



Statutory Rules 1992 No. 1

174

Civil Aviation Regulations² (Amendment)

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting with advice of the Federal Executive Council, make the following Regulations under the *Civil Aviation Act 1988*.

Dated 18 June 1992.

BILL HAYDEN

Governor-General

By His Excellency's Command,

BOB COLLINS

Minister of State for Transport and Communications
for and on behalf of the

Minister of State for Shipping and Aviation Support

PART 1—AMENDMENTS OF THE CIVIL AVIATION REGULATIONS

1. Amendment

1.1 The Civil Aviation Regulations are amended as set out in this Part.

[NOTE: This Part commences on gazettal: see *Acts Interpretation Act 1901*, s.48]

2. Regulation 6A (Identity cards)**2.1 Subregulation 6A (3):**

Add at the foot of the subregulation:

“Penalty for a contravention of subregulation (3): \$100.”.

3. Regulation 42Q (Authority may direct changes)**3.1 Paragraph 42Q (b):**

After “Authority”, insert “or an authorised person”.

4. Regulation 42W (Installation and use of aircraft components in maintenance—Australian aircraft in Australian territory)**4.1 Subparagraph 42W (5) (a) (v):**

After “overhauled”, insert “after 1 March 1992”.

4.2 Subparagraph 42W (5) (a) (vi):

After “on the component”, insert “after 1 March 1992”.

5. Regulation 42X (Use of aircraft materials in maintenance—Australian aircraft in Australian territory)**5.1 Subregulation 42X (1):**

Omit “the aircraft unless the”, insert “an aircraft unless the person satisfies the Authority or an authorised person that the material is suitable for use in the maintenance of the aircraft or the”.

6. Regulation 42ZC (Maintenance on Australian aircraft in Australian territory)**6.1 Subregulation 42ZC (1):**

Omit the subregulation and the penalty.

6.2 Subregulation 42ZC (2):

After the penalty at the foot of the subregulation, insert:

“[NOTE: See subsection 20AB (2) of the *Civil Aviation Act 1988* for other offences relating to carrying out maintenance without permission.]”.

7. Regulation 42ZJ (Changes to an approved system of certification)**7.1 Add at the end:**

“(3) If a person who has an approved system of certification of completion of maintenance becomes aware that the system is no longer appropriate or is defective, the person must, as soon as practicable, make a request under subregulation (1), for the Authority or an authorised person to approve a proposed change to the system that will ensure that the system is appropriate, or is not defective, as the case requires.

Penalty: \$2,500.

“(4) The Authority may, under regulation 38, direct a person who has an approved system of certification of completion of maintenance:

(a) to make:

(i) a specified change to the system; or

(ii) a change to the system that will correct a specified deficiency in the system; and

(b) to submit the proposed change to the Authority or an authorised person for approval.”.

8. New regulation 43A**8.1 After regulation 43, insert:****Maintenance release to be available for inspection**

“43A. (1) The Authority or an authorised person may, at all reasonable times, inspect a maintenance release, or a copy of a maintenance release, for an aircraft.

“(2) A person who has possession or custody of a maintenance release, or a copy of a maintenance release, must make it available for inspection by the Authority or an authorised person at the request of the Authority or the authorised person.

Penalty: \$2,500.”.

9. Regulation 50B (Alternative to aircraft log book or section of aircraft log book)

9.1 Subregulation 50B (3):

Omit “registered owner”, substitute “holder of the certificate of registration”.

9.2 Subregulation 50B (4):

Omit “registered owner”, substitute “holder of the certificate of registration”.

10. Regulation 55A (Requirement to hold licence and medical certificate)

10.1 Regulation 55A:

Omit the regulation, substitute:

“55A. A student pilot who, in the course of receiving flying instruction, performs a duty essential to the operation of an Australian aircraft during flight time, is not required to hold a licence or a medical certificate under this Part.

[NOTE: See subsection 20AB (1) of the *Civil Aviation Act 1988* for offences relating to flying, and performing other duties that are essential to the operation of an aircraft during flight time, without a licence, certificate, rating or endorsement.]”.

