufacturer may apply to CASA for an ATSO authorisation for the article.

(2) An application must be accompanied by the following documents:
   (a) a statement of conformance certifying that the applicant has met the requirements of this Subpart and that the article concerned meets the applicable ATSO or TSO that is effective on the date of application for that article;
   (b) one copy of the technical data required in the applicable ATSO or TSO;
   (c) a description of the applicant’s quality system in the detail specified in regulations 21.143 and 21.144. In complying with this regulation, the applicant may refer to current
quality system data filed with CASA as part of a previous ATSO authorisation application.

(3) When a series of minor changes in accordance with regulation 21.611 is anticipated, the applicant must set forth in the application the basic model number of the article and the part number of the components with open brackets after it to denote that suffix change letters or numbers (or combinations of them) will be added from time to time.

(4) CASA must issue an ATSO authorisation (including all ATSO deviations approved under subregulation 21.609 (3)) if the applicant has, or will have, the ability to produce articles that comply with the ATSO or TSO, or the ATSO or TSO as varied.

Source  FARs section 21.605 modified.

21.607 General rules governing holders of ATSO authorisations

(1) An article manufacturer to whom an ATSO authorisation for the article has been issued must ensure that:

(a) the article is manufactured in accordance with this Part and the applicable ATSO or TSO (including any deviations approved under subregulation 21.609 (3)); and

(b) all tests and inspections required under these regulations, or the applicable ATSO or TSO, are conducted, and a quality system is established and maintained that is adequate to ensure that the article meets the requirements of paragraph (a) and is in a condition for safe operation; and

(c) the article is permanently and legibly marked with the following information:

(i) the name and address of the manufacturer;

(ii) the name, type, part number, or model designation of the article;

(iii) the serial number or the date of manufacture of the article or both;

(iv) unless subparagraph (v) applies, the applicable ATSO or TSO number with the prefix ‘ATSO’;
(v) if the article was manufactured in accordance with an FAA letter of TSO design approval, the applicable TSO number with the prefix ‘TSO’.

Penalty: 50 penalty units.

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

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

Source FARs section 21.607 modified.

21.609 Approval for deviation

(1) An article manufacturer who requests approval to deviate from any performance standard of an ATSO or TSO must show that the standards from which a deviation is requested are compensated for by factors or design features providing an equivalent level of safety.

(2) The request for approval to deviate, together with all pertinent data, must be submitted to CASA. If the article is manufactured in another country, the request for approval to deviate, together with all pertinent data, must be submitted to CASA through the NAA of that country.

(3) CASA may approve the deviation if the requirements of this regulation are met.

Source FARs section 21.609 modified.

21.611 Design changes

Minor changes by the manufacturer holding an ATSO authorisation

(1) An article manufacturer manufacturing an article under an ATSO authorisation may make minor design changes (any change other than a major change) without further approval by CASA. In this case, the changed article keeps the original model number (part numbers may be used to identify minor changes).
(2) The manufacturer must forward to CASA any revised data that are necessary for compliance with subregulation 21.605 (3).

Penalty: 25 penalty units.

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

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

Major changes by manufacturer holding an ATSO authorisation

(3) Any design change by the manufacturer that is extensive enough to require a substantially complete investigation to determine compliance with an ATSO or TSO is a major change. Before making such a change, the manufacturer must assign a new type or model designation to the article and apply for an ATSO authorisation under regulation 21.605.

Changes by person other than manufacturer

(4) No design change by any person (other than the article manufacturer who submitted the statement of conformance for the article) is eligible for approval under this Part unless the person seeking the approval is an article manufacturer and applies under subregulation 21.605 (1) for a separate ATSO authorisation. Persons other than an article manufacturer may obtain approval for design changes under regulation 35 of CAR.

Source FARs section 21.611 modified.

21.613 Record keeping requirements

Keeping the records

(1) An article manufacturer holding an ATSO authorisation must, for each article manufactured under that authorisation, keep the following records at its factory:

(a) a complete and current technical data file for each type or model article, including design drawings and specifications;
Retention of records

(2) The manufacturer must retain the records mentioned in paragraph (1) (a) until it no longer manufactures the article.

Penalty: 50 penalty units.

(3) If the manufacturer stops manufacturing the article, the manufacturer must send copies of the records mentioned in paragraph (1) (a) to CASA within 30 days after ceasing that manufacture.

Penalty: 50 penalty units.

(4) The manufacturer must retain the records mentioned in paragraph (1) (b) for at least 2 years.

Penalty: 50 penalty units.

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

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

Source FARs section 21.613 modified.

21.615 CASA inspection

(1) Upon the request of CASA, an article manufacturer manufacturing an article under an ATSO authorisation must allow CASA to:

(a) inspect any article manufactured under that authorisation; and

(b) inspect the manufacturer’s quality system; and

(c) witness any tests; and

(d) inspect the manufacturing facilities; and

(e) inspect the technical data files on that article.
(2) If the manufacturer does not comply with a request under subregulation (1), the ATSO authorisation is suspended until the request is complied with.

Source FARs section 21.615 modified.

