



Civil Aviation Safety Regulations 1998

Statutory Rules No. 237, 1998 as amended

made under the

Civil Aviation Act 1988

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Volume 1: rr. 1.001–42.1105

Volume 2: rr. 45.005–92.205

Volume 3: rr. 99.005–137.300

Volume 4: rr. 139.005–202.900

Dictionary and Endnotes

Each volume has its own contents

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About this compilation

The compiled instrument

This is a compilation of the *Civil Aviation Safety Regulations 1998* as amended and in force on 1 May 2014. It includes any amendment affecting the compiled instrument to that date.

This compilation was prepared on 1 May 2014.

The notes at the end of this compilation (the *endnotes*) include information about amending Acts and instruments and the amendment history of each amended provision.

Uncommenced provisions and amendments

If a provision of the compiled instrument is affected by an uncommenced amendment, the text of the uncommenced amendment is set out in the endnotes.

Application, saving and transitional provisions for amendments

If the operation of an amendment is affected by an application, saving or transitional provision, the provision is identified in the endnotes.

Modifications

If a provision of the compiled instrument is affected by a textual modification that is in force, the text of the modifying provision is set out in the endnotes.

Provisions ceasing to have effect

If a provision of the compiled instrument has expired or otherwise ceased to have effect in accordance with a provision of the instrument, details of the provision are set out in the endnotes.

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Part 45—Display of nationality and registration marks and aircraft registration identification plates

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Subpart 45.A—General

45.005 Applicability of this Part

- (1) This Part deals mainly with:
 - (a) the nationality and registration marks of Australian aircraft;
and
 - (b) the display of those, and other, marks on Australian aircraft;
and
 - (c) the display of aircraft registration identification plates on
Australian aircraft.
- (2) This Part also makes provision about the display of nationality and
registration marks on foreign registered aircraft.

Note: For the definitions of *Australian aircraft* and *foreign registered aircraft* see section 3 of the Act.

Part 45 Display of nationality and registration marks and aircraft registration identification plates

Subpart 45.B Australian nationality and registration markings

Division 45.B.1 General rules

Regulation 45.010

Subpart 45.B—Australian nationality and registration markings

Division 45.B.1—General rules

45.010 Applicability of this Subpart

This Subpart applies to all Australian aircraft.

Note: For the definition of *Australian aircraft* see section 3 of the Act.

45.015 Australian nationality mark

The *Australian nationality mark* is the capital letters *VH*.

45.020 Registration mark

The *registration mark* of an Australian aircraft is the group of characters that is assigned to the aircraft under Part 47.

45.025 Meaning of *markings* and *set of markings*

- (1) An Australian aircraft's *markings* are the letters *VH* (the Australian nationality mark) and the aircraft's registration mark, in that order, connected by a hyphen.
- (2) A *set of markings* for an Australian aircraft is an instance of the aircraft's markings.

45.030 Meaning of *character*

In this Subpart:

character includes a letter and a digit, but does not include a hyphen.

45.035 Requirement for aircraft to bear its markings

- (1) Except as Division 45.B.2 allows otherwise, an Australian aircraft, whenever it is operated, must bear as many sets of its markings as is required by whichever is applicable of regulations 45.045, 45.050, 45.055 and 45.060.
- (2) Except as Division 45.B.2 allows otherwise, the sets must be on the outside of the aircraft in the places required by the applicable regulation.
- (3) Except as Division 45.B.2 allows otherwise, the characters, and any hyphens, in each set must comply with regulations 45.065, 45.070 and 45.075.
- (4) If an aircraft does not bear its markings as required by subregulations (1), (2) and (3), the aircraft's registration holder is guilty of an offence.

Penalty: 50 penalty units.

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

Note 1: For subregulation (5), for *strict liability*, see section 6.1 of the *Criminal Code*.

Note 2: For the definition of *Australian aircraft* see section 3 of the Act. For the definitions of *registration holder* and *registration mark* see the Dictionary.

45.040 Markings not to be obscured

A set of markings must be in a position where it is not obscured at any time by a moveable surface of the aircraft.

45.045 Number and location of sets of markings—fixed-wing aircraft

- (1) On a fixed-wing aircraft, 3 sets of the aircraft's markings must be displayed, as follows:
 - (a) 1 set either on the under surface of the port wing or across the under surface of both wings, in each case as set out in subregulation (2);

Part 45 Display of nationality and registration marks and aircraft registration identification plates

Subpart 45.B Australian nationality and registration markings

Division 45.B.1 General rules

Regulation 45.050

- (b) the 2 other sets on:
 - (i) the fuselage, as set out in subregulation (3); or
 - (ii) engine nacelles or similar fixed obstructions on the fuselage, as set out in subregulation (5); or
 - (iii) the vertical tail, as set out in subregulation (6).
- (2) A marking on the wing of an aircraft:
 - (a) must have its top towards the leading edge of the wing; and
 - (b) must be as nearly as possible parallel to the leading edge, and half-way between the leading and the trailing edge, of the wing.
- (3) If the markings are on the aircraft's fuselage, there must be 1 set on each side of the fuselage:
 - (a) between the trailing edge of the wing and the leading edge of the tailplane; or
 - (b) if the aircraft is of canard configuration and has no tailplane—between the trailing edge of the foreplane and the leading edge of the wing.
- (4) In subregulation (3):

tailplane includes the tail surfaces of an aeroplane that has a vee-tail.
- (5) If there is an engine nacelle or similar fixed obstruction on the part of the fuselage mentioned in paragraph (3)(a) or (b), there may be a set of markings on each nacelle or obstruction.
- (6) If the markings are on the aircraft's vertical tail, there must be:
 - (a) if the aircraft has a single vertical tail—1 set on each side of the tail; or
 - (b) if the aircraft has a multi-vertical tail—1 set on the outer side of each of its outermost surfaces.

45.050 Number and location of sets of markings—rotorcraft

On a rotorcraft, there must be 1 set of its markings on each side of its cabin, fuselage, boom or tail.

45.055 Number and location of sets of markings—airships

- (1) An airship's markings must be on either its hull or its stabilisers.
- (2) If its markings are on its hull, there must be:
 - (a) 1 set on the line of symmetry of its upper surface; and
 - (b) 1 set on each side of its hull.
- (3) If its markings are on its stabilisers:
 - (a) there must be 1 set on each of:
 - (i) the upper surface of the right horizontal stabiliser; and
 - (ii) the lower surface of the left horizontal stabiliser; and
 - (b) each of those sets must be as nearly as possible half-way between the leading and the trailing edge of the stabiliser; and
 - (c) the tops of the letters in each of those sets must be towards the leading edge of the stabiliser; and
 - (d) there must be 1 set on each side of the lower vertical stabiliser.

45.060 Number and location of sets of markings—manned free balloons

- (1) A manned free balloon must bear 2 sets of its markings.
- (2) On a spherical balloon, the 2 sets must be in diametrically opposite places near the maximum horizontal circumference of its envelope.
- (3) On a non-spherical balloon, the 2 sets must be on opposite sides of its envelope as near as possible to its maximum cross-section, but no lower than the higher of:
 - (a) the rigging band; or
 - (b) the points of attachment of the basket or the basket suspension cables.

45.065 Minimum height of characters

- (1) This regulation sets out the minimum height of the characters in a set of markings.

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Subpart 45.B Australian nationality and registration markings

Division 45.B.1 General rules

Regulation 45.065

- (2) All the characters in a set of markings must be of the same height.
- (3) Subject to subregulation (5), the minimum height of the characters in a set of markings is:
 - (a) in the case of markings on an aircraft (other than a glider) for which there is in force an experimental certificate issued for the purpose referred to in paragraph 21.191 (d) or (g), and whose maximum cruising speed is not greater than 180 knots CAS—75 millimetres (for all markings); or
 - (b) in the case of markings on any other fixed-wing aircraft (except a glider):
 - (i) for markings on the aircraft's wings—500 millimetres; and
 - (ii) for markings on other parts of the aircraft—300 millimetres; or
 - (c) in any other case—as given in the following table.

Minimum heights of characters in markings on certain kinds of aircraft

Column 1 Item	Column 2 Kind of aircraft	Column 3 Minimum height (mm)
1	Rotorcraft	300
2	Glider	75
3	Airship	500
4	Manned free balloon	500

- (4) If a surface of the aircraft on which there must be a set of the aircraft's markings is not large enough to allow the characters to be as high as required by subregulation (3), then:
 - (a) that subregulation is to be disregarded; and
 - (b) the characters must be as high as possible while keeping their proportions the same.

Regulation 45.070

- (5) If a set of markings is required to be on each of 2 symmetrical parts of the aircraft (for example, on each side of the fuselage or tail), the height of the characters in both sets must be the same.

45.070 Minimum width of characters

- (1) The width of a character must be equal to $\frac{2}{3}$ of its height, with the following exceptions:
- (a) the letter 'I' and the digit '1', whose width must be equal to $\frac{1}{6}$ -th of their height;
 - (b) the letters 'M' and 'W', whose width may be equal to their height.
- (2) A character must be made up of solid lines that are $\frac{1}{6}$ -th as thick as the character is high.

45.075 Size of hyphens

- (1) A hyphen in a set of markings must be $\frac{1}{6}$ -th of the height of the characters in the set.
- (2) The width of a hyphen must be equal to 4 times its height.

45.080 Minimum spacing of characters

- (1) The space between any 2 adjacent characters must be at least $\frac{1}{6}$ -th of their height.
- (2) The space between a hyphen and a character must be at least $\frac{1}{6}$ -th of the height of the character.

45.085 How markings to be marked on aircraft

- (1) An Australian aircraft's markings must be painted on it, or fixed to it in some other way that is at least as permanent as painting.
- (2) The markings:
- (a) must be legible; and
 - (b) must have no ornamentation; and

Part 45 Display of nationality and registration marks and aircraft registration identification plates

Subpart 45.B Australian nationality and registration markings

Division 45.B.1 General rules

Regulation 45.090

- (c) must be of a colour that clearly contrasts with their background.
- (3) Subregulation (2) does not prohibit the use of slanted characters if:
 - (a) the characters remain legible; and
 - (b) the slant is no more than 35° from the perpendicular.
- (4) The characters in a set of markings may be arranged one above the other only if the set is on:
 - (a) the centre-line of the upper surface of an airship; or
 - (b) a balloon.
- (5) If the markings on an aircraft do not comply with subregulation (1), (2) or (4), the aircraft's registration holder is guilty of an offence.

Penalty: 20 penalty units.
- (6) An offence against subregulation (5) is an offence of strict liability.

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

45.090 No confusing markings to be on aircraft

- (1) Subject to subregulation (3), a person must not, without the written approval of CASA, place on an Australian aircraft a design, mark or symbol that modifies, or creates confusion about, the marks displayed on the aircraft as its markings.

Penalty: 20 penalty units.
- (1A) An offence against subregulation (1) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.
- (2) CASA must not grant an approval under subregulation (1) if granting the approval would adversely affect the safety of air navigation.

Note: For the definition of *Australian aircraft* see section 3 of the Act.
- (3) However, subregulation (1) does not apply in relation to the application of Defence Force symbols or call-signs to an Australian aircraft that is being operated by the Defence Force.

Division 45.B.2—Exemptions from general rules

45.095 Exhibition aircraft

- (1) In this regulation:
exhibition includes an airshow and a film or television production.
- (2) This regulation applies to an Australian aircraft if:
 - (a) the aircraft is to be operated for an exhibition; and
 - (b) the display of the aircraft's markings on the aircraft would be inconsistent with its use for that purpose.
- (3) Subject to subregulations (4) and (5), the aircraft need not bear its markings while it is operated:
 - (a) for any practice or test flight necessary for the exhibition; or
 - (b) at an exhibition location; or
 - (c) between exhibition locations; or
 - (d) between an exhibition location and the aircraft's base of operations.
- (4) Subregulation (3) applies only if:
 - (a) the aircraft's registration holder has:
 - (i) told CASA in writing that the aircraft will be operated for the exhibition; and
 - (ii) given CASA a photograph or drawing of the aircraft, showing the colour of the aircraft, and any marks it will bear, while it is operated as mentioned in paragraph (3)(a), (b), (c) or (d); and
 - (b) the aircraft's registration mark is clearly displayed in the aircraft's cabin or cockpit.
- (5) If the exhibition is taking place in a foreign country, subregulation (3) does not apply if the aircraft's failure to bear its markings would contravene a law of that country.

45.100 Antique, experimental and ex-military aircraft

- (1) This regulation applies to:
-

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Division 45.B.2 Exemptions from general rules

Regulation 45.100

- (a) an Australian aircraft in the normal category, utility category, acrobatic category or commuter category:
 - (i) of which the prototype was built 45 years or longer ago; and
 - (ii) that is employed in private operations; and
- (b) an Australian aircraft:
 - (i) for which there is in force an experimental certificate issued for the purpose mentioned in paragraph 21.191 (d) or (g); and
 - (ii) that has the same external configuration as an aircraft built 45 years or longer ago; and
- (c) an Australian aircraft of a type mentioned in subparagraph 21.189 (1)(a)(ii) for which there is in force:
 - (i) a special certificate of airworthiness of the kind mentioned in regulation 21.189; or
 - (ii) an experimental certificate issued for the purposes mentioned in paragraph 21.191 (b), (c), (d) or (e).

Note: An aircraft in any of the categories mentioned in paragraph (1)(a) is an aircraft whose type design is certificated as meeting airworthiness standards equivalent to those set out in Part 23.

- (2) The registration holder of an aircraft to which this regulation applies need not comply with any of regulations 45.045, 45.050, 45.055 and 45.060 that would otherwise apply in relation to the aircraft, nor with regulations 45.065, 45.070, 45.075, 45.080 and 45.085, if:
 - (a) the aircraft's markings are either on each side of the fuselage, or as follows:
 - (i) if the aircraft has a single vertical tail—on each of the surfaces of the vertical tail; or
 - (ii) if the aircraft has a multi-vertical tail—on each of its outer surfaces; and
 - (b) those markings are at least 50 millimetres high; and
 - (c) there are no other marks beginning with **VH** anywhere on the aircraft; and
 - (d) if the aircraft is being operated in a foreign country, failure to comply with those regulations would not contravene a law of that country.

Regulation 45.105

Note: For the definition of *private operations* see subregulation 2 (7) of CAR. For the definitions of *experimental certificate* and *registration holder* see the Dictionary.

45.105 Aircraft with special configuration

- (1) This regulation applies to an Australian aircraft if, because of the aircraft's configuration, it is not possible for it to bear its markings in accordance with whichever is applicable of regulations 45.045, 45.050, 45.055 and 45.060.
- (2) On application by the aircraft's registration holder, CASA must give the registration holder a written direction about where the aircraft must bear its markings.
- (3) Despite regulations 45.065, 45.070, 45.075, 45.080 and 45.085, the direction may specify the size and spacing of the characters and any hyphens in the sets.
- (4) The registration holder must comply with the direction.

Penalty: 50 penalty units.

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

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

- (5) If CASA gives a direction in respect of an aircraft under subregulation (2), the aircraft's registration holder need not comply with whichever of regulations 45.045, 45.050, 45.055 or 45.060 would otherwise apply, nor with regulations 45.065, 45.070, 45.075, 45.080 and 45.085, to the extent that the direction requires otherwise.

45.110 Australian aircraft used by Defence Force

In spite of regulations 45.040, 45.045, 45.050, 45.055, 45.060, 45.065, 45.070, 45.075, 45.080 and 45.085, if an Australian aircraft is being used by the Defence Force its markings may be removed or covered.

Regulation 45.115

Division 45.B.3—Removal of markings

45.115 Removal of markings from sold aircraft

- (1) This regulation applies if an Australian aircraft is sold to a person other than:
- (a) an Australian citizen; or
 - (b) an individual who is not an Australian citizen, but holds a permanent visa (within the meaning of the *Migration Act 1958*); or
 - (c) a corporation incorporated under the *Corporations Act 2001*; or
 - (d) a body incorporated under a law in force in Australia other than the *Corporations Act 2001*; or
 - (e) the Commonwealth, a State or a Territory, or an agency of the Commonwealth, a State or a Territory; or
 - (f) a foreign corporation that:
 - (i) is lawfully carrying on business in Australia; and
 - (ii) intends to base, and primarily use, the aircraft in Australia.
- (2) The person who was the aircraft's registration holder immediately before the sale is guilty of an offence if the aircraft's markings are not removed from it before it is delivered to the purchaser.

Penalty: 20 penalty units.

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

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

Subpart 45.C—Certain aircraft to bear words

45.120 Applicability of this Subpart

This Subpart applies to an Australian aircraft:

- (a) that is:
 - (i) a limited category aircraft (that is, an aircraft for which a special airworthiness certificate of the kind mentioned in regulation 21.189 is in force); or
 - (ii) a restricted category aircraft (that is, an aircraft for which a type certificate of the kind referred to in regulation 21.025 has been issued and is in force, or an aircraft of the same design as such an aircraft); or
- (b) for which a provisional certificate of airworthiness or an experimental certificate of airworthiness is in force.

45.125 Requirement to bear certain words

- (1) Whenever an aircraft to which this Subpart applies is operated, its registration holder must ensure that the aircraft bears the word required by subregulation (2), written in capital letters not less than 50, but not more than 150, millimetres high:
 - (a) on the outside of the aircraft near each entrance to the cabin or cockpit; or
 - (b) in the case of an aircraft that is entered by opening the canopy—on the outside of each side of the aircraft, immediately below the cockpit coaming; or
 - (c) in the case of an aircraft for which an experimental certificate of airworthiness is in force—inside the cockpit, in a position where it will alert the pilot and passenger to the fact that the aircraft meets no approved airworthiness standard.

Penalty: 50 penalty units.

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

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

Regulation 45.130

- (2) The word is:
- (a) for a limited category aircraft—‘LIMITED’; and
 - (b) for a restricted category aircraft—‘RESTRICTED’; and
 - (c) for an aircraft for which a provisional certificate of airworthiness is in force—‘PROVISIONAL’; and
 - (d) for an aircraft for which an experimental certificate of airworthiness is in force—‘EXPERIMENTAL’.