11. Regulation 133 (Conditions to be met before Australian aircraft may fly)

11.1 Paragraph 133 (1) (b):

Omit the paragraph.

11.2 Paragraph 133 (1) (c):

Omit “there is in force in respect of it a maintenance release issued by virtue of paragraph 43 (7) (a) covering the period of the flight and”.

11.3 Subregulation 133 (1):

After the penalty at the foot of the subregulation, insert:

“[NOTE: See subsections 20AA (3) and (4) of the *Civil Aviation Act 1988* for offences relating to flying an aircraft without a certificate of airworthiness or a maintenance release.]”.

11.4 Subregulation 133 (3):

Omit the subregulation and penalty, substitute:

“[NOTE: See subsection 20AA (1) of the *Civil Aviation Act 1988* for offences relating to flying an unregistered aircraft.]”.

12. Regulation 134 (Permission for certain flights)**12.1 Subregulation 134 (1):**

Omit “, on the application of a person,”.

12.2 Subregulation 134 (3):

Omit the subregulation, substitute:

“(3) If the Authority or an authorised person gives permission under subregulation (1) to fly an aircraft, the Authority or authorised person may direct that, while the permission is in force, all or any of the following apply to the aircraft:

- (a) the aircraft is not required to be registered ;
- (b) the aircraft may be flown without a certificate of airworthiness;
- (c) the aircraft may be flown without a maintenance release;
- (d) paragraph 133 (1) (a) does not apply to the aircraft;
- (e) paragraph 133 (1) (c) does not apply to the aircraft;
- (f) paragraph 133 (1) (d) does not apply to the aircraft;
- (g) regulation 139 does not apply to the aircraft.”.

13. Regulation 138 (Flight manual)**13.1 After subregulation 138 (1), insert:**

“(1AA) An authorised person may prepare and issue alterations to a flight manual for an Australian aircraft.”.

14. Regulation 139 (Documents to be carried in Australian aircraft)**14.1 Paragraph 139 (1) (d):**

Before “the licences”, insert “unless the Authority otherwise approves,”.

15. Regulation 139 (Documents to be carried in Australian aircraft)**15.1 Paragraph 139 (1) (h):**

Omit “and” (last occurring).

15.2 Paragraph 139 (1) (i):

Omit the paragraph.

16. Regulation 206 (Commercial purposes—subsection 27 (9) of the Act)**16.1 Subparagraph 206 (a) (vi):**

After “training”, insert “(other than training under paragraph 134 (1) (bb))”.

16.2 Subparagraph 206 (b) (i):

After “passengers”, insert “(other than carriage under paragraph 134 (1) (bc))”.

17. Regulation 215 (Operations manual)**17.1 Paragraph 215 (3) (a):**

After “information”, insert “, procedures and instructions”.

17.2 Paragraph 215 (3) (b):

After “information”, insert “, procedures and instructions”.

18. Regulation 233 (Responsibility of pilot in command before flight)**18.1 Paragraph 233 (1) (h):**

Omit “the aeronautical”, substitute “the latest editions of the aeronautical”.

19. Regulation 234 (Fuel requirements)**19.1 Subregulation 234 (3):**

Omit “Penalty: \$5,000.”.

20. New regulation 256AA**20.1 After regulation 256, insert:**

Offensive and disorderly behaviour

“256AA. A person in an aircraft must not behave in an offensive and disorderly manner.

Penalty: \$5,000.”.

21. Regulation 264 (Refusal to grant licence or certificate)

21.1 Subregulation 264 (1):

After paragraph (b) add:

“(ba) that a court has made an order under section 30A of the Act in relation to the applicant; or”.

22. Regulation 295 (Use of rockets)

22.1 Subparagraph 295 (1) (b) (i):

Omit “is” (first occurring).

23. Regulation 296D (How are infringement notices and withdrawals of notices to be served?)

23.1 Subparagraph 296D (a) (iii):

Omit “officer” (wherever occurring), substitute “person”.