21.617 Issue of letters of ATSO design approval: import appliances

(1) A letter of ATSO design approval may be issued for an appliance that is manufactured in a foreign country with which Australia has an agreement for the acceptance of these appliances for export and import and that is to be imported into Australian territory, if:

(a) the NAA of the country in which the appliance was manufactured certifies that the appliance has been examined, tested, and found to meet the applicable ATSO approved under an ATSO authorisation, or letter of ATSO design approval, under paragraph 21.305 (b) or the applicable performance standards of the country in which the appliance was manufactured and any other performance standards CASA prescribes to provide a level of safety equivalent to that provided by the ATSO approved under an ATSO authorisation, or letter of ATSO design approval, under paragraph 21.305 (b); and

(b) the article manufacturer has submitted to CASA one copy of the technical data required in the applicable performance standard through the NAA of the country in which the appliance was manufactured.

(2) The letter of ATSO design approval will be issued by CASA and must list any deviation granted to the manufacturer under regulation 21.609.

(3) After CASA has issued a letter of ATSO design approval and an airworthiness approval mentioned in paragraph 21.502 (1) (b) has been issued, the manufacturer is authorised to identify the appliance with the ATSO marking requirements described in paragraph 21.607 (c) and in the applicable ATSO. Each appliance must be accompanied by an airworthiness approval mentioned in paragraph 21.502 (1) (b).

Source FARs section 21.617 modified.
21.619  **Non-compliance**

CASA may suspend or cancel the ATSO authorisation or letter of ATSO design approval of any article manufacturer who identifies with an ATSO marking an article not meeting the performance standards of the applicable ATSO or TSO (including any deviations approved under subregulation 21.609 (3)).  

*Source*  FARs section 21.619 modified.  

*Note*  See also regulations 21.002C and 21.002E in relation to suspension and cancellation of ATSO authorisations or letters of ATSO design approval.

21.621  **Transferability and duration**

(1) An ATSO authorisation or letter of ATSO design approval is not transferable and continues in force until surrendered or cancelled.

(2) However, an ATSO authorisation or a letter of ATSO design approval is not in force during any period of suspension.  

*Source*  FARs section 21.621 modified.

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**Subpart 21.Q  Identification of aircraft and aeronautical products**

**Division 21.Q.1  Preliminary**

**21.805  Applicability of this Subpart**

This Subpart applies to an aircraft, aircraft engine, aircraft propeller, critical part or other aircraft part manufactured after this Subpart commences.

**21.810  Meaning of fireproof**

(1) A reference in this Subpart to a fireproof manufacturer’s data plate is a reference to a data plate that:
(a) is made of material that withstands the heat of a fire at least as well as a steel plate of the same size and thickness; and
(b) on which the details that it is required to bear are legibly marked by a fireproof method.

(2) In this Subpart:
fireproof method of marking means marking by:
(a) etching, stamping or engraving; or
(b) another similar method of marking approved for a particular purpose.

Division 21.Q.2 Aircraft, aircraft engines and aircraft propellers

21.815 Applicability of this Division
This Division applies to an aircraft (or an aircraft engine or aircraft propeller) manufactured after this Subpart commences.

21.820 Manufacturer’s data plate must be attached to aircraft

(1) This regulation sets out the requirements for attaching a manufacturer’s data plate to an aircraft to which this Division applies.

(2) The manufacturer of an aircraft to which this Division applies must attach to it, as set out in subregulations (3) and (4), a fireproof manufacturer’s data plate bearing the following information:
(a) the name of the manufacturer;
(b) the identification number of the aircraft’s type certificate (if any);
(c) the identification number of the production certificate (if any) under which the aircraft is manufactured;
(d) the aircraft’s model designation;
(e) the aircraft’s serial number.
Penalty: 20 penalty units.
(2A) An offence against subregulation (2) is an offence of strict liability.

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

(3) The data plate must be attached in a way that ensures that it is not likely to be defaced or removed during normal service, nor lost or destroyed in an accident.

(4) The data plate must be attached:
   (a) to a manned free balloon — to the lower section of the balloon’s envelope in a place where the operator can read it when the balloon is inflated; or
   (b) to a glider — in a visible place inside the cockpit; or
   (c) to any other aircraft — in a place where it is clearly legible:
      (i) on the frame of the aircraft’s rearmost entrance; or
      (ii) near, but aft of, the aircraft’s rearmost entrance; or
      (iii) on the aircraft’s fuselage near its tail.

Note For the definition of aircraft see subsection 3 (1) of the Act. For the definitions of identification number, manned free balloon, production certificate and type certificate see the Dictionary.

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

(1) This regulation sets out an additional requirement for attaching a manufacturer’s data plate to the basket of a manned free balloon to which this Division applies.

(2) This regulation applies to the holder of the type certificate or production certificate under which such a balloon is manufactured.

(3) The holder of the type certificate must attach to the basket of the balloon, as set out in subregulation (4), a heat-resistant metal plate on which the following information is legibly marked by a fireproof method:
   (a) the name of the manufacturer;
   (d) the basket’s part number;
   (e) the basket’s serial number.
Penalty: 20 penalty units.

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

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

(4) The manufacturer’s data plate must be attached to the basket in a way that ensures that the plate is not likely to be defaced or removed during normal service, nor to be lost or destroyed in an accident.

Note For the definitions of manned free balloon, production certificate and type certificate see the Dictionary.

21.830 Heater assembly of manned free balloon must carry identification mark

(1) This regulation applies to a manned free balloon to which this Division applies that has a heater assembly.

(2) The holder of the type certificate or production certificate under which the balloon is manufactured must, as set out in subregulation (3), also mark on the heater assembly, by a fireproof method, the information mentioned in subregulation (4).

Penalty: 20 penalty units.