45.130 Exemption for exhibition aircraft

- (1) In this regulation:
- exhibition*** includes an airshow and a film or television production.
- (2) This regulation applies to an Australian aircraft to which this Subpart applies if:
- (a) the aircraft is to be operated for an exhibition; and
 - (b) it would be inconsistent with the use of the aircraft for that purpose for the aircraft to bear a word required by subregulation 45.120 (1).
- Note: Subregulation 45.120 (1) requires the word ‘LIMITED’, ‘RESTRICTED’, ‘PROVISIONAL’ or ‘EXPERIMENTAL’ to be displayed on certain aircraft.
- (3) Subject to subregulations (4) and (5), the aircraft need not bear that word while it is operated:
- (a) for any practice or test flight necessary for the exhibition; or
 - (b) at an exhibition location; or
 - (c) between exhibition locations; or
 - (d) between an exhibition location and the aircraft’s base of operations.
- (4) Subregulation (3) applies only if:
- (a) the aircraft’s registration holder has:
 - (i) told CASA in writing that the aircraft will be operated for the exhibition; and
 - (ii) given CASA a photograph or drawing of the aircraft, showing the colour of the aircraft, and the markings the

Regulation 45.130

- aircraft will bear, while it is operated as mentioned in paragraph (3)(a), (b), (c) or (d); and
- (b) the aircraft's registration mark is clearly displayed in the aircraft's cabin or cockpit.
- (5) If the exhibition is taking place in a foreign country, subregulation (3) does not apply if the aircraft's failure to bear the word would contravene a law of that country.

Subpart 45.D—Aircraft registration identification plates

Note: This Subpart gives effect for Australia to section 8 of Annex 7 to the Chicago Convention.

45.135 Applicability of this Subpart

This Subpart applies to all Australian aircraft.

45.140 What an aircraft registration identification plate is

- (1) An **aircraft registration identification plate** is a plate, made of fireproof material, on which is marked (by etching, stamping, engraving, or another approved method) the letters **VH** (the Australian nationality mark) followed by a hyphen and the aircraft's registration mark.
- (2) For subregulation (1), the material of which a plate is made is fireproof if the plate withstands the heat of a fire at least as well as a steel plate of the same size and thickness.

45.145 Aircraft must carry aircraft registration identification plate

- (1) A person may operate an Australian aircraft only if an aircraft registration identification plate is attached to the aircraft in accordance with regulation 45.150.

Penalty: 50 penalty units.
- (2) The registered owner of an Australian aircraft may permit a person to operate that aircraft only if an aircraft registration identification plate is attached to the aircraft in accordance with regulation 45.150.

Penalty: 50 penalty units.

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

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

Regulation 45.150

- (4) Strict liability applies to the physical element in subregulation (2) that the aircraft registration identification plate is attached to the aircraft in accordance with regulation 45.150.

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

45.150 How and where aircraft registration identification plate is to be attached to aircraft

- (1) An aircraft's registration identification plate must be attached to it in a way that ensures that the plate is not likely to be defaced or to become detached from the aircraft.
- (2) The plate must be attached:
- (a) in the case of a manned free balloon—to the skirt of the balloon's envelope, in a place where it is clearly visible before the balloon is inflated; or
 - (b) if CASA gives a direction under subregulation (3)—as set out in the direction; or
 - (c) in any other case—in a place (either inside or outside the aircraft's hull or fuselage):
 - (i) near the aircraft's entrance or main entrance; and
 - (ii) where it is clearly visible.
- (3) CASA may, in writing, direct where the plate is to be attached to an aircraft (other than a balloon) if:
- (a) the aircraft's registration holder applies in writing to CASA for a direction under this subregulation; and
 - (b) the configuration of the aircraft does not allow its aircraft registration identification plate to be attached in accordance with paragraph (2)(c).

45.155 Removal or alteration of aircraft registration identification plates

- (1) A person must not engage in conduct that results in the removal of the aircraft registration identification plate of an aircraft from where it is attached to the aircraft if CASA has not given written approval to do so.

Regulation 45.160

Penalty: 20 penalty units.

Note: The removal of an aircraft registration identification plate is permitted during maintenance, subject to conditions—see regulation 61 of CAR.

- (2) A person must not engage in conduct that results in the removal or alteration of any of an aircraft's markings marked on the registration identification plate of the aircraft if CASA has not given written approval to do so.

Penalty: 20 penalty units.

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

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

- (3) CASA must not grant an approval under subregulation (1) or (2) if the granting of the approval will adversely affect the safety of air navigation.

45.160 Attachment of aircraft registration identification plate from another aircraft

- (1) A person must not attach to an aircraft an aircraft registration identification plate that displays the markings of another aircraft, or fictitious markings.

Penalty: 50 penalty units.

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

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

Subpart 45.E—Marks on foreign registered aircraft operating in Australian territory

45.165 Applicability of this Subpart

This Subpart applies to foreign registered aircraft operated in Australia.

45.170 Marks to be on foreign registered aircraft in Australian territory

- (1) A person may operate a foreign registered aircraft in Australian territory only if the aircraft bears its nationality and registration marks in accordance with the law of the country in which it is registered.

Penalty: 50 penalty units.

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

Note 1: For subregulation (2), for *strict liability*, see section 6.1 of the *Criminal Code*.

Note 2: For the definition of *foreign registered aircraft* see section 3 of the Act.

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Subpart 47.A—General

47.005 Applicability of Part 47

- (1) This Part sets out:
 - (a) how aircraft are registered; and
 - (b) how registration marks are assigned to aircraft.
- (2) It also sets out how dealer's marks are assigned to manufacturers, distributors and dealers of aircraft, and regulates their use.

47.010 Definitions for Part 47

In this Part:

eligible person means one of the following:

- (a) a resident of Australia who is:
 - (i) 18 years of age or older; and
 - (ii) an Australian citizen or the holder of a permanent visa (within the meaning of the *Migration Act 1958*);
- (b) a corporation incorporated under the *Corporations Act 2001*;
- (c) a body incorporated under a law (other than the *Corporations Act 2001*) in force in Australia;
- (d) the Commonwealth, a State or a Territory;
- (e) an agency of the Commonwealth, a State or a Territory;
- (f) a foreign corporation that is lawfully carrying on business in Australia.

owner, of an aircraft, includes a part-owner of the aircraft who is appointed under regulation 47.020.

Note: The owner of an aircraft who becomes its registration holder must, if he or she is not eligible to be its registered operator, appoint an eligible person as the registered operator: see regulation 47.100.

registered operator has the meaning given by regulation 47.100.

Regulation 47.015

47.015 Requirement for aircraft to be registered

- (1) For paragraph 20AA(1)(b) of the Act, an aircraft is required to be registered unless it is one of the following:
- (a) an aircraft that is not intended to be used as an aircraft;
 - (b) an aircraft that, under Subpart 200.B, is exempt from these Regulations;
 - (c) an unmanned free balloon;
 - (d) a permanently tethered balloon;
 - (e) a kite;
 - (f) a model aircraft;
 - (g) a parachute;
 - (h) a rocket;
 - (i) a UAV other than a large UAV;
 - (j) an aircraft that is registered under the law of a foreign country referred to in subregulation (2);
 - (k) an aircraft that satisfies all the following conditions:
 - (i) it has been manufactured in Australia for delivery outside Australia to a foreign operator;
 - (ii) it is registered under the law of a foreign country referred to in subregulation (2);
 - (iii) it displays nationality and registration marks in accordance with the law of that country;
 - (iv) it has no certificate of airworthiness issued, or rendered valid, under the law of that country;
 - (v) it is flown within Australia only for a purpose mentioned in paragraph 21.197 (1)(b) or (c).
- (2) For paragraph (1)(j) and subparagraph (1)(k)(ii), the foreign countries are:
- (a) the Contracting States; and
 - (b) any other foreign country with which Australia has an agreement that allows an aircraft registered under the law of that country to be operated in Australia.

Note: For the definition of *Contracting State* see section 3 of the Act.

Regulation 47.020

47.020 Appointment of person to act on behalf of owners

If an aircraft is owned by more than 1 person, the owners must, to register the aircraft, appoint one of them to act on their behalf.

Subpart 47.B—The Australian Civil Aircraft Register

47.025 Australian Civil Aircraft Register

CASA must keep a register called the Australian Civil Aircraft Register, or ensure that it is kept, in accordance with this Subpart.

Note: The Australian Civil Aircraft Register is the successor to the Aircraft Register mentioned in regulation 8 of CAR: see regulation 202.221.

47.030 Register to be accessible to public

- (1) CASA must make the Australian Civil Aircraft Register available for inspection by members of the public at reasonable times and places, and subject to reasonable conditions.
- (2) CASA may comply with subregulation (1) by making the information in the Register accessible on the Internet or by another suitable electronic means.

47.035 Correction of Register

CASA must correct the information recorded in an entry in the Australian Civil Aircraft Register as soon as practicable after becoming aware that the entry is out of date or otherwise incorrect.

Note: An aircraft registration holder who finds out that anything in the Australian Civil Aircraft Register in relation to the aircraft is not correct must tell CASA about the change that should be made to the Register: see regulation 47.115.

47.040 Seeking information about Register

- (1) If CASA thinks that there may be an error in the Australian Civil Aircraft Register in relation to an aircraft, CASA may ask the aircraft registration holder, in writing, to give CASA information that may show the accuracy of the entry.

Note: Information that must be given to CASA under subregulation (1) may include a copy of a relevant document.

Regulation 47.045

- (2) A request under subregulation (1) must:
- (a) describe the information; and
 - (b) specify a period of at least 28 days, starting when the request is given to the registration holder, during which the registration holder must give CASA the information.

Note: CASA may cancel the registration of an aircraft if the registration holder fails to comply with a request for information made under subregulation (1): see regulation 47.132.

- (3) A registration holder must comply with a request made under subregulation (2).

Penalty: 10 penalty units.

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

47.045 Communicating with CASA

- (1) A notice that, under this Part, must be given to CASA may be delivered, posted, sent by fax or sent by e-mail.

Note: The address, fax number and e-mail address for notices can be found in the advisory circular for this Part or on CASA's website: www.casa.gov.au.

- (2) CASA may refuse to accept a notice that is not legible.

47.050 Accuracy of information in Register

- (1) CASA must give, to an aircraft registration holder, a copy of the information in the Australian Civil Aircraft Register that relates to the holder and the aircraft.
- (2) CASA must give the copy of the information within 28 days after:
- (a) the end of 3 years after the day on which:
 - (i) an aircraft is registered; or
 - (ii) if the aircraft's certificate of registration is transferred—the certificate is transferred; and
 - (b) the end of each period of 3 years after that day.
- (3) Within 28 days after the day when the registration holder is given the copy of the information, the holder must:

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- (a) if necessary, correct the information on the copy about the aircraft and the holder; and
- (b) return the copy to CASA.

Maximum Penalty: 10 penalty units.

- (4) An offence against subregulation (3) is an offence of strict liability.
- (5) Information given to CASA for subregulation (3) must not be used as evidence of an offence against regulation 47.115.
- (6) This regulation is not intended to limit the operation of regulations 47.035 and 47.040.

47.055 Entries in Register etc not conclusive evidence of title to aircraft

- (1) An entry in the Australian Civil Aircraft Register in relation to an aircraft is not conclusive evidence of the existence of a legal or beneficial property interest in the aircraft.
- (2) A certificate of registration for an aircraft is not conclusive evidence of the existence of a legal or beneficial property interest in the aircraft.

Subpart 47.C—Registration of aircraft

47.060 Applying for registration of unregistered aircraft

- (1) An application to register an unregistered aircraft may be made by the owner or a person who is acting on behalf of, and at the direction or request of, the owner.
- (2) The application must be made:
 - (a) in writing; or
 - (b) orally (by telephone or in person).

Note: An oral application must be confirmed in writing in accordance with regulation 47.070. If an oral application is not confirmed in writing in accordance with that regulation, the registration lapses: see subregulation 47.130(2).
- (3) An application for registration made in writing must:
 - (a) be made in an approved form; and
 - (b) include the information set out in regulation 47.065; and
 - (c) be signed by the person making the application.
- (4) An application for registration made in writing must also include a declaration, signed by the person making the application:
 - (a) that the aircraft will be used as an aircraft; and
 - (b) if the aircraft has not been registered before—that the aircraft has never been registered; and
 - (c) if the aircraft has been registered before (whether in Australia or not)—that the aircraft is not, at the time of the application, registered on a foreign civil aircraft register.

47.065 Information required for registration—general

For paragraph 47.060 (3)(b), and subject to regulation 47.075, the following information must be included in an application for registration of an aircraft:

- (a) the owner's name and address;

Regulation 47.065

- (aa) if the aircraft is owned by more than 1 person—the name and signature of the owner who is appointed to act on behalf of the owners; and
- (b) if the application is made by a person on behalf of the owner—the name and address of the person making the application;
- (c) if the owner proposes to appoint another person as the registered operator of the aircraft—the registered operator's name and postal address, and:
 - (i) if the registered operator is an individual—his or her home address; or
 - (ii) if the registered operator is a corporation—the corporation's registered address;
- (d) for an aircraft that has a type certificate, type acceptance certificate or provisional type certificate:
 - (i) the number of the certificate (if applicable); and
 - (ii) the production certificate number (if applicable); and
 - (iii) the manufacturer, and the country and year of manufacture, of the aircraft; and
 - (iv) the aircraft model; and
 - (v) the aircraft serial number;

Note: For paragraph (d), the aircraft's manufacturer, model and serial number are those set out on the aircraft's data plate.

- (e) for an aircraft to which paragraph (d) does not apply—the following:
 - (i) the aircraft manufacturer (if applicable);
 - (ii) the aircraft builder (if applicable);
 - (iii) whether the aircraft is a manned free balloon, an airship, a glider, a power-driven aeroplane, a rotorcraft or an ornithopter;
 - (iv) the country and year of manufacture of the aircraft;
 - (v) the aircraft model;
 - (vi) the aircraft serial number;
 - (vii) if the aircraft is power-driven—the number of engines and whether they are piston, turbopropeller or jet turbine engines;
 - (viii) the number of seats including seats for the crew;

Regulation 47.070

- (ix) whether the aircraft is able to be used on land, on water, or on both;
- (f) if a registration mark has been reserved for the aircraft, and the reservation has not lapsed—the registration mark;
- (g) if the aircraft has been imported:
 - (i) the name of the country from which the aircraft was imported; and
 - (ii) the aircraft's registration mark, if any, in that country; and
 - (iii) evidence, provided by the NAA of that country, that the aircraft is not on the aircraft register of that country;
- (h) if the registration is required for a specific period—the period.

Note 1: If the application for registration is an oral application, CASA will ask for the information mentioned in this regulation during the oral application.

Note 2: If an aircraft is registered for a specific period, the registration lapses at the end of that period: see subregulation 47.130 (1). (However the period may be extended under subregulation 47.095 (4).)

47.070 Confirmation of oral application

- (1) A person who has applied orally for the registration of an aircraft must give to CASA a written confirmation of the application.
- (2) The confirmation:
 - (a) must be in an approved form; and
 - (b) must include the information required by regulation 47.065; and
 - (c) must be received by CASA within 14 days after the day on which the oral application was made.

47.075 CASA may ask for further information

- (1) If CASA reasonably requires further information to enable it to consider an application for the registration of an aircraft, CASA may ask the applicant, in writing, to give CASA the information.
- (2) CASA must describe the information in the request.

Regulation 47.080

- (3) CASA may refuse to consider, or cease considering, the application until the applicant complies with the request.

47.080 Registration of aircraft

- (1) CASA must register an aircraft if the application for the registration of the aircraft is made in accordance with regulation 47.060.
- (2) CASA must enter the following information about the aircraft in the Australian Civil Aircraft Register:
 - (a) the registration mark assigned to the aircraft;
 - (b) whether the aircraft is a manned free balloon, an airship, a glider, a power-driven aeroplane, a rotorcraft or an ornithopter;
 - (c) its manufacturer, model and serial number;
 - (d) its country and year of manufacture;
 - (e) the name and address of the owner;
 - (f) the name and address of the registered operator;
 - (g) the day on which it was registered;
 - (h) if the registration is for a particular period—the day on which the registration ends.

47.085 Interim certificate of registration

- (1) If CASA registers an aircraft on the basis of an oral application, CASA must:
 - (a) issue an interim certificate of registration for the aircraft; and
 - (b) tell the applicant:
 - (i) the time and date from which the interim registration is in force; and
 - (ii) a unique number that identifies the registration.

Note 1: An interim certificate includes the information set out in paragraph 47.080 (2)(a) and the applicable provisions in paragraphs 47.080 (2)(c) to (g).

Note 2: If the oral application is not confirmed in accordance with regulation 47.070, the registration of the aircraft lapses: see subregulation 47.130(2).

Regulation 47.090

- (2) If CASA registers an aircraft on the basis of an oral application, the aircraft registration holder must not allow the aircraft to be taken outside Australia before CASA issues the certificate of registration for the aircraft.

Maximum Penalty: 50 penalty units.

Note: An interim certificate of registration is not covered by the provisions of Annex 7 to the Chicago Convention, so is only valid for flights within Australia.

- (3) An offence against subregulation (2) is an offence of strict liability.
- (4) An interim certificate of registration for an aircraft ceases to be in force on the earlier of the following:
- (a) the day that CASA gives the certificate of registration to the aircraft's registration holder;
 - (b) 14 days after the day on which CASA registered the aircraft on the basis of an oral application.

47.090 Issue of certificate of registration

If CASA:

- (a) registers an aircraft because it has received a written application; or
- (b) receives confirmation of an oral application for the registration of an aircraft;

CASA must give a certificate of registration for the aircraft to the aircraft's owner (the **registration holder**).

Note: The certificate of registration replaces any interim certificate of registration issued under regulation 47.085.

47.095 Period of registration

- (1) Subject to this regulation, the registration of an aircraft has effect unless it lapses, is suspended or is cancelled.
- (2) If an applicant applies for registration of an aircraft for a particular period, CASA must register the aircraft for that period.
- (3) If CASA registers an aircraft for a particular period, the registration holder may apply for an extension of that period.