23.2 Subparagraph 296D (b) (ii):

Omit “authorised officer”, substitute “authorised person”.

24. Regulation 297A (Review of decisions)

24.1 Subregulation 297A (1) (paragraph (f) of the definition of “reviewable decision”):

Omit “a certification”, substitute “of certification”.

24.2 Subregulation 297A (1) (paragraph (j) of the definition of “reviewable decision”):

Omit the paragraph, substitute:

“(j) a decision by the Authority under subregulation 42ZS (2) to grant or approve an exemption or variation mentioned in paragraph (h) subject to conditions.”.

25. Schedule 5 (CAA MAINTENANCE SCHEDULE)

25.1 Part 2, item 2.6 (paragraph (b) of the definition of “**private aircraft**”):

Omit “2750”, substitute “5700”.

25.2 Part 2, item 2.6 (paragraph (c) of the definition of “**private aircraft**”):

Omit the paragraph, substitute:

- “(c) that is only used in private operations by:
- (i) the owner of the aircraft; or
 - (ii) a person to whom the owner has provided the aircraft without receiving any remuneration from the person.”.

25.3 Part 2, item 2.7 (Table of Actions Included in a Periodic Inspection, section 1, item (2) (d)):

Omit “lires”, substitute “wires”.

26. Schedule 6 (CAA SYSTEM OF CERTIFICATION OF COMPLETION OF MAINTENANCE)

26.1 Part 2, note to item 2.2:

Omit “42c”, substitute “42zc”.

26.2 Part 2, item 2.5:

Omit paragraph (d).

26.3 Part 4, item 4.4:

Omit paragraph (r).

26.4 Part 4, item 4.5:

Omit paragraph (a).

26.5 Part 4, item 4.6:

Omit “and” from paragraph (c).

26.6 Part 4, item 4.6:

Omit paragraph (d).

27. Schedule 8

27.1 Omit the heading, substitute:

“MAINTENANCE THAT MAY BE CARRIED OUT ON A CLASS B AIRCRAFT BY THE HOLDER OF A PILOT LICENCE (OTHER THAN A STUDENT PILOT LICENCE) THAT IS VALID FOR THE AIRCRAFT”.

27.2 Item 21:

Omit “or engine control system”.

28. Saving

28.1 A permission that was given under subregulation 134 (1) of the Civil Aviation Regulations and in force, or purporting to be in force, immediately before the commencement of these Regulations continues in force, or is taken to be in force, after the commencement as if it were a permission given under subregulation 134 (1) of the Civil Aviation Regulations as amended by these Regulations.

28.2 A permission to which subregulation 28.1 applies, continues in force subject to any condition to which it was subject immediately before the commencement of these Regulations.

**PART 2—AMENDMENTS OF STATUTORY RULES
1991 No. 487**

29. Commencement

29.1 This Part is taken to have commenced on 1 March 1992.

30. Amendment

30.1 Statutory Rules 1991 No. 487 are amended as set out in this Part.

31. Regulation 42 (Approved systems of maintenance)

31.1 Omit "42N (2)", substitute "42M (2)".

32. Regulation 44 (Use of aircraft material in the servicing and operation of Australian aircraft)

32.1 Subregulation 44 (1):

Omit "36A (2) (b)", substitute "36A (3) (b)".

32.2 Subregulation 44 (2):

Omit "paragraph 36A (1)", substitute "subregulation 36A (2)".

NOTES

1. Notified in the *Commonwealth of Australia Gazette* on 1 1992.
2. Statutory Rules 1988 No. 158 as amended by ~~Statutory Rules~~ 1988 Nos. 209, 373 and 376; 1989 Nos. 31 and 276; 1990 Nos. 100, 215, 216, 258, 260, 289, 310, 331, 332 and 466; 1991 Nos. 54, 147, 157, 247, 287, 382, 409, 410, 426 and 487; and 1992 No. 36.

25 June

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