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

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

(3) The information must be marked in a way that ensures that it is not likely to be defaced.

(4) The information is:
   (a) the name of the heater’s manufacturer; and
   (b) its part number; and
   (c) its serial number.

Note For the definitions of manned free balloon, production certificate and type certificate see the Dictionary.
21.835 Manufacturer’s data plate must be attached to aircraft engine

(1) This regulation sets out the requirements for attaching a manufacturer’s data plate to an aircraft engine to which this Division applies.

(2) This regulation applies to the holder of the type certificate or production certificate under which such an aircraft engine is manufactured.

(3) The holder of the type certificate or production certificate must attach to the engine, as set out in subregulation (4), a fireproof manufacturer’s data plate bearing the following information:

(a) the manufacturer’s name;
(b) the identification number of the engine’s type certificate (if any);
(c) the identification number of the production certificate (if any) under which the engine is manufactured;
(d) the engine’s model designation;
(e) its serial number;
(f) if its rating is stated in its type certificate, that rating.

Penalty: 20 penalty units.

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

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

(4) The data plate must be attached to the engine:

(a) in a place where somebody carrying out maintenance on the engine can read it; and

(b) in a way that ensures that the plate is not likely to be defaced or become detached from the engine during normal service, nor to be lost or destroyed in an accident.

For the definitions of identification number, production certificate and type certificate see the Dictionary.
21.840 **Aircraft propellers, blades and hubs must carry identification marks**

(1) This regulation sets out the requirements to mark information on, or attach a manufacturer’s data plate to, an aircraft propeller, propeller blade or propeller hub to which this Division applies.

(2) The holder of the type certificate or production certificate under which such a propeller, blade or hub is manufactured must:

(a) legibly mark on it by a fireproof method, as set out in subregulation (3), the information mentioned in subregulation (5); or

(b) attach to it, as set out in subregulation (4), a manufacturer’s data plate on which that information is legibly marked by a fireproof method.

Penalty: 20 penalty units.

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

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

(3) If information is marked on a propeller, blade or hub, it must be marked in a way that ensures that it is not likely to be defaced.

(4) If a manufacturer’s data plate is attached to a propeller, blade or hub, the plate must be attached to a non-critical surface in a way that ensures that the plate is not likely to be defaced or become detached during normal service, nor lost in an accident.

(5) The information is:

(a) the manufacturer’s name; and

(b) the identification number of the type certificate (if any) of the propeller; and

(c) the identification number of the production certificate (if any) under which the propeller is manufactured; and

(d) the model designation of the propeller, blade or hub; and
(e) its serial number.

Note For the definitions of identification number, production certificate and type certificate see the Dictionary.

Division 21.Q.3 Critical parts

21.845 Applicability of this Division

This Division applies to a critical part manufactured on or after 1 October 2000.

21.850 Identification of critical parts

(1) This regulation applies to a person who manufactures, in Australia, a critical part to which this Division applies.

(2) The person must legibly and permanently mark on the part, as set out in subregulation (3), the following information:

(a) the part’s part number;
(b) its serial number.

Penalty: 20 penalty units.

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

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

(3) The information must be marked in a way that ensures that it is not likely to be defaced.

21.855 Removal or alteration of identification on critical parts

(1) Except with CASA’s written approval, a person must not engage in conduct that results in the removal or alteration of any of the information marked, in accordance with this Division, on a critical part to which this Division applies.

Penalty: 20 penalty units.
(1A) An offence against subregulation (1) is an offence of strict liability.

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

(2) CASA must not grant an approval under subregulation (1) if the granting of the approval would adversely affect the safety of air navigation.

**Division 21.Q.4 Aircraft parts**

**21.860 Applicability of this Division**

This Division applies to:

(a) an aircraft part produced under an APMA, on or after 1 October 2000; and

(b) a modification or replacement part referred to in paragraph 21.303 (2) (a) or (c) and produced after 30 November 2003; and

(c) a Class II or Class III product produced under a production certificate that is referred to in regulation 21.133 (2A) or (2B).

*Note* For the definition of *APMA* see the Dictionary.

**21.865 Identification of parts produced under an APMA**

(1) Subregulation (2) applies to the holder of the APMA under which a part to which this Division applies is manufactured.

(2) Subject to regulation 21.870, the holder of the APMA must legibly and permanently mark on the part, as set out in subregulation (3), the information required by subregulation (4).

Penalty: 20 penalty units.

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

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

(3) The information must be marked in a way that ensures that it is not likely to be defaced.
(4) The information is:
   (a) the capital letters APMA; and
   (b) the trade mark, name or symbol of the holder; and
   (c) the part’s part number; and
   (d) the part’s serial number (if any); and
   (e) the name and model designation of each type certificated product to which the part may be fitted.

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

(1) Subregulation (2) applies to a part to which this Division applies if CASA and the holder of the APMA under which the part is manufactured agree that it is impracticable to mark on it the information required by subregulation 21.865 (4).

(2) If this subregulation applies to a part, the holder of the APMA need not comply with regulation 21.865.

(3) The holder of the APMA must include the information in the authorised release certificate supplied with the part or with each container of the parts.

Penalty: 20 penalty units.

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

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

(4) If CASA and the holder agree that it is impracticable to provide the information mentioned in paragraph 21.865 (4) (e) in the authorised release certificate that is supplied with the part, or with each container of the parts, the holder is not guilty of an offence under subregulation (3) if:
   (a) the information is included in a document that is published by the holder and available to any person who fits the part to an aircraft; and
   (b) the authorised release certificate identifies the document.