Regulation 47.095

- (4) If CASA approves an application made under subregulation (3):
 - (a) CASA must extend the period of registration of the aircraft in accordance with the application; and
 - (b) the registration of the aircraft has effect until the end of that period.

Subpart 47.D—Registered operator

47.100 Identity of registered operator of aircraft

- (1) If the registration holder of an aircraft is an eligible person, the holder is the aircraft's *registered operator*.
- (2) However, the registration holder may appoint another eligible person as the registered operator.
- (3) If the registration holder is not an eligible person, the registration holder must appoint an eligible person to be the registered operator.

Note: If the registration holder of an aircraft is not an eligible person and no eligible person is appointed as the registered operator, CASA must cancel the registration: see regulation 47.132.

- (4) The appointment of a registered operator has effect unless the appointment is cancelled or otherwise ceases to have effect.

Note: Regulation 202.222 provides that a reference in CAR to the holder of a certificate of registration of an aircraft is taken to be a reference to the registered operator of the aircraft. Under CAR, the holder of the certificate of registration is responsible for the maintenance and continuing airworthiness of the aircraft.

- (5) If the registration holder of an aircraft:
 - (a) appoints a person as the aircraft's registered operator; or
 - (b) cancels the appointment of a person as the aircraft's registered operator;

the registration holder must, within 14 days of the appointment or cancellation, give CASA a notice in an approved form, including the aircraft's registration mark, manufacturer, model and serial number.

Penalty: 10 penalty units.

- (5A) An offence under subregulation (5) is an offence of strict liability.
- (5B) If CASA finds out, other than by a notice given by the registration holder, that the appointment of the registered operator of an aircraft

Regulation 47.100

has ceased to have effect, CASA must, within 7 days, inform the aircraft's registration holder in writing.

- (6) A notice of the appointment of a registered operator must also include:
- (a) the registered operator's name and postal address, and:
 - (i) if the registered operator is an individual—his or her home address; or
 - (ii) if the registered operator is a corporation—the address of the corporation's registered office; and
 - (b) the date of the appointment of the registered operator; and
 - (c) evidence that the registered operator accepts the appointment.

- (7) A notice of the cancellation of the appointment of a registered operator must include the date of the cancellation.

Note: If a registration holder of an aircraft cancels the appointment of the registered operator and does not appoint another registered operator, the registration holder becomes the aircraft's registered operator. However, if the registration holder is not an eligible person, CASA must cancel the aircraft's registration: see paragraph regulation 47.132.

- (7A) CASA must not accept a notice under subregulation (6) or (7) that does not include the required information.
- (8) If CASA receives a notice that complies with this regulation, CASA must:
- (a) amend the Australian Civil Aircraft Register to show the name and address of the new registered operator; and
 - (b) in writing, notify the registration holder and the new registered operator about the amendment of the Register.

Subpart 47.E—Transfer of ownership of aircraft

47.105 Meaning of *former owner* and *new owner*

For this Subpart, if the ownership of an aircraft is transferred, the transferor is the *former owner* and the transferee is the *new owner*.

47.110 Transfer of ownership

- (1) In this regulation, *transfer notice* means a notice in an approved form that relates to the transfer of ownership of an aircraft and:
 - (a) shows:
 - (i) the aircraft's registration mark, manufacturer, model and serial number; and
 - (ii) the date of the transfer; and
 - (iii) the former owner's name and address; and
 - (iv) the new owner's name and address; and
 - (b) either:
 - (i) is signed by the former owner; or
 - (ii) is signed by a person acting on behalf of, and at the direction or request of, the former owner.
- (2) If a transfer notice is signed by a person acting on behalf of the former owner, it must include evidence of the person's authority to do so.
- (3) This regulation sets out how, if the ownership of an aircraft is transferred, the new owner becomes the aircraft's registration holder.
- (4) In accordance with the timetable mentioned in subregulation (4A), the former owner, or a person acting on behalf of the former owner, must:
 - (a) give CASA a transfer notice; and
 - (b) give the new owner:
 - (i) a copy of the transfer notice; and
 - (ii) the aircraft's certificate of registration.

Regulation 47.110

(4A) The documents mentioned in subregulation (4) must be given to CASA and the new owner:

- (a) as soon as practicable after the transfer; and
- (b) in any case, within 14 days after the transfer.

(5) Within 28 days after the transfer, the new owner must apply to become the registration holder.

Note: If the aircraft's new owner does not apply to be the new registration holder within 28 days after the day of the transfer, CASA must suspend the aircraft's registration: see regulation 47.131.

(6) An application must:

- (a) be in an approved form; and
- (c) either:
 - (i) be signed by the new owner; or
 - (ii) if the application is made by a person on behalf of the new owner—include the name, address and signature of the person making the application.

(7) CASA must, if it receives a transfer notice and an application that complies with subregulation (6):

- (a) amend the Australian Civil Aircraft Register to show the new owner as the registration holder; and
- (b) give a certificate of registration to the new owner.

Note 1: The new owner, as the registration holder, is also the registered operator of the aircraft unless the new owner appoints another person as the registered operator: see regulation 47.100.

Note 2: If the new owner is not an eligible person, the new owner must appoint an eligible person as the registered operator: see subregulation 47.100 (3).

Subpart 47.F—Administration of Australian Civil Aircraft Register

47.115 Notice of error in information in Register

If an aircraft registration holder finds out that anything in the Australian Civil Aircraft Register in relation to the aircraft is no longer correct, the holder must tell CASA in writing, within 14 days after finding out, about the change that should be made.

Maximum Penalty: 10 penalty units.

47.130 Lapsing of registration

- (1) If the registration of an aircraft was for a particular period, the registration lapses at the end of that period.
- (2) If the aircraft was registered following an oral application, the registration lapses if:
 - (a) CASA does not receive a written confirmation of the application in accordance with regulation 47.070; or
 - (b) within 14 days after the day the oral application was made, CASA has not received a written confirmation that includes all the information mentioned in regulation 47.065; or
 - (c) CASA receives a document purporting to be a written confirmation that includes information that differs in a significant way from the corresponding information given orally to CASA.

47.131 Suspension and cancellation of registration following a transfer

- (1) This regulation applies if:
 - (a) the ownership of an aircraft is transferred; and
 - (b) the new owner does not, within 28 days after the day of the transfer, make an application that complies with

Regulation 47.132

subregulation 47.110(6) to be the aircraft's registration holder.

- (2) CASA must, by written notice given to the new owner, suspend the aircraft's registration.
- (3) The suspension remains in force until the first-occurring of the following:
 - (a) CASA issues a new certificate of registration to the new owner;
 - (b) CASA cancels the registration.
- (4) If the new owner does not, within 3 months after the day the aircraft's registration was suspended, make an application that complies with subregulation 47.110(6) to be the aircraft's registration holder, CASA must, by written notice given to the new owner, cancel the registration.

47.132 Cancellation of registration on other grounds

- (1) CASA must cancel the registration of an aircraft, by written notice given to the aircraft's registration holder, if CASA becomes aware that:
 - (a) the aircraft:
 - (i) is registered under the law of another country; or
 - (ii) is no longer to be used as an aircraft; or
 - (iii) has been stolen or destroyed; or
 - (b) the registration holder of the aircraft is not an eligible person and the aircraft does not have a registered operator.
- (2) CASA may cancel the registration of an aircraft, by written notice given to the aircraft's registration holder, if the registration holder does not comply with a request made under subregulation 47.040(1).

Subpart 47.G—Reservation, assignment and change of registration marks

47.140 Meaning of *aircraft* for Subpart 47.G

In this Subpart:

aircraft includes an aircraft that:

- (a) has not yet been built; or
- (b) is being built.

47.145 Reservation of registration mark

- (1) The owner of an aircraft may ask CASA, in writing, to reserve a particular registration mark for the aircraft, whether or not the aircraft is registered.
- (2) The request must be in an approved form and identify the aircraft.
- (3) On receiving a request, CASA must reserve the registration mark for the aircraft unless, under regulation 47.155, the mark must not be reserved for an aircraft.

Note: About registration marks generally: see Part 45.

- (4) The reservation lapses if, 12 months after the day on which the registration mark was reserved, the aircraft is not registered and using the reserved mark.
- (5) In subregulation (1), *owner* includes a person acting on behalf of, and at the direction or request of, the owner.

47.150 Assignment of registration mark

If a person applies for the registration of an aircraft, and:

- (a) CASA has not reserved a registration mark for the aircraft under regulation 47.145; or
- (b) the reservation of a registration mark for the aircraft has lapsed;

Regulation 47.155

CASA must assign a registration mark to the aircraft before registering the aircraft.

47.155 Marks that must not be reserved or assigned

The following registration marks must not be reserved for, or assigned to, an aircraft:

- (a) the registration mark of an Australian aircraft;
- (b) a registration mark that has been reserved for an aircraft under regulation 47.145;
- (c) a mark that has been assigned to a dealer;
- (d) a mark that might be confused with any 5-letter combination used in Part II of the International Code of Signals;
- (e) a mark that might be confused with any 3-letter combination beginning with Q used in the Q Code;
- (f) a mark that might be confused with the distress signal SOS;
- (g) a mark that might be confused with an urgency or safety signal.

Examples: Of urgency or safety signals

XXX, PAN and TTT.

47.160 Assigning reserved registration mark to unregistered aircraft

If the owner of an unregistered aircraft:

- (a) reserves a registration mark for the aircraft; and
- (b) makes an application that complies with regulation 47.060 for registration of the aircraft;

CASA must, when it registers the aircraft, give the applicant a certificate of registration showing the reserved mark.

47.165 Change of registration mark

- (1) If the registration holder of a registered aircraft has reserved a registration mark (the *reserved mark*) for the aircraft:
 - (a) the holder; or
 - (b) if the registered operator has the written consent of the registration holder—the registered operator;

Regulation 47.165

may apply to CASA to change the aircraft's existing mark to the reserved mark.

- (2) The application must:
 - (a) be received by CASA at least 14 days before the day on which the existing mark is proposed to be changed; and
 - (b) be in an approved form and include the following:
 - (i) the aircraft's existing mark;
 - (ii) the aircraft's manufacturer, model and serial number;
 - (iii) the reserved mark;
 - (iv) the date on which the existing mark is proposed to be changed;
 - (v) if the application is made by a person on behalf of the registration holder or registered operator—the name and address of the person making the application.
- (3) When CASA approves the application, CASA must give the applicant a certificate of registration showing the new mark.

Subpart 47.H—Dealer's marks

47.170 Definitions for Subpart 47.H

In this Subpart:

aircraft dealer includes a manufacturer or distributor of aircraft.

dealer's plate means a plate made by an aircraft dealer under regulation 47.205.

47.175 Assignment of dealer's marks

- (1) This regulation sets out the way in which an aircraft dealer may be assigned 1 or more marks for use on aircraft manufactured, or being distributed or dealt with, by the dealer.
- (2) An aircraft dealer may apply to be assigned a mark only if the dealer is an eligible person.
- (3) The application must be made in an approved form and must include:
 - (a) the dealer's name and address; and
 - (b) a declaration that the dealer is an eligible person; and
 - (c) evidence that the dealer is engaged in the manufacture, sales or distribution of aircraft in Australia; and
 - (d) a request for a particular number of marks and a statement explaining why the dealer needs that number of marks; and
 - (e) if the application is made by a person on behalf of the dealer—the name and address of the person making the application.
- (4) If the application complies with subregulation (3), CASA must assign to the dealer:
 - (a) the number of marks requested by the dealer; or
 - (b) if CASA thinks that the dealer has applied for more marks than is reasonably required to undertake the dealer's business—a lesser number of marks.

Regulation 47.180

47.180 What marks may be assigned to dealers

A mark that is assigned to an aircraft dealer must be a mark that could be assigned to an aircraft as a registration mark.

47.185 Record of dealer's marks

- (1) CASA must keep a record of dealer's marks that have been assigned to aircraft dealers.
- (2) The information in the record must include:
 - (a) the mark; and
 - (b) the aircraft dealer's name and address.

47.190 How long assignment to dealer remains in effect

The assignment of a dealer's mark to an aircraft dealer has effect unless CASA revokes the assignment.

Note: For revocation of the assignment of a dealer's mark: see regulation 47.225.

47.195 Certificate of assignment of dealer's mark

- (1) If CASA assigns a dealer's mark to an aircraft dealer, CASA must give to the dealer a certificate stating that the mark is assigned to the dealer.
- (2) Each such certificate must be for 1 dealer's mark only.

47.205 Dealer's plate

- (1) If CASA assigns a dealer's mark to an aircraft dealer, the dealer may make 1 dealer's plate bearing that mark.
- (2) The plate must:
 - (a) be a piece of stainless steel (or similar fireproof material) at least 100 mm by 160 mm and at least 1 mm thick; and
 - (b) be engraved with the following in sans serif capital letters:
 - (i) 'VH-' and the mark in letters at least 25 mm high;

Regulation 47.210

- (ii) 'CIVIL AVIATION SAFETY AUTHORITY' and
'DEALER'S PLATE CASR 1998' in letters at least 8
mm high;
set out as shown in the following diagram, in which the
letters 'ABC' represent the mark:



47.210 Use of dealer's marks

- (1) An aircraft dealer to whom a dealer's mark is assigned must use the mark only on an aircraft that:
- (a) is not currently registered in any country; and
 - (b) was manufactured, or is being distributed or dealt with, by the dealer.

Maximum Penalty: 10 penalty units.

- (2) If title to, or possession of, an unregistered aircraft on which a dealer's mark is being used passes to another person, the dealer must ensure that the plate is removed from the aircraft before the other person operates the aircraft.

Maximum Penalty: 30 penalty units.

- (3) The aircraft dealer must keep records showing:
- (a) the manufacturer, model and serial number of each aircraft on which the mark was used; and
 - (b) the periods during which it was used on that aircraft.

Maximum Penalty: 10 penalty units.

Regulation 47.215

- (4) The aircraft dealer must keep the records for 12 months after the end of the period during which the mark was used on an aircraft.

Maximum Penalty: 10 penalty units.

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

47.215 Aircraft taken to be registered

An unregistered aircraft on which a dealer's mark is being used is taken to be registered during any period in which it is being operated in Australia if:

- (a) the aircraft carries the corresponding dealer's plate; and
- (b) the possession of the aircraft remains with the dealer.

Note: Flying an unregistered aircraft may be an offence: see subsection 20AA(1) of the Act.

47.220 Annual report to CASA on aircraft using dealer's marks

- (1) An aircraft dealer to whom a dealer's mark has been assigned must, within 1 month after the end of each reporting period, give CASA a report showing the manufacturer, model and serial number of each aircraft on which the mark was used during that period.

Maximum Penalty: 30 penalty units.

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

- (3) In subregulation (1):

reporting period means:

- (a) the period of 12 months beginning on the day on which the mark was assigned to the dealer; or
- (b) each consecutive period of 12 months at the end of which the mark is still assigned to the dealer; or
- (c) a period of less than 12 months beginning on the day on which the mark was assigned to the dealer, or an anniversary of that day, and ending on the day on which the assignment of the mark is revoked or otherwise ceases.

Regulation 47.225

47.225 Revocation of assignment of dealer's mark etc

- (1) CASA must revoke the assignment of a dealer's mark to a person if the person:
 - (b) ceases to be an aircraft dealer, or an eligible person; or
 - (c) fails to comply with this Subpart.
- (2) If CASA revokes such an assignment, it must tell the person in writing that it has done so.
- (3) The person must return the certificate of assignment of the mark to CASA within 14 days after receiving the notice of the revocation.

Maximum Penalty: 10 penalty units.
- (4) An offence against subregulation (3) is an offence of strict liability.

Part 60—Synthetic training devices

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Subpart 60.C—Basic instrument flight trainers

Subpart 60.A—Preliminary

60.005 Applicability

This Part applies to synthetic training devices that may be used by a person to gain aeronautical experience.

60.010 Definitions for Part 60

In this Part:

Manual of Standards means the document called ‘Manual of Standards (MOS) – Part 60’ published by CASA, as in force from time to time.

master QTG, for a synthetic training device, means the QTG approved for the device under this Part.

QTG (or **qualification test guide**), for a synthetic training device, means a document that:

- (a) shows that:
 - (i) the performance and handling qualities of the synthetic training device agree, within the limits set out in the Manual of Standards, with those of the aircraft to which it relates; and
 - (ii) all applicable requirements in these Regulations have been met; and
- (b) includes the following information that relates to the matters mentioned in paragraph (a):
 - (i) data relating to the performance and handling qualities of the aircraft and synthetic training device;
 - (ii) the validation tests, and all functions and subjective tests for the device.

user, of a flight simulator or flight training device, means the person who uses the simulator or device in a training, testing or checking program.

Subpart 60.B—Flight simulators and flight training devices

60.015 Definitions for Subpart 60.B

In this Subpart:

flight simulator qualification, for a flight simulator, means a qualification of the flight simulator under regulation 60.030.

flight simulator qualification certificate, means a certificate issued under regulation 60.035 for a qualified flight simulator.

flight training device qualification, for a flight training device, means a qualification of the flight training device under regulation 60.030.

flight training device qualification certificate, means a certificate issued under regulation 60.035 for a qualified flight training device.

operator, of a flight simulator or flight training device, means the person who is responsible for the maintenance and operation of the simulator or device.

qualification level, for a flight simulator or flight training device, has the meaning given by regulation 60.020.

60.020 Qualification levels

- (1) The qualification level of a flight simulator is the level mentioned in column 2 of an item in table 60.020-1 met by the simulator, determined in accordance with the standards in the Manual of Standards.

Table 60.020-1 Flight simulator qualification levels

Item	Levels
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1	Level A
2	Level B
3	Level C
4	Level D

- (2) The qualification level of a flight training device is the level mentioned in column 2 of an item in table 60.020-2 met by the device, determined in accordance with the standards in the Manual of Standards.