   Note For the definition of authorised release certificate, see the Dictionary.
21.875 Identification of other aircraft parts

(1) Subject to regulation 21.880, the manufacturer of a part or product mentioned in paragraphs 21.860 (b) or (c) must legibly and permanently mark on each of those parts or products produced, as set out in subregulation (3), the following information:

(a) the trade mark of or name of the manufacturer;
(b) the part number of the part or product.

Penalty: 20 penalty units.

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

(3) The information must be marked in a way that ensures that it is not likely to be defaced.

21.880 Identification of other aircraft parts — other than by marking

(1) Subregulation (2) applies to a part or product to which regulation 21.875 applies if, because of the shape, size or nature of the part or product, it is impracticable to mark on the part or product the information required by regulation 21.875.

(2) If this subregulation applies to a part or product, the manufacturer of the part or product need not comply with regulation 21.875.

(3) The manufacturer of a Class II or Class III product referred to in paragraph 21.860 (c) must include the information required by paragraphs 21.875 (1) (a) and (b) in the authorised release certificate supplied with the product or the container of the product.
Part 22 Airworthiness standards for sailplanes and powered sailplanes

Note This Part is made up as follows:

22.001 Airworthiness standards
22.002 Incidental provisions
22.003 Changes to JAR-22 (Sailplanes and Powered Sailplanes)
22.004 Changes to Section E of the British Civil Airworthiness Requirements
22.005 Changes to the Airworthiness Requirements for Sailplanes and Powered Sailplanes
22.006 Approvals under JAR-22 (Sailplanes and Powered Sailplanes)
22.007 Approvals under Section E of the British Civil Airworthiness Requirements
22.008 Approvals under the Airworthiness Requirements for Sailplanes and Powered Sailplanes
22.009 Approvals under OSTIV Airworthiness Standards for Sailplanes

22.001 Airworthiness standards

(1) The airworthiness standards for a sailplane or powered sailplane are:

(a) the airworthiness standards set out in JAR-22 (Sailplanes and Powered Sailplanes), as in force on 1 October 1998, with the changes provided under this Part; or

(b) the airworthiness standards set out in Section E of the British Civil Airworthiness Requirements published by the Air Registration Board of the United Kingdom, as in force on 1 October 1998, with the changes provided under this Part; or

(c) the airworthiness standards set out in the Airworthiness Requirements for Sailplanes and Powered Sailplanes issued by the Luftfahrt-Bundesamt of the Federal Republic of Germany, as in force on 1 October 1998, with the changes provided under this Part; or
(d) the airworthiness standards set out in OSTIV Airworthiness Standards for Sailplanes published by the Organisation Scientifique et Technique Internationale du Vol a Voile, as in force at the commencement of this regulation, with the changes provided under this Part.

(2) A sailplane or powered sailplane that meets the airworthiness standards mentioned in paragraph (1) (a), (b), (c) or (d) is taken to meet the airworthiness standards for a sailplane or powered sailplane under these regulations.

22.002 Incidental provisions
For these regulations, the incidental provisions of an instrument mentioned in regulation 22.001 apply to the operation of the airworthiness standards in that instrument, with the changes provided under this Part.

22.003 Changes to JAR-22 (Sailplanes and Powered Sailplanes)
For this Part, a reference in JAR-22 (Sailplanes and Powered Sailplanes) to the Authority is a reference to CASA.

22.004 Changes to Section E of the British Civil Airworthiness Requirements
For this Part, a reference in Section E of the British Civil Airworthiness Requirements to the Board is a reference to CASA.

22.005 Changes to the Airworthiness Requirements for Sailplanes and Powered Sailplanes
For this Part, a reference in the Airworthiness Requirements for Sailplanes and Powered Sailplanes (mentioned in paragraph 22.001 (1) (c)) to the Luftfahrt-Bundesamt is a reference to CASA.
22.006 Approvals under JAR-22 (Sailplanes and Powered Sailplanes)

For the application of JAR-22 (Sailplanes and Powered Sailplanes) under this Part:

(a) an approval (however described) mentioned in that JAR may be given by CASA; and

(b) CASA may suspend or cancel an approval under paragraph (a), if it is necessary in the interests of aviation safety.

22.007 Approvals under Section E of the British Civil Airworthiness Requirements

For the application of Section E of the British Civil Airworthiness Requirements under this Part:

(a) an approval (however described) mentioned in that section may be given by CASA; and

(b) CASA may suspend or cancel an approval under paragraph (a), if it is necessary in the interests of aviation safety.

22.008 Approvals under the Airworthiness Requirements for Sailplanes and Powered Sailplanes

For the application of the Airworthiness Requirements for Sailplanes and Powered Sailplanes (mentioned in paragraph 22.001 (1) (c)) under this Part:

(a) an approval (however described) mentioned in those requirements may be given by CASA; and

(b) CASA may suspend or cancel an approval under paragraph (a), if it is necessary in the interests of aviation safety.