Table 60.020-2 Flight training device qualification levels

Item	Levels
1	FAA Level 4
2	FAA Level 5
3	FAA Level 6
4	FAA Level 7
5	JAA Level 1
6	JAA Level 2

60.025 Application for flight simulator qualification or flight training device qualification

- (1) The operator of a flight simulator or flight training device may apply to CASA, in writing, for qualification of the simulator or device.

Note 1: An application must be in the approved form, include all the information required by these Regulations and be accompanied by every document required by these Regulations—see regulation 11.030.

Note 2: Part 11 deals with applications and decision making.

- (2) An application must include:
- (a) a QTG for the simulator or device; and
 - (b) a document describing the quality system that the operator proposes to use to satisfy regulation 60.060.

Note: For further guidance see Advisory Circulars 60-1, 60-3 and 60-4.

60.030 Initial evaluation and qualification

- (1) If CASA receives an application for the qualification of a flight simulator or flight training device, CASA must conduct an evaluation (an ***initial evaluation***) of the simulator or device, including consideration of:
- (a) any inspection or trial of the simulator or device; and
 - (b) the data provided in the QTG; and
 - (c) information available from any test conducted during the initial evaluation.

Note: CASA may arrange for an evaluation to be conducted by an evaluation team: see regulation 60.090.

- (2) If, after the initial evaluation, CASA is satisfied that:
- (a) the operator's quality system will be suitable for the simulator or device; and
 - (b) the simulator or device meets a qualification level;
- CASA must qualify the simulator or device at the qualification level.

Note: Under regulation 201.004, an application may be made to the Administrative Appeals Tribunal for review of:

- (a) a decision refusing to qualify, or cancelling, suspending or varying, the qualification of, a simulator or device; or
- (b) a decision imposing a condition on the qualification of a device.

- (3) CASA may qualify a simulator or device that will simulate a new type of aircraft for which fully validated aircraft data is not available at an interim qualification level that is based on partially validated aircraft data.
- (4) An interim qualification level applies for the period agreed between CASA and the operator of the simulator or device.
- (5) If CASA qualifies a simulator or device, it must at the same time approve the QTG for the simulator or device.

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60.035 Issue of flight simulator qualification certificate or flight training device qualification certificate

- (1) CASA must issue a flight simulator qualification certificate to the operator of a flight simulator, or a flight training device qualification certificate to the operator of a flight training device, if CASA qualifies the simulator or device.
- (2) The certificate must include the name of the operator and:
 - (a) include information identifying the simulator or device; and
 - (b) specify the aircraft that is simulated by the simulator or device; and
 - (c) specify the qualification level for the simulator or device.

60.040 Period of validity of flight simulator qualification or flight training device qualification

- (1) A flight simulator qualification or flight training device qualification is in force for:
 - (a) 12 months from the date of issue of the flight simulator qualification certificate or flight training device qualification certificate; or
 - (b) if a shorter period is specified in the certificate—that period.
- (2) However, a qualification ceases to be in force if:
 - (a) it is cancelled by CASA under regulation 60.050; or
 - (b) there is a change of operator of the simulator or device; or
 - (c) the simulator or device is deactivated or relocated.
- (3) A qualification is not in force for the period of any suspension imposed by CASA under regulation 60.050.

60.045 Recurrent evaluation of qualified flight simulator or qualified flight training device

- (1) The operator of a qualified flight simulator or qualified flight training device may, within 60 days before the expiry of the flight simulator qualification or flight training device qualification, ask CASA, in writing, to conduct an evaluation (a ***recurrent evaluation***) of the simulator or device.

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Note: CASA may arrange for an evaluation to be conducted by an evaluation team: see regulation 60.090.

- (2) Subject to subregulation (3), regulations 60.030 and 60.035 apply in respect of a recurrent evaluation in the same way as they apply to the initial evaluation.
- (3) During a recurrent evaluation, a qualified flight simulator or qualified flight training device must be assessed against:
 - (a) the qualification level at which the simulator or device was qualified at the initial qualification or accreditation of the simulator or device in Australia; or
 - (b) if CASA has changed the qualification level since the initial evaluation—the qualification level as changed.

60.050 Variation, cancellation or suspension of flight simulator qualification or flight training device qualification

- (1) CASA may, by notice in writing to the operator of a qualified flight simulator or qualified flight training device, vary, cancel or suspend the qualification of the simulator or device if:
 - (a) the simulator or device no longer meets the qualification level specified in its qualification certificate; or
 - (b) the operator has failed to comply with a requirement of this Part in relation to the simulator or device.
- (2) If an operator receives a notice of variation or cancellation under subregulation (1), the operator must return the qualification certificate to CASA within 14 days after receiving the notice.
- (3) If CASA varies a qualification, CASA must reissue the qualification certificate specifying the qualification as varied.

60.055 Flight simulator or flight training device approvals

- (1) A person who proposes to be the user of a qualified flight simulator or qualified flight training device must apply to CASA, in writing, for approval to do so.

Note 1: See Advisory Circulars 60-2 and 60-4.

Note 2: An application must be in the approved form, include all the information required by these Regulations and be accompanied by

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every document required by these Regulations—see regulation 11.030.

Note 3: Part 11 deals with applications and decision making.

(1A) Subject to regulation 11.055, CASA may grant the approval.

Note: Under regulation 201.004, an application may be made to the Administrative Appeals Tribunal for review of:

- (a) a decision refusing to grant, or cancelling, suspending or varying, an approval; or
 - (b) a decision imposing a condition on an approval.
- (2) In considering whether to grant an approval, CASA must take into account:
- (a) the differences between the characteristics of the flight simulator or flight training device and the characteristics of a specific type (or a specific make, model and series) of aircraft, whether or not the user operates such an aircraft; and
 - (b) the proposed user's operating and training competencies.
- (3) CASA may also take into account any other matter that affects the way the simulator or device operates or may be used.
- (5) An approval continues in force unless the applicable flight simulator qualification or flight training device qualification ceases to be in force.
- (6) However, if CASA is satisfied that any matter that was taken into account under subregulation (2) or (3) has changed, CASA may, by notice in writing to the user, vary, suspend or cancel the approval.

60.060 Quality system

- (1) The operator of a qualified flight simulator or qualified flight training device must establish and maintain a quality system that ensures the correct operation and maintenance of the simulator or device.
- (2) The quality system must cover at least the following matters:
 - (a) quality policy;
 - (b) management responsibility;
 - (c) document control;

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- (d) resource allocation;
- (e) quality procedures;
- (f) internal audit.

Note: The quality system may be structured according to the size and complexity of the operator's organisation, in accordance with the requirements set out in the following documents:

- (a) AS/NZS ISO 9001:2000 Quality Management System Requirements;
- (b) SQAP:2000 Simulator Quality Assurance Program Standard published by the FAA.

60.065 Ongoing fidelity requirements

- (1) The operator of a qualified flight simulator or qualified flight training device must, progressively during the 12 months after the issue of the applicable flight simulator qualification certificate or flight training device qualification certificate, perform:
 - (a) all validation tests mentioned in the master QTG for the simulator or device; and
 - (b) all functions and subjective tests within the current (and any planned) training program (or an equivalent sample approved by CASA).
- (2) The operator must establish a configuration management system to ensure the continued integrity of the equipment and software of the simulator or device.
- (3) The operator must maintain an on-going modification program to ensure that the equipment, software and performance of the simulator or device accurately simulates the aircraft specified in the certificate.
- (4) The operator must notify each user of the simulator or device, before its use, if the simulator or device is unsuitable for any training, testing or checking sequence specified in the certificate.

60.070 Modification of qualified flight simulator or qualified flight training devices

- (1) The operator of a qualified flight simulator or qualified flight training device must notify CASA, in writing, if it proposes to

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modify the equipment or software of the simulator or device in a way that will change the characteristics of the simulator or device.

- (2) If CASA receives a notice under subregulation (1), CASA may conduct an evaluation (a ***special evaluation***) of the simulator or device as it is proposed to be modified.
 - (3) Subject to subregulations (4) and (5), regulations 60.030 and 60.035 apply in respect of a special evaluation in the same way as they apply to the initial evaluation.
 - (4) If CASA decides not to conduct a special evaluation:
 - (a) the operator may make the proposed modification of the simulator or device; and
 - (b) the flight simulator or flight training device qualification continues to be in force.
 - (5) During a special evaluation, a simulator or device must be assessed against:
 - (a) the qualification level at which the simulator or device was qualified at the initial qualification or accreditation of the simulator or device in Australia; or
 - (b) if CASA has changed the qualification level since the initial evaluation—the qualification level as changed.
- Note: CASA may arrange for an evaluation to be conducted by an evaluation team: see regulation 60.090.
- (6) This regulation does not apply to the modification of a device for the purpose of a change in the qualification level of the simulator or device.

60.075 Change in qualification level of qualified flight simulator or qualified flight training device

- (1) The operator of a qualified flight simulator or qualified flight training device may ask CASA, in writing, to change the qualification level of the simulator or device.

Note: For further guidance about qualification levels see the Manual of Standards.

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- (2) If CASA receives a request under subregulation (1), it must conduct a special evaluation of the simulator or device, applying the standards in the Manual of Standards.

Note: CASA may arrange for an evaluation to be conducted by an evaluation team: see regulation 60.090.

- (3) If CASA changes the qualification level, it must:
- (a) approve any resulting amendments to the master QTG of the simulator or device; and
 - (b) issue a revised flight simulator qualification certificate or flight training device qualification certificate.

60.080 Deactivation, relocation or reactivation of qualified flight simulator or qualified flight training device

- (1) The operator of a qualified flight simulator or qualified flight training device must notify CASA, in writing, if the simulator or device is deactivated.
- (2) An operator must notify CASA, in writing, before the operator reactivates or relocates a simulator or device, and CASA may then conduct a special evaluation of the simulator or device.

Note 1: A flight simulator qualification or flight training device qualification ceases to be in force if the simulator or device is deactivated or relocated: see paragraph 60.040 (2)(c).

Note 2: CASA may arrange for an evaluation to be conducted by an evaluation team: see regulation 60.090.

- (3) During a special evaluation, a flight simulator or flight training device must be assessed against:
- (a) the qualification level at which the simulator or device was qualified at the initial qualification or accreditation of the simulator or device in Australia; or
 - (b) if CASA has changed the qualification level since the initial evaluation—the qualification level as changed.

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60.085 Change of operator of qualified flight simulator or qualified flight training device

- (1) The operator of a qualified flight simulator or qualified flight training device must notify CASA, in writing, of any proposed change of operator of the simulator or device.
- (2) If there is a change of operator of a simulator or device:
 - (a) the former operator must give to the new operator the records mentioned in regulation 60.095 that apply to the simulator or device; and
 - (b) the new operator may apply to CASA, in writing, for qualification of the simulator or device.
- (3) An application under paragraph (2)(b) must be accompanied by a plan of transfer setting out in detail how the new operator will comply with the requirements of this Subpart.
- (4) If CASA is satisfied that the new operator is able to comply with the requirements of this Subpart, CASA must:
 - (a) approve the plan; and
 - (b) issue a new flight simulator qualification certificate or flight training device qualification certificate.

Note: A flight simulator qualification or flight training device qualification ceases to be in force if there is a change of operator: see paragraph 60.040 (2)(b).

60.090 Evaluation teams

CASA may:

- (a) arrange for an evaluation mentioned in this Subpart to be conducted by an evaluation team; and
- (b) appoint a person to be an evaluation team leader, having regard to the skills, qualifications and experience necessary to undertake the evaluation.

Note: See Advisory Circulars 60-1 and 60-4.

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60.095 Records

- (1) The operator of a qualified flight simulator or qualified flight training device must keep the following records relating to the simulator or device for at least 3 years after the simulator or device is decommissioned:
 - (a) the master QTG;
 - (b) modification records;
 - (c) quality system records.
- (2) The operator must also keep the results of each test carried out under subregulation 60.065 (1) for the simulator or device for at least 3 years after the test.
- (3) If there is a change of operator of a simulator or device, the new operator must keep the records and test results relating to the simulator or device that were kept by the former operator.

Subpart 60.C—Basic instrument flight trainers

Note: This Subpart heading is reserved for future use.

Part 61—Pilot licensing

Note: *This Part heading is reserved for future use.*

Part 63—Flightcrew licensing other than pilots

Note: This Part heading is reserved for future use.

Part 64—Ground operations personnel licensing

Note: This Part heading is reserved for future use.

Part 65—Air traffic services licensing

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Subpart 65.A—General

65.005 Applicability of this Part

- (1) This Part applies to the performance of functions in connection with providing air traffic services (within the meaning of Annex 11 to the Chicago Convention) in Australian territory.
- (2) However, this Part does not apply to a person who is providing an air traffic service in the course of his or her duties for the Defence Force.

65.010 Definitions for this Part

In this Part:

currency requirement means the requirement referred to in regulation 65.030.

Manual of Standards means the document called ‘Manual of Standards (MOS) – Part 65’ issued by CASA under regulation 65.033, as in force from time to time.

recency requirement means the requirement referred to in regulation 65.025.

Note: ***Air traffic control function*** means a function described in a paragraph of subregulation 65.075 (2); ***flight service function*** means the function described in subregulation 65.130 (2)—see the Dictionary.

65.015 Meaning of *successful completion of training*

For this Part, a person has successfully completed training for a licence, rating, endorsement or qualification only if:

- (a) he or she has passed (to the standard required by the Manual of Standards) any examination required by that Manual; and
- (b) he or she has successfully completed (to the standard required by that Manual) any practical performance assessment so required.

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65.020 Effect of ATS provider's failure to comply with this Part

A failure by an ATS provider to comply with a requirement of or under this Part is not an offence but may be taken into account in deciding whether or not the provider's certificate should be suspended or revoked.

65.025 How to satisfy recency requirement

- (1) The holder of an ATC licence or a flight service licence satisfies the *recency requirement* in relation to an endorsement at a particular time if he or she has performed the duties required by the relevant function at the aerodrome or in relation to the airspace to which the endorsement relates, for at least 5 hours within the previous 21 days.
- (2) If an ATS provider specifies in its operations manual that 2 or more endorsements are of like type for this regulation, a licence holder who performed the duties of any of those endorsements for a total of at least 5 hours within the previous 21 days also satisfies the recency requirement.
- (3) A licence holder who does not satisfy the recency requirement at a particular time in relation to an endorsement is taken to satisfy that requirement at a later time after:
 - (a) he or she:
 - (i) has carried out the relevant function at that aerodrome, or in relation to that airspace, under supervision for at least 1 normal working day for each month that has passed since he or she last performed the function at that aerodrome or in relation to that airspace; or
 - (ii) has undergone any retraining required by the relevant ATS provider's operations manual; and
 - (b) he or she has been assessed by the ATS provider as competent in performing the function at that aerodrome or in relation to that airspace.

65.030 How to satisfy currency requirement

- (1) The holder of an ATC licence or a flight service licence satisfies the ***currency requirement*** in relation to an endorsement at a particular time if:
 - (a) within the previous 12 months, he or she has passed, to the standard required by the Manual of Standards, an examination in the subject-matter specific to the endorsement; and
 - (b) within the previous 6 months, his or her performance of the relevant function at the aerodrome, or in relation to the airspace, to which the endorsement relates, has been assessed as satisfactory.
- (2) The holder of an ATC licence or a flight service licence satisfies the ***currency requirement*** in relation to a rating at a particular time if, within the previous 12 months, he or she has passed, to the standard required by the Manual of Standards, an examination in the subject-matter specific to the rating.
- (3) The examination and assessment must be carried out in accordance with any relevant requirements and standards in the Manual of Standards.

65.033 Issue of Manual of Standards

- (1) CASA may issue a Manual of Standards for this Part that provides for the following matters:
 - (a) the form and classification of a licence, rating, endorsement or qualification that is granted for this Part (an ***ATS authorisation***);
 - (b) the requirements for, and standards to be met by, an applicant for, and the holder of, an ATS authorisation;
 - (c) the requirements and standards for training, tests and examinations for ATS authorisations;
 - (d) the duration of an ATS authorisation and the procedure for the renewal of an ATS authorisation;
 - (e) any matter required or permitted by these Regulations to be provided for by the Manual of Standards;

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- (f) any matter necessary or convenient to be provided for the effective operation of this Part.

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

- (2) CASA must give a copy of a notice about a Manual of Standards for this Part (being a notice referred to in subregulation 11.275 (3) or regulation 11.280) to each ATS provider.

Note: Subpart 11.J (including regulations 11.275 and 11.280) sets out procedures for the issue, amendment and revocation of a MOS.

Subpart 65.B—Authority to act in air traffic control and flight service

65.035 Authority to carry out air traffic control function

- (1) A person may carry out an air traffic control function in Australian territory if, at the time the person carries out the function:
 - (a) he or she holds an ATC licence with a rating for the function and an endorsement for the place where, or the airspace in relation to which, he or she carries it out; and
 - (b) the licence, rating and endorsement are in force; and
 - (c) he or she:
 - (i) satisfies the recency and currency requirements in relation to the endorsement; and
 - (ii) satisfies the currency requirement in relation to the rating; and
 - (d) he or she holds a Class 3 medical certificate.
- (2) A person to whom subregulation (3) applies may carry out an air traffic control function in Australian territory under the supervision of a person who meets the requirements of subregulation (1).
- (3) This subregulation applies to each of the following persons:
 - (a) a person who CASA has authorised in writing to carry out the relevant function;
 - (b) a person who:
 - (ia) holds a Class 3 medical certificate; and
 - (i) holds an ATC licence with a rating for the function and an endorsement for the place where, or the airspace in relation to which, he or she carries it out; but
 - (ii) at the relevant time, in relation to the rating or endorsement, does not satisfy the recency or currency requirement;
 - (c) a person who:
 - (i) holds an ATC licence; and
 - (ia) holds a Class 3 medical certificate; and

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- (ii) carries out the function in the course of training for a rating or endorsement (whether or not the person holds a rating or endorsement at the time);
- (d) a person (other than a person who held an ATC licence that has been cancelled) who:
 - (i) has completed an approved course of training in the theory of air traffic control; and
 - (ia) holds a Class 3 medical certificate; and
 - (ii) carries out the function in the course of undergoing practical training for an ATC licence.