22.009 Approvals under OSTIV Airworthiness Standards for Sailplanes

For the application of OSTIV Airworthiness Standards for Sailplanes under this Part:
(a) an approval (however described) mentioned in those standards may be given by CASA; and
(b) CASA may suspend or cancel an approval under paragraph (a), if it is necessary in the interests of aviation safety.
Part 23 Airworthiness standards for aeroplanes in the normal, utility, acrobatic or commuter category

Note This Part is made up as follows:

23.001 Airworthiness standards
23.002 Incidental provisions
23.003 Changes to Part 23 of the FARs
23.004 Changes to JAR-VLA
23.005 Changes to JAR-23
23.006 Approvals under Part 23 of the FARs
23.007 Approvals under JAR-VLA
23.008 Approvals under JAR-23

23.001 Airworthiness standards

(1) The airworthiness standards for an aeroplane in the normal category, utility category, acrobatic category or commuter category are:

(a) the airworthiness standards set out in Part 23 of the FARs, as in force on 1 October 1998, with the changes provided under this Part; or

(b) the airworthiness standards set out in JAR-VLA, as in force on 1 October 1998, with the changes provided under this Part; or

(c) the airworthiness standards set out in JAR-23, as in force on 1 October 1998, with the changes provided under this Part.

(2) An aeroplane in the normal category, utility category, acrobatic category or commuter category that meets the airworthiness standards mentioned in paragraph (1) (a), (b) or (c) is taken to meet the airworthiness standards for an aeroplane in the normal category, utility category, acrobatic category or commuter category under these regulations.
23.002 Incidental provisions

For these regulations, the incidental provisions of an instrument mentioned in regulation 23.001 apply to the operation of the airworthiness standards in that instrument, with the changes provided under this Part.

23.003 Changes to Part 23 of the FARs

(1) For this Part, a reference in Part 23 of the FARs to the United States is a reference to Australia or, when used in a geographical sense, to Australian territory.

(2) For this Part, a reference in Part 23 of the FARs to the FAA or to the Administrator is a reference to CASA.

23.004 Changes to JAR-VLA

For this Part, a reference in JAR-VLA to the Authority is a reference to CASA.

23.005 Changes to JAR-23

For this Part, a reference in JAR-23 to the Authority is a reference to CASA.

23.006 Approvals under Part 23 of the FARs

For the application of Part 23 of the FARs under this Part:

(a) an approval (however described) mentioned in Part 23 of the FARs may be given by CASA; and

(b) CASA may suspend or cancel an approval under paragraph (a), if it is necessary in the interests of aviation safety; and

(c) an approval (however described) given by or for the FAA or the Administrator under that Part is taken to have been given by CASA under these regulations; and

(d) for these regulations, CASA may suspend or cancel an approval given by or for the FAA or the Administrator under that Part as if it had been given by CASA, if it is necessary in the interests of aviation safety.
Regulation 23.007

23.007 Approvals under JAR-VLA

For the application of JAR-VLA under this Part:

(a) an approval (however described) mentioned in that JAR may be given by CASA; and

(b) CASA may suspend or cancel an approval under paragraph (a), if it is necessary in the interests of aviation safety.

23.008 Approvals under JAR-23

For the application of JAR-23 under this Part:

(a) an approval (however described) mentioned in that JAR may be given by CASA; and

(b) CASA may suspend or cancel an approval under paragraph (a), if it is necessary in the interests of aviation safety.
Part 25  

Airworthiness standards for aeroplanes in the transport category

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**Subpart 25.A  General**

**25.001  Airworthiness standards**

(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 25.B; or

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

(b) the airworthiness standards set out in Subpart 25.C.

(2) An aeroplane in the transport category that meets the airworthiness standards mentioned in paragraph (1) (a) or (b) is taken to meet the airworthiness standards for an aeroplane in the transport category under these regulations.
25.002 Incidental provisions

For these regulations, the incidental provisions of an instrument mentioned in regulation 25.001 apply to the operation of the airworthiness standards in that instrument, with the changes provided under this Part.

Subpart 25.B Changes to FARs and JAR-25

25.003 Changes to Part 25 of the FARs

(1) For this Part, a reference in Part 25 of the FARs to the United States is a reference to Australia or, when used in a geographical sense, to Australian territory.

(2) For this Part, a reference in Part 25 of the FARs to the FAA or to the Administrator is a reference to CASA.

25.004 Changes to JAR-25

For this Part, a reference in JAR-25 to the Authority is a reference to CASA.

25.005 Approvals under Part 25 of the FARs

For the application of Part 25 of the FARs under this Part:

(a) an approval (however described) mentioned in Part 25 of the FARs may be given by CASA; and

(b) CASA may suspend or cancel an approval under paragraph (a), if it is necessary in the interests of aviation safety; and

(c) for these regulations, an approval (however described) given by or for the FAA or the Administrator under that Part is taken to have been given by CASA; and

(d) for these regulations, CASA may suspend or cancel an approval given by or for the FAA or the Administrator under that Part as if it had been given by CASA, if it is necessary in the interests of aviation safety.
25.006 Approvals under JAR-25

For the application of JAR-25 under this Part:
(a) an approval (however described) mentioned in that JAR may be given by CASA; and
(b) CASA may suspend or cancel an approval under paragraph (a), if it is necessary in the interests of aviation safety.

Subpart 25.C Airworthiness standards directed by ICAO

25.011 What this Subpart does

This Subpart sets out airworthiness standards giving effect to the International Civil Aviation Organization’s policy of protection of an aeroplane and its occupants.

25.013 Least-risk bomb location

(1) For this regulation, a least-risk bomb location is a location on an aeroplane where an explosive device can be placed to minimise the effects on the aeroplane if the device detonates.

(2) A least-risk bomb location on an aeroplane must be specified in the flight manual.
Part 26 Airworthiness standards for aircraft in the primary category or intermediate category

**Note** This Part is made up as follows:

- 26.001 Airworthiness standards
- 26.002 Incidental provisions

**26.001 Airworthiness standards**

The airworthiness standards for an aircraft in the primary category or intermediate category are so much of the airworthiness standards set out in Parts 22, 23, 27, 32, 33 and 35 as apply to an aircraft of that type.

**26.002 Incidental provisions**

For these regulations, the incidental provisions of an instrument mentioned in Part 22, 23, 27, 32, 33 or 35 apply to the operation of the airworthiness standards in that instrument.
Part 27 Airworthiness standards for rotorcraft in the normal category

Note This Part is made up as follows:

27.001 Airworthiness standards
27.002 Incidental provisions
27.003 Changes to Part 27 of the FARs
27.004 Approvals under Part 27 of the FARs

27.001 Airworthiness standards
The airworthiness standards for rotorcraft in the normal category are the airworthiness standards set out in Part 27 of the FARs, as in force on 1 October 1998, with the changes provided under this Part.

27.002 Incidental provisions
For these regulations, the incidental provisions of Part 27 of the FARs, as in force on 1 October 1998, apply to the operation of the airworthiness standards in that Part, with the changes provided under this Part.

27.003 Changes to Part 27 of the FARs
(1) For this Part, a reference in Part 27 of the FARs to the United States is a reference to Australia or, when used in a geographical sense, to Australian territory.
(2) For this Part, a reference in Part 27 of the FARs to the FAA or to the Administrator is a reference to CASA.

27.004 Approvals under Part 27 of the FARs
For the application of Part 27 of the FARs under this Part:
(a) an approval (however described) mentioned in Part 27 of the FARs may be given by CASA; and
Regulation 27.004

(b) CASA may suspend or cancel an approval under paragraph (a), if it is necessary in the interests of aviation safety; and

(c) for these regulations, an approval (however described) given by or for the FAA or the Administrator under that Part is taken to have been given by CASA; and

(d) for these regulations, CASA may suspend or cancel an approval given by or for the FAA or the Administrator under that Part as if it had been given by CASA, if it is necessary in the interests of aviation safety.
Part 29  Airworthiness standards for rotorcraft in the transport category

Note This Part is made up as follows:

29.001 Airworthiness standards
29.002 Incidental provisions
29.003 Changes to Part 29 of the FARs
29.004 Approvals under Part 29 of the FARs

29.001 Airworthiness standards
The airworthiness standards for a rotorcraft in the transport category are the airworthiness standards set out in Part 29 of the FARs, as in force on 1 October 1998, with the changes provided under this Part.

29.002 Incidental provisions
For these regulations, the incidental provisions of Part 29 of the FARs, as in force on 1 October 1998, apply to the operation of the airworthiness standards in that Part, with the changes provided under this Part.

29.003 Changes to Part 29 of the FARs
(1) For this Part, a reference in Part 29 of the FARs to the United States is a reference to Australia or, when used in a geographical sense, to Australian territory.

(2) For this Part, a reference in Part 29 of the FARs to the FAA or to the Administrator is a reference to CASA.

29.004 Approvals under Part 29 of the FARs
For the application of Part 29 of the FARs under this Part:
(a) an approval (however described) mentioned in Part 29 of the FARs may be given by CASA; and
Regulation 29.004

(b) CASA may suspend or cancel an approval under paragraph (a), if it is necessary in the interests of aviation safety; and

(c) for these regulations, an approval (however described) given by or for the FAA or the Administrator under that Part is taken to have been given by CASA; and

(d) for these regulations, CASA may suspend or cancel an approval given by or for the FAA or the Administrator under that Part as if it had been given by CASA, if it is necessary in the interests of aviation safety.
Part 31 Airworthiness standards for manned free balloons

Note This Part is made up as follows:

31.001 Airworthiness standards
31.002 Incidental provisions

31.001 Airworthiness standards
The airworthiness standards for manned free balloons are the airworthiness certification requirements in section 101.54 of the Civil Aviation Orders, as in force from time to time.

31.002 Incidental provisions
For these regulations, the incidental provisions of section 101.54 of the Civil Aviation Orders, as in force from time to time, apply to the operation of the airworthiness certification requirements in that section.
Part 32  Airworthiness standards for engines for very light aeroplanes

Note  This Part is made up as follows:

32.001  Airworthiness standards
32.002  Incidental provisions
32.003  Changes to Subpart H of JAR-22
32.004  Approvals under Subpart H of JAR-22

32.001  Airworthiness standards
The airworthiness standards for an aircraft engine for use in very light aeroplanes are the airworthiness standards in Subpart H of JAR-22, as in force on 1 October 1998, with the changes provided under this Part.

32.002  Incidental provisions
For these regulations, the incidental provisions of Subpart H of JAR-22, as in force on 1 October 1998, apply to the operation of the airworthiness standards in that Subpart, with the changes provided under this Part.

32.003  Changes to Subpart H of JAR-22
For this Part, a reference in Subpart H of JAR-22 to the Authority is a reference to CASA.