65.040 Rules applicable when a person performs ATC function under supervision

- (1) If a person to whom subregulation 65.035 (3) applies (the *trainee*) is carrying out an air traffic control function under the supervision of a person who meets the requirements of subregulation 65.035 (1) (the *supervisor*), this regulation applies.
- (2) The trainee must comply with the supervisor's directions.
Penalty: 25 penalty units.
- (3) Any failure by the supervisor to supervise the trainee adequately is not an offence, but may be taken into account in considering whether the supervisor's ATC licence should be suspended or cancelled.

65.045 Offences—carrying out ATC function without authority

- (1) A person who is not authorised to do so by subregulation 65.035 (1) or (2) must not carry out an air traffic control function in Australian territory.
Penalty: 25 penalty units.
- (2) A person to whom subregulation 65.035 (3) applies must not carry out an air traffic control function in Australian territory if the person is not acting under the supervision of a person who meets the requirements of subregulation 65.035 (1).

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Penalty: 25 penalty units.

- (3) Strict liability applies to the following physical elements:
- (a) in subregulation (1)—that the person is not authorised by subregulation 65.035 (1) or (2);
 - (b) in subregulation (2)—that the person under whose supervision the air traffic control function is carried out is a person who meets the requirements of subregulation 65.035 (1).

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

- (4) It is a defence to a charge of contravening subregulation (1) or (2) that the relevant action was, in the circumstances, reasonable in the interests of the safety of air navigation.

Note: A defendant bears an evidential burden in relation to the matter mentioned in subregulation (4).

65.050 Authority to carry out flight service function

- (1) A person may carry out a flight service function in Australian territory if, at the time he or she carries out the function:
- (a) he or she holds a flight service licence with a rating for the function and an endorsement for the place where, or the airspace in relation to which, he or she carries it out; and
 - (b) the licence, rating and endorsement are in force; and
 - (c) he or she:
 - (i) satisfies the recency and currency requirements in relation to the endorsement; and
 - (ii) satisfies the currency requirement in relation to the rating; and
 - (d) he or she holds a Class 3 medical certificate.
- (2) A person to whom subregulation (3) applies may carry out a flight service function in Australian territory under the supervision of a person who meets the requirements of subregulation (1).
- (3) This subregulation applies to each of the following persons:
- (a) a person who CASA has authorised in writing to carry out the function;

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- (b) a person who:
 - (ia) holds a Class 3 medical certificate; and
 - (i) holds a flight service licence with a rating for the function and an endorsement for the place where, or the airspace in relation to which, he or she carries it out; but
 - (ii) at the relevant time, in relation to the rating or endorsement, does not satisfy the recency or currency requirement;
- (c) a person who:
 - (i) holds a flight service licence; and
 - (ia) holds a Class 3 medical certificate; and
 - (ii) carries out the function in the course of training for a rating or endorsement (whether or not the person holds a rating or endorsement at the time);
- (d) a person (other than a person who held a flight service licence that has been cancelled) who:
 - (i) has completed an approved course of training in the theory of flight service; and
 - (ia) holds a Class 3 medical certificate; and
 - (ii) carries out the function in the course of undergoing practical training for a flight service licence.

65.055 Rules applicable when a person performs flight service function under supervision

- (1) If a person to whom subregulation 65.050 (3) applies (the *trainee*) is carrying out a flight service function under the supervision of a person who meets the requirements of subregulation 65.050 (1) (the *supervisor*), this regulation applies.
- (2) The trainee must comply with the supervisor's directions.

Penalty: 25 penalty units.
- (3) Any failure by the supervisor to supervise the trainee adequately is not an offence, but may be taken into account in considering whether the supervisor's flight service licence should be suspended or cancelled.

65.060 Offences—carrying out flight service function without authority

- (1) A person who is not authorised to do so by subregulation 65.050 (1) or (2) must not carry out a flight service function in Australian territory.

Penalty: 25 penalty units.

- (2) A person to whom subregulation 65.050 (3) applies must not carry out a flight service function in Australian territory if the person is not acting under the supervision of a person who meets the requirements of subregulation 65.050 (1).

Penalty: 25 penalty units.

- (3) Strict liability applies to the following physical elements:
- (a) in subregulation (1)—that the person is not authorised by subregulation 65.050 (1) or (2);
 - (b) in subregulation (2)—that the person under whose supervision the flight service function is carried out is a person who meets the requirements of subregulation 65.050 (1).

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

65.065 Authority to use ground-based radio equipment

- (1) Despite subregulations 83 (2) and (3) of CAR, a person to whom subregulation (2) applies may operate, for the purpose of performing an air traffic control function or a flight service function, a radiocommunication system used for the purpose of ensuring the safety of air navigation but not installed in or carried on an aircraft.
- (2) This subregulation applies to the following:
- (a) a person who may, under regulation 65.035, carry out an air traffic control function or, under regulation 65.050, carry out a flight service function in Australian territory;
 - (b) a person who is engaged by an ATS provider (whether or not as an employee), and who is acting in the course of his or her duties.

Part 65 Air traffic services licensing

Subpart 65.B Authority to act in air traffic control and flight service

Regulation 65.065

- (3) For paragraph (2)(b), ***ATS provider*** means an ATS provider, within the meaning given by regulation 172.015, that is approved to provide a flight information service.

Subpart 65.C—Licensing

Note: In addition to the provisions of this Subpart, Part 11 contains provisions relating to an application for a rating or endorsement on an ATC licence or flight service licence.

Division 65.C.1—Air traffic controller licensing

65.070 Eligibility for grant of ATC licence

- (1) A person is eligible to be granted an ATC licence if he or she:
 - (a) has turned 18; and
 - (b) holds a Class 3 medical certificate; and
 - (c) has successfully completed the training (including any examination or assessment) specified in the Manual of Standards for the licence, a rating and an endorsement; and
 - (e) speaks English clearly, and understands spoken English, to a standard that allows clear spoken two-way communication in the course of performing an air traffic control function.
- (3) A statement by an ATS provider, given in accordance with procedures set out in its operations manual, that a person meets the requirements in paragraph (1)(e) is, in the absence of contrary evidence, sufficient evidence of that fact.

65.075 Air traffic controller ratings

- (1) The air traffic controller ratings for Australia are the following:
 - (a) aerodrome control rating;
 - (b) approach control rating;
 - (c) approach radar control rating;
 - (d) area control rating;
 - (e) area radar control rating.

Note: The air traffic controller ratings are specified in section 4.4 of Annex 1, *Personnel Licensing*, to the Chicago Convention. Not all the ratings specified there are in use in Australia.

Regulation 65.080

- (2) The function of an ATC licence holder who holds a particular rating is as follows:
- (a) if the rating is an *aerodrome control rating*—to provide, or supervise the provision of, aerodrome control service (including traffic information, flight information and alerting services) for the aerodrome for which the licence holder holds an endorsement;
 - (b) if the rating is an *approach control rating*—to provide, or supervise the provision of, approach control service (including traffic information, flight information and alerting services) for the airspace for which the licence holder holds an endorsement;
 - (c) if the rating is an *approach radar control rating*—to provide, or supervise the provision of, approach control service (including traffic information, flight information and alerting services) with the use of radar or another surveillance system for the airspace for which the licence holder holds an endorsement;
 - (d) if the rating is an *area control rating*—to provide, or supervise the provision of, area control service (including traffic information, flight information and alerting services) for the airspace for which the licence holder holds an endorsement;
 - (e) if the rating is an *area radar control rating*—to provide, or supervise the provision of, area control service (including traffic information, flight information and alerting services) with the use of radar or another surveillance system for the airspace for which the licence holder holds an endorsement.

65.080 Grant of rating on ATC licence

- (1A) A person may apply to CASA, in writing, for an air traffic controller rating.

Note: An application must be in the approved form, include all the information required by these Regulations and be accompanied by every document required by these Regulations—see regulation 11.030.

- (1) Subject to regulation 11.055, CASA must grant a rating to an applicant who:

Regulation 65.085

- (a) is eligible to be granted an ATC licence; and
- (b) successfully completes the training required by the Manual of Standards for the grant of the rating.

Note: Under regulation 201.004, an application may be made to the Administrative Appeals Tribunal for review of:

- (a) a decision refusing to grant, or cancelling, suspending or varying, a rating; or
- (b) a decision imposing a condition on a rating.

- (2) An ATS provider must set up and maintain a program to ensure that its employees who hold ATC licences maintain ratings appropriate to their duties.
- (3) That program must be in accordance with any standards and requirements set out in the Manual of Standards.
- (4) The provider must include details of the program, including necessary training and tests of competency, in its operations manual.

65.085 Grant of endorsement on ATC licences

- (1) An endorsement certifies that an ATC licence holder is competent to perform a particular air traffic control function at a particular aerodrome, or in relation to particular airspace.
- (1A) A person may apply to CASA, in writing, for an endorsement on an ATC licence.

Note: An application must be in the approved form, include all the information required by these Regulations and be accompanied by every document required by these Regulations—see regulation 11.030.

- (2) Subject to regulation 11.055, CASA must grant an endorsement to an applicant who:
 - (a) is eligible to be granted an ATC licence with a rating; and
 - (b) successfully completes the training required by the Manual of Standards for the grant of the endorsement.

Note: Under regulation 201.004, an application may be made to the Administrative Appeals Tribunal for review of:

- (a) a decision refusing to grant, or cancelling, suspending or varying, an endorsement; or

Regulation 65.090

- (b) a decision imposing a condition on an endorsement.
- (3) An ATS provider must set up and maintain a program to ensure that its employees who hold ATC licences maintain endorsements appropriate to their duties.
- (4) That program must be in accordance with any standards and requirements set out in the Manual of Standards.
- (5) The provider must include details of the program, including necessary training and tests of competency, in its operations manual.

65.090 ATS provider's obligation to provide currency and recency training and assessment

- (1) An ATS provider must set up and maintain, in accordance with the Manual of Standards, programs for:
 - (a) continuing assessment of its employees' competency for the purposes of ensuring that they continue to satisfy the currency requirements in relation to ratings and endorsements; and
 - (b) familiarisation, retraining and assessment of any of its employees who at any time do not satisfy the currency or recency requirement in relation to an endorsement.
- (2) The provider must include details of the program, including necessary training and tests of competency, in its operations manual.

65.095 Ancillary qualifications

- (1) An ATC qualification certifies that the holder is competent to perform a particular ancillary function.
- (2) The functions include the following:
 - (a) classroom instructor;
 - (b) on-the-job instructor;
 - (c) workplace assessor.

Regulation 65.100

- (3) Within the limits set out in the Manual of Standards, an ATS provider may define, for the provider's organisation, the responsibilities of the holder of an ATC qualification mentioned in paragraph (2)(a), (b) or (c).
- (4) Subregulation (3) does not prevent an ATS provider defining an ancillary function for use within its own organisation.
- (5) An ATS provider must set up and maintain a program to grant ATC qualifications to, and administer ATC qualifications held by, its employees.
- (6) The provider must include details of the program, including necessary training and tests of competency, in its operations manual.
- (7) The program must be in accordance with the standards and requirements set out in the Manual of Standards.

65.100 Conduct of practical training

An ATS provider must ensure that practical training carried out by it, or on its behalf, for the award of an ATC licence, rating, endorsement or ATC qualification, is carried out in accordance with:

- (a) the standards and requirements set out in the Manual of Standards; and
- (b) the provider's operations manual.

65.105 Conduct of examinations

An ATS provider must ensure that an examination or assessment carried out by it, or on its behalf, for the award of an ATC licence, rating, endorsement or ATC qualification, is carried out in accordance with:

- (a) the standards and requirements set out in the Manual of Standards; and
- (b) the provider's operations manual.

Regulation 65.115

65.115 Periods of validity of ratings and endorsements

- (1) Unless sooner cancelled, a rating on an ATC licence is valid for 12 months or until the licence is cancelled.
- (2) Unless sooner cancelled, an endorsement on an ATC licence remains valid:
 - (a) for the period (no longer than 6 months) specified for an endorsement in the operations manual of the ATS provider that granted it; or
 - (b) if the licence is cancelled before that time—until the licence is cancelled; or
 - (c) if the rating with which the endorsement is connected is cancelled before that time—until the rating is cancelled; or
 - (d) until the licence holder ceases to be employed by that ATS provider.
- (3) For paragraph (2)(c), an endorsement is connected with a rating if the endorsement authorises the performance, at a particular aerodrome or in relation to particular airspace, of the function of a holder of the rating.

Note: For the function of the holder of each kind of rating, see subregulation 65.075(2).

65.120 Periods of validity of ATC qualifications

- (1) Unless sooner cancelled, an ATC qualification remains valid:
 - (a) for the period specified by the ATS provider or ATS training provider that granted it; or
 - (b) if any ATC licence, rating or endorsement on which it is dependent, is cancelled before that time—until the licence, rating or endorsement is cancelled; or
 - (c) until the holder ceases to be employed by that ATS provider or ATS training provider.
- (2) For paragraph (1)(b), an ATC qualification is dependent on a particular licence, rating or endorsement if the ATS provider or ATS training provider that grants the qualification so specifies.

Regulation 65.120

- (3) A qualification is not in force during any period of suspension, but is not taken to be suspended by the suspension of any licence, rating or endorsement held by the holder of the qualification.

Division 65.C.2—Flight service licensing

65.125 Eligibility for grant of flight service licence

- (1) A person is eligible to be granted a flight service licence with a traffic information service rating if he or she:
 - (a) has turned 18; and
 - (b) holds a Class 3 medical certificate; and
 - (c) has successfully completed the training (including any examination or assessment) specified in the Manual of Standards for the licence, the rating and an endorsement; and
 - (e) speaks English clearly, and understands spoken English, to a standard that allows clear spoken two-way communication in the course of performing a flight service function.
- (3) A statement by an ATS provider, given in accordance with procedures set out in its operations manual, that a person meets the requirements in paragraph (1)(e) is, in the absence of contrary evidence, sufficient evidence of that fact.

65.130 Flight service ratings

- (1A) A person may apply to CASA, in writing, for a traffic information service rating.
 - Note 1: The traffic information service rating is the only flight service rating for Australia.
 - Note 2: An application must be in the approved form, include all the information required by these Regulations and be accompanied by every document required by these Regulations—see regulation 11.030.
- (1) Subject to regulation 11.055, CASA must grant a rating to an applicant who:
 - (a) is eligible to be granted a flight service licence with a traffic information service rating; and
 - (b) successfully completes the training required by the Manual of Standards for the grant of the rating.

Regulation 65.135

- Note: Under regulation 201.004, an application may be made to the Administrative Appeals Tribunal for review of:
- (a) a decision refusing to grant, or cancelling, suspending or varying, a rating; or
 - (b) a decision imposing a condition on a rating.
- (2) The function of a flight service licence holder holding a traffic information service rating is to provide, or supervise the provision of, a traffic and flight information and alerting service for the flight information area for which the licence is endorsed.

65.135 Maintenance of ratings on flight service licence

- (1) An ATS provider must set up and maintain a program to ensure that its employees who hold flight service licences hold traffic information service ratings.
- (2) The provider must include details of that program, including necessary training and tests of competency, in its operations manual.
- (3) That program must be in accordance with the standards and requirements set out in the Manual of Standards.

65.140 Endorsements on flight service licences

- (1AA) A person may apply to CASA, in writing, for an endorsement on a flight service licence.

Note: An application must be in the approved form, include all the information required by these Regulations and be accompanied by every document required by these Regulations—see regulation 11.030.

- (1A) Subject to regulation 11.055, CASA must grant an endorsement to an applicant who:
- (a) is eligible to be granted a flight service licence with a traffic information service rating; and
 - (b) successfully completes the training required by the Manual of Standards for the grant of the endorsement.

Note: Under regulation 201.004, an application may be made to the Administrative Appeals Tribunal for review of:

Regulation 65.145

- (a) a decision refusing to grant, or cancelling, suspending or varying, an endorsement; or
 - (b) a decision imposing a condition on an endorsement.
- (1) An endorsement on a flight service licence certifies that the licence holder is competent to perform a flight service function in relation to an aerodrome or particular airspace.
- (2) An ATS provider must set up and maintain a program to grant and administer endorsements on flight service licences held by its employees.
- (3) The provider must include details of the program, including necessary training and tests of competency, in its operations manual.
- (4) The program must be in accordance with the standards and requirements set out in the Manual of Standards.

65.145 Ancillary qualifications

- (1) A flight service qualification certifies that the holder is competent to perform a particular ancillary function.
- (2) The functions are the following:
 - (a) classroom instructor;
 - (b) on-the-job instructor;
 - (c) workplace assessor.
- (3) Within the limits set by the Manual of Standards, an ATS provider may define, for the provider's organisation, the responsibilities of the holder of a flight service qualification mentioned in paragraph (2)(a), (b) or (c).
- (4) Subregulation (1) does not prevent an ATS provider defining an ancillary function for use within its own organisation.
- (5) An ATS provider must set up and maintain a program to grant flight service qualifications to, and administer flight service qualifications held by, its employees.

Regulation 65.150

- (6) The provider must include details of the program, including necessary training and tests of competency, in its operations manual.
- (7) The program must be in accordance with the standards and requirements set out in the Manual of Standards.

65.150 Conduct of training

An ATS provider must ensure that training carried out by it, or on its behalf, for the award of a flight service licence, rating, endorsement or flight service qualification, is carried out in accordance with:

- (a) the standards and requirements set out in the Manual of Standards; and
- (b) the provider's operations manual.

65.155 Conduct of examinations

An ATS provider must ensure that an examination carried out by it, or on its behalf, for the award of a flight service licence, rating, endorsement or flight service qualification, is carried out in accordance with:

- (a) the standards and requirements set out in the Manual of Standards; and
- (b) the provider's operations manual.

65.165 Periods of validity of rating and endorsement

- (1) Unless sooner cancelled, a rating on a flight service licence is valid for 12 months or until the licence is cancelled or ceases to be valid.
- (2) Unless sooner cancelled, an endorsement on a flight service licence remains valid:
 - (a) for the period (no longer than 6 months) specified for an endorsement in the operations manual of the ATS provider that granted it; or
 - (b) if the licence is cancelled before that time—until the licence is cancelled; or

Regulation 65.170

- (c) until the licence holder ceases to be employed by that ATS provider.

65.170 Period of validity of flight service qualification

- (1) Unless sooner cancelled, a flight service qualification remains valid:
 - (a) for the period specified by the ATS provider or ATS training provider that granted it; or
 - (b) if a flight service licence, rating or endorsement on which it is dependent is cancelled before that time—until the licence, rating or endorsement is cancelled; or
 - (c) until the holder ceases to be employed by that ATS provider or ATS training provider.
- (2) For paragraph (1)(b), a flight service qualification is dependent on a flight service licence, rating or endorsement if the ATS provider or ATS training provider that granted the qualification so specifies.
- (3) A qualification is not in force during any period of suspension, but is not taken to be suspended by the suspension of any licence, rating or endorsement held by the holder of the qualification.

Subpart 65.E—Administrative functions

Division 65.E.1—Grant of licences

Note: In addition to the provisions of this Division, Part 11 contains provisions relating to an application for an ATC licence or a flight service licence.

65.175 Definitions for this Subpart

In this Subpart:

licence means an ATC licence or a flight service licence.

qualification means an ATC qualification or a flight service qualification.

65.180 How to apply

- (1) A person may apply to CASA, in writing, for the grant of a licence.

Note: An application must be in the approved form, include all the information required by these Regulations and be accompanied by every document required by these Regulations—see regulation 11.030.

- (3) The application must give details of the applicant's training, qualifications and experience, so far as relevant.
- (4) The application must be accompanied by:
- (a) a copy of any document that shows that the applicant has completed that training, holds that qualification or has that experience; and
 - (b) evidence that the applicant holds a Class 3 medical certificate; and
 - (c) evidence of the kind mentioned in subregulation 65.070 (3) or 65.125 (3), as the case requires.

Regulation 65.225

65.225 Grant of licence

Subject to regulation 11.055, if a person has applied for the grant of a licence under this Part, CASA must grant the licence.

- Note: Under regulation 201.004, an application may be made to the Administrative Appeals Tribunal for review of:
- (a) a decision refusing to issue, or cancelling, suspending or varying, a licence; or
 - (b) a decision imposing a condition on a licence.

See also section 31 of the Act.

65.230 When decision must be made

- (1) If CASA does not make a decision about an application within 21 days after receiving it, CASA is taken to have refused the application.
- (2) However, if CASA makes a request under regulation 11.035 or 11.040, the time between when CASA makes the request, and when the applicant undertakes the test, or comes in for interview, or gives CASA the information or copy requested, does not count towards the 21 days.
- (3) Also, if CASA asks an applicant to make a statutory declaration under regulation 11.047 or subregulation 11.050 (3A), the time between when CASA asks the applicant to do so and when the applicant gives CASA the statutory declaration does not count towards the 21 days.
- (4) Also, if CASA invites an applicant to make a written submission under subregulation 11.050 (2), the time between when CASA gives the invitation and when the applicant makes the written submission does not count towards the 21 days.

Division 65.E.2—Ongoing proficiency and medical testing

65.250 Re-examination or re-assessment of licence or qualification holder

(1) If:

- (a) there is evidence that the holder of a licence or a qualification is not adequately performing his or her duties (whether because of lack of proficiency, injury, illness or for any other reason); and
- (b) it is necessary, in the interests of the safety of air navigation, to require the holder to demonstrate his or her proficiency or fitness to perform those duties;

CASA may, at a reasonable time and on reasonable notice, direct the holder to undertake:

- (c) an appropriate examination or performance assessment; or
- (d) a medical assessment by a designated aviation medical examiner.

(2) In paragraph (1)(d):

medical includes psychological and psychiatric.

Division 65.E.3—Suspension and cancellation of licences

65.255 Provisional suspension of licence pending examination or assessment

- (1) If under regulation 65.250 CASA directs the holder of a licence or qualification to undergo an examination, performance assessment or medical assessment, CASA may provisionally suspend the licence or a rating or endorsement on it, or the qualification, by notice in writing to the holder.
- (2) The provisional suspension has effect from the time the notice is served on the holder.
- (3) As soon as practicable after the examination or assessment, CASA must either:
 - (a) give the holder a notice under regulation 65.265 to show cause why the licence, rating, endorsement or qualification should not be cancelled or further suspended; or
 - (b) revoke the provisional suspension and tell the holder in writing that it has done so.
- (4) CASA may revoke the provisional suspension at any time by notice in writing.
- (5) If CASA gives the holder a show cause notice, the provisional suspension remains in effect (unless sooner revoked) until CASA decides, or is taken to have decided, whether or not to cancel the licence, rating, endorsement or qualification, or to further suspend it.
- (6) However, if the holder does not comply with the direction within the time allowed by the notice to do so (or any extension of that time allowed by CASA), the licence, rating, endorsement or qualification remains suspended until the holder does so.

65.260 Provisional suspension of licence etc during investigation

- (1) If there is evidence that the holder of a licence:

Regulation 65.265

- (a) may have contravened a provision of the Act or these Regulations; or
 - (b) may not meet a requirement of, or under, these Regulations in relation to getting or keeping the licence, rating, endorsement or qualification; or
 - (c) may have failed in his or her duty in a way that might adversely affect the safe navigation or operation of an aircraft;
- CASA may provisionally suspend the holder's licence, or a rating, endorsement or qualification, by notice in writing to the holder.
- (2) CASA may revoke the provisional suspension at any time by notice in writing.
 - (3) The provisional suspension has effect from the time notice under subregulation (1) is served on the holder, and remains in effect (unless sooner revoked) until:
 - (a) if CASA gives to the holder a show cause notice—CASA decides, or is taken to have decided, whether or not to cancel the licence, rating, endorsement or qualification, or to further suspend it; or
 - (b) the end of 7 days after the time the notice under subregulation (1) is served on the holder.

65.265 Show cause procedure

- (1) If there is evidence that the holder of a licence:
 - (a) may have contravened a provision of the Act or these Regulations; or
 - (b) may not meet a requirement of, or under, these Regulations in relation to getting or keeping the licence, rating, endorsement or qualification; or
 - (c) may have failed in his or her duty in a way that might adversely affect the safe navigation or operation of an aircraft;
- CASA may give to the holder a notice in accordance with this regulation (a ***show cause notice***).

Regulation 65.270

- (2) Also, CASA may give to the holder of a licence a show cause notice if:
 - (a) under regulation 65.250, CASA has directed the holder to undertake an examination or a performance assessment or medical assessment; and
 - (b) the holder has not done so within the time allowed by the direction (or any extension of that time allowed by CASA).
- (3) The notice must be in writing.
- (4) The notice must set out the facts and circumstances that appear to justify cancellation or suspension of the licence, rating, endorsement or qualification.
- (5) The notice must invite the holder to show cause in writing, within a reasonable period stated in the notice, why the licence, rating, endorsement or qualification should not be cancelled or further suspended.

65.270 CASA's powers in respect of licence etc

CASA may cancel or suspend a licence, rating, endorsement or qualification if the holder:

- (a) has contravened a provision of the Act or these Regulations; or
- (b) does not meet a requirement of, or under, these Regulations in relation to getting or keeping the licence, rating, endorsement or qualification; or
- (c) has failed in his or her duty in a way that adversely affects the safe navigation or operation of an aircraft.

65.275 Choice between cancellation and suspension

- (1) This regulation sets out how CASA decides whether to cancel a person's licence, rating, endorsement or qualification, or suspend it.
- (2) If the person has contravened a provision of the Act or these Regulations, or has failed in his or her duty in a way that adversely affects the safe navigation or operation of an aircraft:

Regulation 65.280

- (a) where CASA is satisfied that the contravention or failure is not likely to recur, CASA may do either or both of the following:
 - (i) suspend the person's licence, rating, endorsement or qualification for an appropriate period;
 - (ii) direct the person to receive appropriate counselling or training; and
- (b) where CASA is not satisfied as mentioned in paragraph (a), CASA may:
 - (i) if the contravention or failure is sufficiently serious, or has occurred before—cancel the licence, rating, endorsement or qualification; or
 - (ii) take either or both of the courses mentioned in paragraph (a).
- (3) If the person does not meet a requirement of, or under, these Regulations in relation to getting or keeping the licence, rating, endorsement or qualification, but there is a reasonable prospect that he or she will be able to do so within a reasonable time, CASA may suspend the licence, rating, endorsement or qualification:
 - (a) until the happening of a specified event; or
 - (b) until the holder successfully completes specified training; or
 - (c) for a specified period within which the holder is likely to become able to meet the requirement.
- (4) If the person does not meet a requirement of, or under, these Regulations in relation to getting or keeping the licence, rating, endorsement or qualification and there is no reasonable prospect that he or she will be able to do so within a reasonable time, CASA must cancel the licence, rating, endorsement or qualification.

65.280 Procedure for decision

- (1) When considering whether to cancel or suspend a licence, rating, endorsement or qualification, CASA must take into account any submission that the holder makes within the time allowed by the relevant show cause notice.
- (2) CASA must tell the holder in writing of its decision.

Regulation 65.285

- (3) If CASA has not decided whether or not to cancel or further suspend the licence, rating, endorsement or qualification within 30 days after the end of the period allowed for submissions by the show cause notice, CASA is taken to have decided, at the end of that 30-day period, neither to cancel nor further suspend the licence, rating, endorsement or qualification.
- (4) If the licence, rating, endorsement or qualification is provisionally suspended, and CASA decides, or is taken under subregulation (3) to have decided, neither to cancel nor further suspend it, the provisional suspension ceases to have effect when CASA makes, or is taken to have made, that decision.

65.285 Effect of suspension or provisional suspension of authorisation

If CASA suspends, or provisionally suspends, a person's licence, rating or endorsement under this Division:

- (a) the person is taken not to be the holder of the licence, rating or endorsement; and
- (b) the licence, rating or endorsement is not in force during the period of suspension.

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Subpart 66.A—General

66.005 Purpose of Part

This Part:

- (a) deals with aircraft engineer licences and ratings for:
 - (i) the performance of maintenance certification for maintenance carried out on aircraft; and
 - (ii) issuing certificates of release to service for aircraft in relation to maintenance carried out on aircraft; and
- (b) empowers CASA to issue a Manual of Standards for this Part.

Note: Under regulations 42.695, 42.735 and 42.790, a person performing maintenance certification or issuing a certificate of release to service on behalf of an approved maintenance organisation must hold a certification authorisation from the organisation that permits the person to perform the maintenance certification or issue the certificate of release to service.

66.010 Definitions for Part

In this Part:

additional practical experience, for an applicant for an aircraft engineer licence or a rating to be endorsed on a licence, means practical experience in carrying out maintenance on operating aircraft:

- (a) that the applicant carries out under the supervision of a person:
 - (i) who holds the same aircraft engineer licence as the licence applied for; or
 - (ii) who holds the same rating as the rating applied for; and
- (b) that the applicant carries out on the kind of aircraft mentioned in the following table for:
 - (i) the licence applied for; or
 - (ii) the licence on which the rating applied for is to be endorsed.

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Item	Licence	Kind of aircraft
1	Subcategory A1	Turbine-engined fixed-wing aeroplane
2	Subcategory A2	Piston-engined fixed-wing aeroplane
3	Subcategory A3	Turbine-engined helicopter
4	Subcategory A4	Piston-engined helicopter
5	Subcategory B1.1	Turbine-engined fixed-wing aeroplane
6	Subcategory B1.2	Piston-engined fixed-wing aeroplane
7	Subcategory B1.3	Turbine-engined helicopter
8	Subcategory B1.4	Piston-engined helicopter
9	Category B2	An aircraft mentioned in another item of this table
10	Category C	Large aircraft

aircraft type means:

- (a) a particular type, or type and model, of large aircraft with a particular type of aircraft engine; or
- (b) a large aircraft with a particular type of aircraft engine; or
- (c) a small aircraft with a particular type of aircraft engine.

Note: For paragraph (b), aircraft mentioned in this paragraph are known as “non-rated aircraft”.

Example 1: For paragraph (a), Airbus A310(GE CF6)

Example 2: For paragraph (a), Boeing 747-400 (RR RB211)

Example 3: For paragraph (b), non-rated aircraft (PWC PT6)

Example 4: For paragraph (b), non-rated aircraft (Honeywell TPE331)

Example 5: For paragraph (c), small aircraft (PWC PT6)

Example 6: For paragraph (c), small aircraft (Honeywell TPE331)

category A licence holder means an individual who holds a category A licence that is in force.

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category B1 licence holder means an individual who holds a category B1 licence that is in force.

category B2 licence holder means an individual who holds a category B2 licence that is in force.

category C licence holder means an individual who holds a category C licence that is in force.

Defence Force aircraft means aircraft mentioned in paragraph (a) of the definition of **state aircraft** in section 3 of the Act.

Defence Force aircraft authorisation means an authorisation to perform, in relation to Defence Force aircraft, a function that is of the same nature as:

- (a) the function of performing maintenance certification; or
- (b) the function of issuing a certificate of release to service.

Defence Force aircraft rating means an authorisation that:

- (a) is of the same nature as a rating; and
- (b) relates to Defence Force aircraft.

foreign rating means an authorisation that:

- (a) is of the same nature as a rating; and
- (b) is:
 - (i) granted under a national aviation law of a foreign country, other than a foreign country that is an excluded State; or
 - (ii) issued by a foreign company, other than a foreign company incorporated or formed in an excluded State.

medically significant condition has the meaning given by subregulation 67.010(1).

medical practitioner has the meaning given by subregulation 67.010(1).

practical experience in carrying out maintenance on operating aircraft includes:

- (a) simulated maintenance experience using maintenance simulation technology; and

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- (b) practical maintenance experience on representative aeronautical products during maintenance training.

requelification requirement, for an aircraft engineer licence, has the meaning given by the Part 66 Manual of Standards.

safety-relevant, in relation to a medically significant condition, has the meaning given by regulation 67.015.

specialist medical practitioner has the meaning given by subregulation 67.010(1).

Note: See the Dictionary for definitions of other terms used in this Part.

66.015 Part 66 Manual of Standards

- (1) For subsection 98(5A) of the Act, CASA may issue a Manual of Standards for this Part that specifies matters affecting the maintenance or airworthiness of aircraft.
- (2) In particular, a Manual of Standards may specify the following matters:
 - (a) that a specified foreign country is an excluded State;
 - (b) that a specified foreign country is a recognised State;
 - (c) the privileges that a licensed aircraft maintenance engineer may exercise;
 - (d) the privileges that a licensed aircraft maintenance engineer whose licence is endorsed with a rating may exercise;
 - (e) that a specified aircraft type is a type rated aircraft type for an aircraft engineer licence;
 - (f) the training and experience requirements for the grant of an aircraft engineer licence;
 - (g) the required subject modules for an aircraft engineer licence;
 - (h) a list of levels of knowledge for the required subject modules;
 - (i) the required level of knowledge for each subject module, or each part of a subject module;
 - (j) the required units of competency for an aircraft engineer licence;

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- (k) the basic knowledge examination standard for category training;
- (l) that a specified aircraft system is designated as 1 of the following:
 - (i) avionic;
 - (ii) electrical;
 - (iii) mechanical;
 - (iv) powerplant;
 - (v) structural;
- (m) that a specified condition or limitation applies to:
 - (i) the performance of maintenance certification by a licensed aircraft maintenance engineer in relation to maintenance carried out on a particular aircraft system; or
 - (ii) the issue of a certificate of release to service by a licensed aircraft maintenance engineer for an aircraft in relation to maintenance carried out on a particular aircraft system;
- (n) for aircraft type training:
 - (i) the required theoretical elements for an aircraft engineer licence; and
 - (ii) the required training level for each theoretical element; and
 - (iii) requirements for practical elements; and
 - (iv) standards for assessments for theoretical elements; and
 - (v) standards for assessments for practical elements;
- (o) that a specified aircraft type, aircraft system or subset of an aircraft system is one for which a Part 145 organisation may provide training and assessment;
- (p) that a specified aircraft type is one for which a Part 145 organisation may arrange for the manufacturer of the aircraft or the aircraft engine to provide training and assessment;
- (q) requalification requirements for an aircraft engineer licence;
- (r) the aircraft systems or subsets of aircraft systems that may be excluded from the scope of:
 - (i) a category A, B1 or B2 licence; or
 - (ii) a rating for a type rated aircraft type;

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- (s) the required subject modules and units of competency for each aircraft system or subset of an aircraft system specified for subparagraph (r)(i);
- (t) the required aircraft type training for each aircraft system or subset of an aircraft system specified for subparagraph (r)(ii).

Note 1: For paragraphs (g), (h) and (i), see also section 147.A.200 of the Part 147 Manual of Standards (requirements for the conduct of maintenance training courses).

Note 2: For paragraph (n), see also section 147.A.300 of the Part 147 Manual of Standards (requirements for maintenance training course plans).

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Subpart 66.B—Aircraft engineer licences

66.020 Applications for licences

- (1) A person may apply to CASA for an aircraft engineer licence.
- (2) The application must:
 - (a) be in writing; and
 - (b) specify the aircraft engineer licence being applied for; and
 - (ba) specify whether the application is for a licence that would be subject to the exclusion of an aircraft system or a subset of an aircraft system; and
 - (c) if the applicant does not hold an aircraft engineer licence at the time of making the application—be accompanied by evidence of the applicant's identity; and
 - (d) be accompanied by copies of documents evidencing the qualifications and experience relevant to the licence being applied for, including any relevant foreign licence or Defence Force aircraft authorisation that the applicant holds; and
 - (e) if, at the time of making the application, the applicant has a medically significant condition that is safety-relevant:
 - (i) specify the condition; and
 - (ii) be accompanied by a report from a medical practitioner that describes the condition.

Note 1: An application must be in the approved form, include all the information required by these Regulations and be accompanied by every document required by these Regulations—see regulation 11.030.

Note 2: Part 11 deals with applications and decision making.