32.004  Approvals under Subpart H of JAR-22
For the application of Subpart H of JAR-22 under this Part:
(a) an approval (however described) mentioned in that Subpart may be given by CASA; and
(b) CASA may suspend or cancel an approval under paragraph (a), if it is necessary in the interests of aviation safety.
Part 33 Airworthiness standards for aircraft engines

Note This Part is made up as follows:

33.001 Airworthiness standards
33.002 Incidental provisions
33.003 Changes to Part 33 of the FARs
33.004 Approvals under Part 33 of the FARs

33.001 Airworthiness standards

The airworthiness standards for an aircraft engine are the airworthiness standards in Part 33 of the FARs, as in force on 1 October 1998, with the changes provided under this Part.

33.002 Incidental provisions

For these regulations, the incidental provisions of Part 33 of the FARs, as in force on 1 October 1998, apply to the operation of the airworthiness standards in that Part, with the changes provided under this Part.

33.003 Changes to Part 33 of the FARs

(1) For this Part, a reference in Part 33 of the FARs to the United States is a reference to Australia or, when used in a geographical sense, to Australian territory.

(2) For this Part, a reference in Part 33 of the FARs to the FAA or to the Administrator is a reference to CASA.

33.004 Approvals under Part 33 of the FARs

For the application of Part 33 of the FARs under this Part:

(a) an approval (however described) mentioned in Part 33 of the FARs may be given by CASA; and

(b) CASA may suspend or cancel an approval under paragraph (a), if it is necessary in the interests of aviation safety; and
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(c) for these regulations, an approval (however described) given by or for the FAA or the Administrator under that Part is taken to have been given by CASA; and

(d) for these regulations, CASA may suspend or cancel an approval given by or for the FAA or the Administrator under that Part as if it had been given by CASA, if it is necessary in the interests of aviation safety.
Part 35  Airworthiness standards for aircraft propellers

Note  This Part is made up as follows:

35.001  Airworthiness standards
35.002  Incidental provisions
35.003  Changes to Part 35 of the FARs
35.004  Approvals under Part 35 of the FARs

35.001  Airworthiness standards

The airworthiness standards for an aircraft propeller are the airworthiness standards and other provisions in Part 35 of the FARs, as in force on 1 October 1998, with the changes provided under this Part.

35.002  Incidental provisions

For these regulations, the incidental provisions of Part 35 of the FARs, as in force on 1 October 1998, apply to the operation of the airworthiness standards in that Part, with the changes provided under this Part.

35.003  Changes to Part 35 of the FARs

(1) For this Part, a reference in Part 35 of the FARs to the United States is a reference to Australia or, when used in a geographical sense, to Australian territory.

(2) For this Part, a reference in Part 35 of the FARs to the FAA or to the Administrator is a reference to CASA.

35.004  Approvals under Part 35 of the FARs

For the application of Part 35 of the FARs under this Part:
(a) an approval (however described) mentioned in Part 35 of the FARs may be given by CASA; and
(b) CASA may suspend or cancel an approval under paragraph (a), if it is necessary in the interests of aviation safety; and

(c) for these regulations, an approval (however described) given by or for the FAA or the Administrator under that Part is taken to have been given by CASA; and

(d) for these regulations, CASA may suspend or cancel an approval given by or for the FAA or the Administrator under that Part as if it had been given by CASA, if it is necessary in the interests of aviation safety.
Part 39  Airworthiness directives

Note  This Part is made up as follows:

39.001  CASA may issue airworthiness directives
39.002  Aircraft etc covered by AD
39.003  Australian aircraft covered by AD etc not to be operated
39.004  Aircraft etc excluded from operation of AD on adoption of alternative method for correcting unsafe condition
39.005  Aircraft etc excluded from operation of AD because unsafe condition has ceased to exist
39.006  Request for review of operation of AD
39.007  Action to be taken by CASA on receiving request under regulation 39.006

39.001  CASA may issue airworthiness directives

(1) CASA may issue an airworthiness directive for a kind of aircraft, or a kind of aeronautical product, if:
   (a) an unsafe condition exists in an aircraft or aeronautical product of that kind; and
   (b) the condition exists, or is likely to exist, or could develop, in other aircraft or aeronautical products of that kind.

(2) The airworthiness directive must:
   (a) be in writing; and
   (b) state the kind of aircraft or aeronautical product to which it relates; and
   (c) require that the action set out in the instrument (being action that relates to aircraft or aeronautical products of the kind stated and is, in the opinion of CASA, necessary to correct the unsafe condition) be taken at the time, or in the circumstances, mentioned in the instrument.

(3) Subject to subregulation (4), the airworthiness directive may require a person to comply with either or both of the following:
   (a) a directive (a foreign directive) mentioned in the airworthiness directive that:
      (i) is issued by the NAA of a foreign country; and
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(ii) is of the same nature as an airworthiness directive;

(b) an instruction, direction or requirement that:

(i) is issued by the manufacturer of aircraft or aeronautical products of the kind to which the airworthiness directive relates; and

(ii) is mentioned in the airworthiness directive.

(4) The airworthiness directive may require a person to comply with a foreign directive, or an instruction, direction or requirement mentioned in paragraph (3) (b), as in force or existing either at a particular time or from time to time.

(5) An airworthiness directive issued under subregulation (1) is a legislative instrument for the purposes of the Legislative Instruments Act 2003.

Note  For aeronautical product see the Dictionary.

39.002 Aircraft etc covered by AD

If an AD has been issued for a kind of aircraft or a kind of aeronautical product, then, except for aircraft or aeronautical products excluded from the operation of the AD under regulation 39.004 or 39.005, all aircraft or aeronautical products of that kind are covered by the AD until:

(a) the AD is revoked; or

(b) all the requirements of the AD have been complied with.