66.025 Grant of licence

- (1) Subject to regulation 11.055, CASA must grant an aircraft engineer licence to an applicant if:
 - (a) the applicant is not a licensed aircraft maintenance engineer at the time of making the application; and

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- (b) CASA is satisfied that the applicant meets the requirements mentioned in subregulation (3).
- (2) Subject to regulation 11.055, CASA must grant an aircraft engineer licence to an applicant if:
 - (a) the applicant is a licensed aircraft maintenance engineer at the time of making the application; and
 - (b) CASA is satisfied that the applicant meets the requirements mentioned in paragraphs (3)(d) and (e).
- (3) The requirements are that:
 - (a) the applicant is at least 18 at the time of making the application; and
 - (b) the applicant can read, write and converse in English to a level that is sufficient to enable the applicant to safely exercise the privileges mentioned in the Part 66 Manual of Standards for the licence applied for; and
 - (c) the applicant understands the applicant's role, as a licensed aircraft maintenance engineer, in airworthiness management; and
 - (d) if, at the time of making the application, the applicant had a medically significant condition that was safety-relevant—the applicant can safely exercise at least 1 of the privileges mentioned in the Part 66 Manual of Standards for the licence applied for; and
 - (e) the applicant:
 - (i) meets the requirements of sections 66.A.25 and 66.A.30 of the Part 66 Manual of Standards for the licence applied for; or
 - (ii) is taken, under regulation 66.030, 66.035, 66.040, 66.045, 66.050, 66.055, 66.065 or 66.070, to meet those requirements.

Note 1: For paragraph (d), CASA may grant a licence in respect of only some of the matters sought in the application—see subregulation 11.055 (7).

Note 2: For paragraph (d), CASA may grant a licence subject to any condition that CASA is satisfied is necessary in the interests of the safety of air navigation—see regulation 11.056.

- (4) If:

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- (a) CASA receives a report from a maintenance training organisation under section 147.A.139 of the Part 147 Manual of Standards; and
 - (b) the report includes a statement that the applicant can read, write and converse as required by paragraph (3)(b);
- CASA need consider only that report in making its decision about the requirement mentioned in paragraph (3)(b).
- (5) If:
- (a) CASA receives a report from a maintenance training organisation under section 147.A.139 of the Part 147 Manual of Standards; and
 - (b) the report includes a statement that the applicant has the understanding required by paragraph (3)(c);
- CASA need consider only that report in making its decision about the requirement mentioned in paragraph (3)(c).

Note 1: For review of decisions about licences, see section 31 of the Act.

Note 2: For the privileges that a licensed aircraft maintenance engineer may exercise, see the Part 66 Manual of Standards.

66.026 Grant of licence subject to exclusion

Not meeting requirements for excluded system

- (1) Subject to regulation 11.055, CASA must grant an aircraft engineer licence to an applicant subject to the exclusion of an aircraft system or a subset of an aircraft system if:
- (a) the licence applied for is a category A, B1 or B2 licence; and
 - (b) either:
 - (i) CASA is satisfied that the applicant meets the requirements mentioned in paragraphs 66.025(3)(a) to (c); or
 - (ii) the applicant is a licensed aircraft maintenance engineer at the time of making the application; and
 - (c) CASA is satisfied that the applicant meets the requirement mentioned in paragraph 66.025(3)(d); and
 - (d) the aircraft system or subset is specified in the Part 66 Manual of Standards as a system or subset that may be

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excluded from the scope of a category A, B1 or B2 licence;
and

- (e) the applicant meets the requirements of sections 66.A.25 and 66.A.30 of the Part 66 Manual of Standards for the licence applied for, except the requirements specified in the Part 66 Manual of Standards for the aircraft system or subset.

Partially equivalent foreign licence or Defence Force aircraft authorisation

- (2) Subject to regulation 11.055, CASA must grant an aircraft engineer licence to an applicant subject to the exclusion of an aircraft system or a subset of an aircraft system if:
 - (a) either:
 - (i) CASA is satisfied that the applicant meets the requirements mentioned in paragraphs 66.025(3)(a) to (c); or
 - (ii) the applicant is a licensed aircraft maintenance engineer at the time of making the application; and
 - (b) CASA is satisfied that the applicant meets the requirement mentioned in paragraph 66.025(3)(d); and
 - (c) regulation 66.030, 66.035, 66.040, 66.045, 66.050, 66.055, 66.065 or 66.070 applies to the applicant; and
 - (d) the applicant is taken, under that regulation, to meet the requirements of sections 66.A.25 and 66.A.30 of the Part 66 Manual of Standards for the licence applied for, except the requirements specified in the Part 66 Manual of Standards for the aircraft system or subset.

66.030 Recognition of foreign licences from recognised States held at time of application

- (1) This regulation applies to an applicant for an aircraft engineer licence if:
 - (a) at the time of making the application for the licence, the applicant holds a foreign licence, that is in force, issued by:
 - (i) a recognised State; or
 - (ii) a foreign company incorporated or formed in a recognised State; and

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- (b) the applicant exercised privileges under the foreign licence or under a foreign rating endorsed on the foreign licence; and
 - (c) CASA determines, in writing, that at least 1 of the privileges exercised was equivalent to a privilege mentioned in the Part 66 Manual of Standards for the licence applied for; and
 - (d) in the 2 years immediately before the time of making the application, the applicant has:
 - (i) exercised the privileges for at least 6 months; or
 - (ii) gained at least 6 months additional practical experience; or
 - (iii) for an applicant for a category C licence who does not hold, and is not applying for, a category B1 or B2 licence—gained experience that CASA determines, in writing, is relevant to the privileges mentioned in the Part 66 Manual of Standards for the licence applied for.
- (2) The applicant is taken to meet the requirements of sections 66.A.25 and 66.A.30 of the Part 66 Manual of Standards for the licence applied for to the extent mentioned in the determination under paragraph (1)(c).

66.035 Recognition of foreign licences from recognised States held before time of application

- (1) This regulation applies to an applicant for an aircraft engineer licence if:
 - (a) before the time of making the application for the licence, the applicant held a foreign licence issued by:
 - (i) a recognised State; or
 - (ii) a foreign company incorporated or formed in a recognised State; and
 - (b) the applicant does not hold the foreign licence at the time of making the application; and
 - (c) the applicant exercised privileges under the foreign licence or under a foreign rating endorsed on the foreign licence; and
 - (d) CASA determines, in writing, that at least 1 of the privileges exercised was equivalent to a privilege mentioned in the Part 66 Manual of Standards for the licence applied for; and

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- (e) in the 2 years immediately before the time of making the application, the applicant has:
 - (i) exercised the privileges for at least 6 months; or
 - (ii) gained at least 6 months additional practical experience; or
 - (iii) for an applicant for a category C licence who does not hold, and is not applying for, a category B1 or B2 licence—gained experience that CASA determines, in writing, is relevant to the privileges mentioned in the Part 66 Manual of Standards for the licence applied for; and
 - (f) CASA is satisfied that the licence that the applicant held was not cancelled or revoked for a reason involving a matter mentioned in subregulation 11.055 (4).
- (2) The applicant is taken to meet the requirements of sections 66.A.25 and 66.A.30 of the Part 66 Manual of Standards for the licence applied for to the extent mentioned in the determination under paragraph (1)(d).

66.040 Recognition of foreign licences not from recognised States held at time of application—assessment by maintenance training organisation

- (1) This regulation applies to an applicant for an aircraft engineer licence if:
- (a) at the time of making the application for the licence, the applicant holds a foreign licence, that is in force, issued by:
 - (i) a foreign country that is not a recognised State; or
 - (ii) a foreign company incorporated or formed in a foreign country that is not a recognised State; and
 - (b) the foreign licence has been assessed by a maintenance training organisation that is:
 - (i) approved to assess foreign licences issued by the foreign country or by a foreign company incorporated or formed in the foreign country; and
 - (ii) approved to provide category training for the licence applied for; and

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- (c) the maintenance training organisation has given CASA the outcome of the assessment in a report under section 147.A.139 of the Part 147 Manual of Standards; and
 - (d) the applicant exercised privileges under the foreign licence or under a foreign rating endorsed on the foreign licence; and
 - (e) CASA determines, in writing, that at least 1 of the privileges exercised was equivalent to a privilege mentioned in the Part 66 Manual of Standards for the licence applied for; and
 - (f) in the 2 years immediately before the time of making the application, the applicant has:
 - (i) exercised the privileges for at least 6 months; or
 - (ii) gained at least 6 months additional practical experience.
- (2) The applicant is taken to meet the requirements of sections 66.A.25 and 66.A.30 of the Part 66 Manual of Standards for the licence applied for to the extent mentioned in the determination.

66.045 Recognition of foreign licences not from recognised States held at time of application—assessment by CASA

- (1) This regulation applies to an applicant for an aircraft engineer licence if:
- (a) at the time of making the application for the licence, the applicant holds a foreign licence, that is in force, issued by:
 - (i) a foreign country that is not a recognised State; or
 - (ii) a foreign company incorporated or formed in a foreign country that is not a recognised State; and
 - (b) there is no maintenance training organisation that is approved to assess foreign licences issued by the foreign country or by a foreign company incorporated or formed in the foreign country; and
 - (c) CASA has assessed the foreign licence; and
 - (d) the applicant exercised privileges under the foreign licence or under a foreign rating endorsed on the foreign licence; and
 - (e) CASA determines, in writing, that at least 1 of the privileges exercised was equivalent to a privilege mentioned in the Part 66 Manual of Standards for the licence applied for; and

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- (f) in the 2 years immediately before the time of making the application, the applicant has:
 - (i) exercised the privileges for at least 6 months; or
 - (ii) gained at least 6 months additional practical experience; or
 - (iii) for an applicant for a category C licence who does not hold, and is not applying for, a category B1 or B2 licence—gained experience that CASA determines, in writing, is relevant to the privileges mentioned in the Part 66 Manual of Standards for the licence applied for.
- (2) The applicant is taken to meet the requirements of sections 66.A.25 and 66.A.30 of the Part 66 Manual of Standards for the licence applied for to the extent mentioned in the determination under paragraph (1)(e).

66.050 Recognition of foreign licences not from recognised States held before time of application—assessment by maintenance training organisation

- (1) This regulation applies to an applicant for an aircraft engineer licence if:
 - (a) before the time of making the application for the licence, the applicant held a foreign licence issued by:
 - (i) a foreign country that is not a recognised State; or
 - (ii) a foreign company incorporated or formed in a foreign country that is not a recognised State; and
 - (b) the applicant does not hold the foreign licence at the time of making the application; and
 - (c) the foreign licence has been assessed by a maintenance training organisation that is:
 - (i) approved to assess foreign licences issued by the foreign country or by a foreign company incorporated or formed in the foreign country; and
 - (ii) approved to provide category training for the licence applied for; and

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- (d) the maintenance training organisation has given CASA the outcome of the assessment in a report under section 147.A.139 of the Part 147 Manual of Standards; and
 - (e) the applicant exercised privileges under the foreign licence or under a foreign rating endorsed on the foreign licence; and
 - (f) CASA determines, in writing, that at least 1 of the privileges exercised was equivalent to a privilege mentioned in the Part 66 Manual of Standards for the licence applied for; and
 - (g) in the 2 years immediately before the time of making the application, the applicant has:
 - (i) exercised the privileges for at least 6 months; or
 - (ii) gained at least 6 months additional practical experience; and
 - (h) CASA is satisfied that the foreign licence that the applicant held was not cancelled or revoked for a reason involving a matter mentioned in subregulation 11.055 (4).
- (2) The applicant is taken to meet the requirements of sections 66.A.25 and 66.A.30 of the Part 66 Manual of Standards for the licence applied for to the extent mentioned in the determination.

66.055 Recognition of foreign licences not from recognised States held before time of application—assessment by CASA

- (1) This regulation applies to an applicant for an aircraft engineer licence if:
- (a) before the time of making the application for the licence, the applicant held a foreign licence issued by:
 - (i) a foreign country that is not a recognised State; or
 - (ii) a foreign company incorporated or formed in a foreign country that is not a recognised State; and
 - (b) the applicant does not hold the foreign licence at the time of making the application; and
 - (c) there is no maintenance training organisation that is approved to assess foreign licences issued by the foreign country or by a foreign company incorporated or formed in the foreign country; and
 - (d) CASA has assessed the foreign licence; and

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- (e) the applicant exercised privileges under the foreign licence or under a foreign rating endorsed on the foreign licence; and
 - (f) CASA determines, in writing, that at least 1 of the privileges exercised was equivalent to a privilege mentioned in the Part 66 Manual of Standards for the licence applied for; and
 - (g) in the 2 years immediately before the time of making the application, the applicant has:
 - (i) exercised the privileges for at least 6 months; or
 - (ii) gained at least 6 months additional practical experience; or
 - (iii) for an applicant for a category C licence who does not hold, and is not applying for, a category B1 or B2 licence—gained experience that CASA determines, in writing, is relevant to the privileges mentioned in the Part 66 Manual of Standards for the licence applied for; and
 - (h) CASA is satisfied that the foreign licence that the applicant held was not cancelled or revoked for a reason involving a matter mentioned in subregulation 11.055 (4).
- (2) The applicant is taken to meet the requirements of sections 66.A.25 and 66.A.30 of the Part 66 Manual of Standards for the licence applied for to the extent mentioned in the determination under paragraph (1)(f).

66.060 Qualifications from excluded States not recognised

- (1) This regulation applies to an applicant for an aircraft engineer licence if the applicant holds:
- (a) a licence issued by a foreign country that is an excluded State; or
 - (b) an authorisation issued by a foreign company incorporated or formed in a foreign country that is an excluded State.
- (2) The applicant is not, only because of holding the licence or authorisation, or a rating endorsed on the licence or authorisation, taken to meet any of the requirements of sections 66.A.25 and 66.A.30 of the Part 66 Manual of Standards for the aircraft engineer licence applied for.

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Note: In assessing a person, a maintenance training organisation must not give credit to the person for holding a licence (however described) that was issued to the person by an excluded State—see regulation 147.075.

66.065 Recognition of Defence Force aircraft authorisations held at time of application

- (1) This regulation applies to an applicant for an aircraft engineer licence if:
 - (a) at the time of making the application for the licence, the applicant holds a Defence Force aircraft authorisation that is in force; and
 - (b) the applicant exercised privileges under the authorisation or under a Defence Force aircraft rating endorsed on the authorisation; and
 - (c) a maintenance training organisation that is approved to provide category training for the licence applied for has:
 - (i) assessed the Defence Force aircraft authorisation; and
 - (ii) given CASA the outcome of the assessment in a report under section 147.A.139 of the Part 147 Manual of Standards; and
 - (d) CASA determines, in writing, that at least 1 of the privileges exercised was equivalent to a privilege mentioned in the Part 66 Manual of Standards for the licence applied for; and
 - (e) in the 2 years immediately before the time of making the application, the applicant has:
 - (i) exercised the privileges for at least 6 months; or
 - (ii) gained at least 6 months additional practical experience.
- (2) The applicant is taken to meet the requirements of sections 66.A.25 and 66.A.30 of the Part 66 Manual of Standards for the licence applied for to the extent mentioned in the determination.

66.070 Recognition of Defence Force aircraft authorisations held before time of application

- (1) This regulation applies to an applicant for an aircraft engineer licence if:

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- (a) before the time of making the application for the licence, the applicant held a Defence Force aircraft authorisation; and
 - (b) the applicant does not hold the authorisation at the time of making the application; and
 - (c) the applicant exercised privileges under the authorisation or under a Defence Force aircraft rating endorsed on the authorisation; and
 - (d) a maintenance training organisation that is approved to provide category training for the licence applied for has:
 - (i) assessed the Defence Force aircraft authorisation; and
 - (ii) given CASA the outcome of the assessment in a report under section 147.A.139 of the Part 147 Manual of Standards; and
 - (e) CASA determines, in writing, that at least 1 of the privileges exercised was equivalent to a privilege mentioned in the Part 66 Manual of Standards for the licence applied for; and
 - (f) in the 2 years immediately before the time of making the application, the applicant has:
 - (i) exercised the privileges for at least 6 months; or
 - (ii) gained at least 6 months additional practical experience; and
 - (g) CASA is satisfied that the authorisation that the applicant held was not cancelled or revoked for a reason involving a matter mentioned in subregulation 11.055 (4).
- (2) The applicant is taken to meet the requirements of sections 66.A.25 and 66.A.30 of the Part 66 Manual of Standards for the licence applied for to the extent mentioned in the determination.

66.071 Endorsement on licence of licence exclusion

If CASA grants an aircraft engineer licence that is subject to an exclusion imposed under regulation 66.026, CASA must endorse on the licence that the licence is subject to the exclusion.

Regulation 66.072

66.072 Removal of exclusion from licence

- (1) The holder of an aircraft engineer licence that is subject to the exclusion of an aircraft system or a subset of an aircraft system may apply to CASA for removal of the exclusion.
- (2) Subject to regulation 11.055, CASA must remove the exclusion if CASA is satisfied, on the basis of evidence mentioned in subregulation (3), that the holder has successfully completed the training necessary for the removal of the exclusion.
- (3) For subregulation (2), CASA must receive evidence from a maintenance training organisation that the holder has successfully completed the training and assessment that is required for the aircraft system or subset under section 66.A.25 of the Part 66 Manual of Standards.
- (4) If CASA removes the exclusion from the licence, CASA must:
 - (a) amend the licence document to remove the endorsement that the licence is subject to the exclusion; and
 - (b) for each rating on the licence that is subject to the exclusion of the aircraft system or subset—endorse on the licence that the rating is subject to the exclusion.

Subpart 66.C—Ratings

66.075 Applications for ratings

- (1) A person may apply to CASA for a rating for a type rated aircraft type.
- (2) A person may apply for a rating only if:
 - (a) the rating is for a type rated aircraft type; and
 - (b) at the time of making the application, the person is applying for, or holds, the aircraft engineer licence for which the aircraft type is specified in the Part 66 Manual of Standards (the *relevant licence*).
- (3) The application must:
 - (a) be in writing; and
 - (b) specify the rating being applied for; and
 - (ba) specify whether the application is for a rating that is subject to the exclusion of an aircraft system or a subset of an aircraft system; and
 - (bb) specify whether the application is for a rating in relation to a partially equivalent foreign licence or Defence Force aircraft authorisation; and
 - (c) be accompanied by copies of documents evidencing the qualifications and experience relevant to the rating applied for.
- (4) Also, the application must comply with subregulation (5) if, at the time of making the application:
 - (a) the applicant has a medically significant condition that is safety-relevant; and
 - (b) the condition was not specified in the applicant's application for the relevant licence.
- (5) For subregulation (4), the application must:
 - (a) specify the condition; and

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- (b) be accompanied by a report from a medical practitioner that describes the condition.