Note  For AD and aeronautical product see the Dictionary.

39.003 Australian aircraft covered by AD etc not to be operated

(1) A person must not operate an Australian aircraft that is covered by an AD (other than an aircraft to which subregulation (4) applies), or that is fitted with an aeronautical product covered by an AD (other than an aircraft to which subregulation (5) applies):

(a) in breach of any requirement of the AD that affects the operating limitations of the aircraft; or
(b) while any other requirement of the AD has not been complied with.

Penalty: 50 penalty units.

Note For Australian aircraft see subsection 3 (1) of the Act; for AD and aeronautical product see the Dictionary.

(2) The registered operator of an Australian aircraft that is covered by an AD (other than an aircraft to which subregulation (4) applies), or that is fitted with an aeronautical product covered by an AD (other than an aircraft to which subregulation (5) applies), must not permit a person to operate the aircraft:

(a) in breach of any requirement of the AD that affects the operating limitations of the aircraft; or

(b) while any other requirement of the AD has not been complied with.

Penalty: 50 penalty units.

Note For Australian aircraft see subsection 3 (1) of the Act; for AD and aeronautical product see the Dictionary.

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

(4) This subregulation applies to an aircraft covered by an AD if:

(a) the AD does not contain a statement to the effect that a special flight permit must not be issued for an aircraft covered by the AD; and

(b) the aircraft is authorised to operate under a special flight permit that is in force.

(5) This subregulation applies to an aircraft that is fitted with an aeronautical product covered by an AD if:

(a) the AD does not contain a statement to the effect that a special flight permit must not be issued for an aircraft fitted with an aeronautical product covered by the AD; and

(b) the aircraft is authorised to operate under a special flight permit that is in force.
39.004 Aircraft etc excluded from operation of AD on adoption of alternative method for correcting unsafe condition

(1) CASA may, on the written request of a person (the applicant), by instrument in writing, exclude from the operation of an AD an aircraft or aeronautical product that, apart from this regulation, would be covered by the AD, on condition that the applicant takes the action set out in the instrument, at the time, or in the circumstances, mentioned in the instrument.

(2) In making its decision, CASA must:
   (a) take into account any reasons given by the applicant in the applicant’s application for the exclusion of the aircraft or aeronautical product from the operation of the AD; and
   (b) regard the preservation of a level of aviation safety that is at least acceptable as paramount.

(3) If CASA issues the instrument, the aircraft or aeronautical product is excluded from the operation of the AD unless the applicant fails to comply with the condition set out in the instrument.

Note For AD and aeronautical product see the Dictionary.

39.005 Aircraft etc excluded from operation of AD because unsafe condition has ceased to exist

(1) A person may ask CASA in writing to exclude from the operation of an AD an aircraft or aeronautical product that, apart from this regulation, would be covered by the AD, on the ground that the unsafe condition that the AD seeks to correct does not exist, and cannot develop, in the aircraft or aeronautical product because of:
   (a) a modification of, or repairs to, the aircraft or aeronautical product that were approved under regulation 35 of CAR; or
   (b) a modification of the aircraft or aeronautical product that was carried out in accordance with a supplemental type certificate applicable to the aircraft or aeronautical product.
(2) If CASA is satisfied that the unsafe condition does not exist, and cannot develop, in the aircraft or aeronautical product:
   (a) CASA must, by instrument in writing, exclude the aircraft or aeronautical product from the operation of the AD; and
   (b) the instrument has effect accordingly.

Note For _AD_, _aeronautical product_ and _supplemental type certificate_ see the Dictionary.

### 39.006 Request for review of operation of AD

A person may ask CASA in writing to review the operation of an AD on the ground that all aircraft or aeronautical products covered by the AD, or all aircraft or aeronautical products of a kind mentioned in the request (being aircraft or aeronautical products covered by the AD), need no longer be covered by the AD because:

(a) the instructions issued by the manufacturer or manufacturers of those aircraft or aeronautical products for the carrying out of maintenance on those aircraft or aeronautical products have been amended; and

(b) if maintenance is carried out on those aircraft or aeronautical products in accordance with those instructions as amended, the unsafe condition that the AD seeks to correct will no longer exist, or is not likely to exist, or cannot develop, in those aircraft or aeronautical products.

Note For _AD_ and _aeronautical product_ see the Dictionary.

### 39.007 Action to be taken by CASA on receiving request under regulation 39.006

(1) Within 28 days after receiving a request from a person (the _applicant_ ) under regulation 39.006, CASA must give to the applicant a notice setting out:

(a) the steps that CASA proposes to take to investigate whether the ground on which the request is made can be substantiated; and

(b) an estimate of the time likely to be taken by the investigation.
(2) In carrying out the investigation, CASA must consider:
(a) all information provided by the applicant (whether on his or her own initiative or at the request of CASA); and
(b) any other information that CASA reasonably considers to be relevant to the investigation.

(3) If, after carrying out the investigation, CASA is satisfied that the ground for making the request has been substantiated, CASA must revoke or amend the AD (as the case requires) so that those aircraft or aeronautical products to which the request relates are not covered by the AD.

(4) This regulation does not affect the power that, apart from this regulation, CASA has to revoke or amend an AD.

Note For AD and aeronautical product see the Dictionary.
Part 43  Maintainers’ responsibilities

*Note*  This Part heading is reserved for future use.