Note 1: An application must be in the approved form, include all the information required by these Regulations and be accompanied by every document required by these Regulations—see regulation 11.030.

Note 2: Part 11 deals with applications and decision making.

66.080 Grant of rating

- (1) Subject to regulation 11.055, CASA must grant a rating to an applicant if CASA is satisfied that:
 - (a) if subregulation 66.075(4) applies to the applicant—the applicant can safely exercise at least one of the privileges mentioned in the Part 66 Manual of Standards for the rating applied for; and
 - (b) the applicant meets the requirements mentioned in subregulation (2), (3) or (4).
- (1A) If the applicant holds a licence that is, or is applying for a licence that will be, subject to the exclusion of an aircraft system or a subset of an aircraft system, CASA must not grant the rating unless it is subject to the exclusion of the aircraft system or subset.

Successful completion of aircraft type training and assessment

- (2) The requirements are that:
 - (a) at the time of making the application, the applicant has evidence of the successful completion of the aircraft type training, or an element of the aircraft type training, for the rating; and
 - (b) within the 5 years immediately before the time of making the application, the applicant has successfully completed:
 - (i) the theoretical elements of the aircraft type training for the rating; and
 - (ii) the assessment for the training; and
 - (c) within the 2 years immediately before the time of making the application, the applicant has successfully completed:
 - (i) the practical elements of the aircraft type training for the rating; and

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- (ii) the assessment for the training.

Training, assessment and experience provided by Part 145 organisations

- (3) The requirements are that:
 - (a) at the time of making the application, the applicant has a notice in relation to the rating, issued under paragraph 145.A.37 (d) of the Part 145 Manual of Standards by a Part 145 organisation; and
 - (b) within the 5 years immediately before the time of making the application, the applicant has successfully completed:
 - (i) the theoretical elements of the aircraft type training for the rating; and
 - (ii) the assessment for the training; and
 - (c) within the 2 years immediately before the time of making the application, the applicant has successfully completed:
 - (i) the practical elements of the aircraft type training for the rating; and
 - (ii) the assessment for the training.

Fully or partially equivalent foreign or Defence Force rating

- (4) The requirements are that, at the time of making the application, the applicant holds, or has held:
 - (a) a foreign licence that is endorsed with a foreign rating that CASA determines, under regulation 66.085 or 66.090, is fully or partially equivalent to the rating applied for; or
 - (b) a Defence Force aircraft authorisation that is endorsed with a Defence Force aircraft rating that CASA determines, under regulation 66.085 or 66.090, is fully or partially equivalent to the rating applied for.

Note: For review of decisions about ratings, see section 31 of the Act.

66.085 Determination of equivalence of certain ratings endorsed on certain licences and authorisations held at time of application

If:

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- (a) at the time of making an application for a rating for a type rated aircraft type, an applicant holds:
 - (i) a foreign licence that is endorsed with a foreign rating that relates to the aircraft type; or
 - (ii) a Defence Force aircraft authorisation that is endorsed with a Defence Force aircraft rating that relates to the aircraft type; and
 - (b) in the 2 years immediately before making the application, the applicant:
 - (i) exercised privileges under the licence or authorisation for at least 6 months; or
 - (ii) gained at least 6 months additional practical experience;
- CASA must determine, in writing, whether the rating endorsed on the licence or authorisation is fully or partially equivalent to the rating applied for.

66.090 Determination of equivalence of certain ratings endorsed on certain licences and authorisations held before time of application

If:

- (a) before making an application for a rating for a type rated aircraft type, an applicant held:
 - (i) a foreign licence that was endorsed with a foreign rating that relates to the aircraft type; or
 - (ii) a Defence Force aircraft authorisation that was endorsed with a Defence Force aircraft rating that relates to the aircraft type; and
- (b) the applicant does not hold the licence or authorisation at the time of making the application; and
- (c) in the 2 years immediately before making the application, the applicant:
 - (i) exercised privileges under the licence or authorisation for at least 6 months; or
 - (ii) gained at least 6 months additional practical experience; and

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- (d) CASA is satisfied that the licence or authorisation was not cancelled or revoked for a reason involving a matter mentioned in subregulation 11.055 (4);

CASA must determine, in writing, whether the rating endorsed on the licence or authorisation is fully or partially equivalent to the rating applied for.

66.095 Grant of rating subject to exclusions

Not meeting requirements for excluded system

- (1) Subject to regulation 11.055, CASA must grant a rating to an applicant subject to the exclusion of an aircraft system or a subset of an aircraft system if:
 - (a) the applicant holds, or is an applicant for, a category B1 or B2 licence that is, or will be, subject to the exclusion of the aircraft system or subset; and
 - (b) CASA is satisfied that the applicant meets the requirement mentioned in paragraph 66.080(1)(a); and
 - (c) CASA is satisfied that the applicant meets the requirements mentioned in subregulation 66.080(2) or (3), except the requirements for the aircraft system or subset.
- (2) Subject to regulation 11.055, CASA must grant a rating to an applicant subject to the exclusion of an aircraft system or a subset of an aircraft system if:
 - (a) the applicant holds, or is an applicant for, a category B1 or B2 licence other than a licence that is, or will be, subject to the exclusion of the aircraft system or subset; and
 - (b) the application specifies that the rating is to be subject to the exclusion; and
 - (c) CASA is satisfied that the applicant meets the requirement mentioned in paragraph 66.080(1)(a); and
 - (d) CASA is satisfied that the applicant meets the requirements mentioned in subregulation 66.080(2) or (3), except the requirements for the aircraft system or subset.

Regulation 66.100

Partially equivalent foreign licence or Defence Force aircraft authorisation

- (3) Subregulation (4) applies if CASA has determined, under regulation 66.085 or 66.090, that;
 - (a) a foreign rating endorsed on a foreign licence that the applicant holds or has held; or
 - (b) a Defence Force aircraft rating endorsed on a Defence Force aircraft authorisation that the applicant holds or has held;is partially equivalent to the rating applied for because the foreign rating or Defence Force aircraft rating does not cover an aircraft system or a subset of an aircraft system.
- (4) Subject to regulation 11.055, CASA must grant the rating subject to the exclusion of the aircraft system or subset.

66.100 Training, assessment and experience for removal of exclusion from rating

If CASA grants a rating subject to an exclusion under regulation 66.095, CASA must decide:

- (a) whether the training and assessment that is necessary for the removal of the exclusion:
 - (i) is of a kind that must be provided by a maintenance training organisation; or
 - (ii) is of a kind that may be provided either by a Part 145 organisation or a maintenance training organisation; and
- (b) whether any practical experience is necessary for the removal of the exclusion.

66.105 Endorsement of rating on licence

If CASA grants a rating, CASA must endorse on the applicant's licence:

- (a) the rating; and
- (b) if the rating is granted subject to an exclusion imposed under regulation 66.095—the exclusion.

66.110 Removal of exclusion from rating

- (1) The holder of a rating that is subject to the exclusion of an aircraft system or a subset of an aircraft system may apply to CASA for removal of the exclusion.
- (2) Subject to regulation 11.055, CASA must remove the exclusion if:
 - (a) CASA is satisfied, on the basis of evidence received from a maintenance training organisation or a Part 145 organisation, that the holder has:
 - (i) successfully completed the aircraft type training for the aircraft type required by the Part 66 Manual of Standards for the aircraft system or subset; and
 - (ii) obtained any practical experience that, under regulation 66.100, is necessary to remove the exclusion; and
 - (b) the holder's licence is not subject to the exclusion of the aircraft system or subset.

Regulation 66.115

Subpart 66.D—Conditions of licences

Note 1: For CASA's power to impose conditions, see regulations 11.056, 11.067 and 11.068.

Note 2: For other conditions that apply to licences, see regulations 11.070 to 11.075.

66.115 Conditions

It is a condition of an aircraft engineer licence that the holder of the licence must not contravene a provision of this Subpart.

66.120 All licences—general

Compliance with privileges and conditions or limitations

- (1) A licensed aircraft maintenance engineer may perform maintenance certification or issue a certificate of release to service only if he or she does so in accordance with:
 - (a) the privileges mentioned in the Part 66 Manual of Standards for his or her aircraft engineer licence or for any ratings endorsed on the licence; and
 - (b) a condition or limitation that applies to the performance of the maintenance certification or the issue of the certificate of release to service under the Part 66 Manual of Standards.

Requirement for recent qualification or experience

- (2) A licensed aircraft maintenance engineer may perform maintenance certification or issue a certificate of release to service at a particular time only if, in the 2 years immediately before that time:
 - (a) he or she was granted his or her aircraft engineer licence; or
 - (b) he or she has had at least 6 months experience of exercising the privileges mentioned in the Part 66 Manual of Standards for the licence or for a rating endorsed on the licence; or
 - (c) he or she has met a requalification requirement for the licence.

Regulation 66.125

- (3) For subregulation (2), the holder of an aircraft engineer licence ***exercises the privileges*** of the licence if:
 - (a) for a category A, B1 or B2 licence—the holder performs maintenance certifications or issues certificates of release to service under the licence; and
 - (b) for a category C licence—the holder issues certificates of release to service under the licence.
- (4) For subregulation (2), a licensed aircraft maintenance engineer is taken to have had at least 6 months experience of exercising the privileges mentioned in the Part 66 Manual of Standards for a licence or for a rating endorsed on a licence if:
 - (a) he or she holds another aircraft engineer licence; and
 - (b) that licence is a category A, B1 or B2 licence; and
 - (c) he or she has had at least 6 months experience of exercising the privileges mentioned in the Part 66 Manual of Standards for that licence or a rating endorsed on that licence.

66.125 All licences—medically significant conditions

- (1) This regulation applies to a licensed aircraft maintenance engineer if:
 - (a) the licensed aircraft maintenance engineer knows that he or she has a medically significant condition; and
 - (b) the condition is safety-relevant; and
 - (c) the condition was not specified in an application made by the licensed aircraft maintenance engineer for an aircraft engineer licence or a rating that he or she holds.
- (2) The licensed aircraft maintenance engineer must not exercise a privilege mentioned in the Part 66 Manual of Standards for his or her aircraft engineer licence or for a rating endorsed on the licence unless the licensed aircraft maintenance engineer:
 - (a) has had the condition for more than 30 days beginning on the day that he or she first knew that he or she had the condition (***the 30 day period***); and
 - (b) has obtained a certificate from a medical practitioner or specialist medical practitioner to the effect that his or her

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ability to exercise the privilege is no longer reduced by the condition.

- (3) If the licensed aircraft maintenance engineer has had the condition for more than the 30 day period and cannot obtain a certificate mentioned in paragraph (2)(b), he or she must give CASA a written notice including the following information:
- (a) that he or she has the condition;
 - (b) when he or she first knew that he or she had the condition;
 - (c) that he or she cannot obtain the certificate.

66.130 Category A licences

- (1) A category A licence holder may perform maintenance certification for maintenance carried out on an aircraft of a particular aircraft type only if:
- (a) the maintenance:
 - (i) is line maintenance; and
 - (ii) is mentioned in Appendix II to the Part 145 Manual of Standards; and
 - (iii) is not carried out on an aircraft system or a subset of an aircraft system that is excluded from his or her licence under regulation 66.026; and
 - (b) he or she carried out the maintenance; and
 - (c) he or she:
 - (i) performs the maintenance certification on behalf of a Part 145 organisation; and
 - (ii) has completed training and assessment from the organisation in performing maintenance certification for that line maintenance carried out on aircraft of that aircraft type; and
 - (iii) has a certification authorisation from the organisation to perform maintenance certification for that line maintenance carried out on aircraft of that aircraft type.
- (2) A category A licence holder may issue a certificate of release to service for an aircraft of a particular type rated aircraft type in relation to maintenance carried out on the aircraft only if:

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- (a) the maintenance:
 - (i) is line maintenance; and
 - (ii) is mentioned in Appendix II to the Part 145 Manual of Standards; and
- (b) he or she:
 - (i) issues the certificate on behalf of a Part 145 organisation; and
 - (ii) has completed training and assessment from the organisation in issuing a certificate of release to service for an aircraft of that aircraft type in relation to that line maintenance; and
 - (iii) has a certification authorisation from the organisation to issue a certificate of release to service for an aircraft of that aircraft type in relation to that line maintenance.
- (3) A reference in subregulation (1) or (2) to maintenance does not include supervision of maintenance.

66.135 Category B1 and B2 licences—maintenance certification on behalf of Part 145 organisation

- (1) A category B1 or B2 licence holder may perform maintenance certification on behalf of a Part 145 organisation for maintenance that was carried out on an aircraft of a particular type rated aircraft type only if subregulation (3), (4), (5) or (6) applies.
- (2) However, the holder must not perform maintenance certification on behalf of a Part 145 organisation for maintenance carried out on an aircraft system, or a subset of an aircraft system, that is excluded from the holder's licence under regulation 66.026.

Rating not subject to exclusion

- (3) For subregulation (1), this subregulation applies if:
 - (a) the holder's licence is endorsed with a rating for the aircraft type; and
 - (b) the rating is not subject to the exclusion of an aircraft system or a subset of an aircraft system.

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Rating subject to exclusion that does not apply

- (4) For subregulation (1), this subregulation applies if:
- (a) the holder's licence is endorsed with a rating for the aircraft type; and
 - (b) the rating is subject to the exclusion of an aircraft system or a subset of an aircraft system; and
 - (c) the maintenance is not carried out on an aircraft system or subset that is excluded from the rating under regulation 66.095.

Rating subject to exclusion—certification authorisation

- (5) For subregulation (1), this subregulation applies if:
- (a) the holder's licence is endorsed with a rating for the aircraft type; and
 - (b) the maintenance is carried out on an aircraft system or a subset of an aircraft system that is excluded from the rating under regulation 66.095 (the ***excluded system***); and
 - (c) the holder has a certification authorisation from the organisation in relation to the aircraft type and the excluded system, granted in accordance with paragraph 145.A.37(b) of the Part 145 Manual of Standards.

No rating—certification authorisation

- (6) For subregulation (1), this subregulation applies if:
- (a) the holder's licence is not endorsed with a rating for the aircraft type; and
 - (b) the holder has a certification authorisation from the organisation in relation to the aircraft type, granted in accordance with paragraph 145.A.37(b) or (c) of the Part 145 Manual of Standards.

66.136 Category B1 and B2 licences—maintenance certification for Subpart 42.F organisation

A category B1 or B2 licence holder may perform maintenance certification on behalf of a Subpart 42.F organisation for

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maintenance that was carried out on an aircraft of a particular type rated aircraft type only if:

- (a) the holder's licence is endorsed with a rating for the aircraft type; and
- (b) the holder has a certification authorisation from the organisation in relation to the aircraft type.

66.137 Category B1 and B2 licences—maintenance certification other than on behalf of approved maintenance organisation

A category B1 or B2 licence holder may perform maintenance certification other than on behalf of an approved maintenance organisation for maintenance that was carried out on an aircraft of a particular type rated aircraft type only if:

- (a) the holder's licence is endorsed with the rating for the aircraft type; and
- (b) the maintenance is not carried out on an aircraft system or a subset of an aircraft system that is:
 - (i) excluded from the licence under regulation 66.026; or
 - (ii) excluded from the rating under regulation 66.095.

66.138 Category B1 and B2 licences—certificate of release to service issued on behalf of Part 145 organisation

A category B1 or B2 licence holder may issue a certificate of release to service on behalf of a Part 145 organisation for an aircraft of a particular type rated aircraft type in relation to maintenance carried out on the aircraft only if:

- (a) either:
 - (i) the holder's licence is endorsed with a rating for the aircraft type; or
 - (ii) the holder has a certification authorisation from the organisation in relation to the aircraft type, granted in accordance with paragraph 145.A.37(b) or (c) of the Part 145 Manual of Standards; and
- (b) the holder has a certification authorisation from the organisation to issue a certificate of release to service for an

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aircraft of that aircraft type, granted under section 145.A.35 of the Part 145 Manual of Standards.

66.139 Category B1 and B2 licences—certificate of release to service issued for Subpart 42.F organisation

A category B1 or B2 licence holder may issue a certificate of release to service on behalf of a Subpart 42.F organisation for an aircraft of a particular type rated aircraft type in relation to maintenance carried out on the aircraft only if:

- (a) the holder's licence is endorsed with the rating for the aircraft type; and
- (b) the holder has a certification authorisation from the organisation in relation to the aircraft type.

66.139A Category B1 and B2 licences—certificate of release to service issued other than on behalf of approved maintenance organisation

A category B1 or B2 licence holder may issue a certificate of release to service, other than on behalf of an approved maintenance organisation, for an aircraft of a particular type rated aircraft type in relation to maintenance carried out on the aircraft only if the holder's licence is endorsed with the rating for the aircraft type.

66.140 Category C licences

- (1) A category C licence holder may issue a certificate of release to service for an aircraft in relation to maintenance carried out on the aircraft only if:
 - (a) he or she issues the certificate on behalf of a Part 145 organisation; and
 - (b) the maintenance is base maintenance.
- (2) A category C licence holder may issue a certificate of release to service for an aircraft of a particular type rated aircraft type in relation to maintenance carried out on the aircraft type only if:
 - (a) the holder's licence is endorsed with the rating for the aircraft type; and

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- (b) the holder has a certification authorisation, from a Part 145 organisation, that:
 - (i) authorises the holder to issue a certificate of release to service for an aircraft of that aircraft type on behalf of the organisation; and
 - (ii) is granted under section 145.A.35 of the Part 145 Manual of Standards.

Subpart 66.E—Offences

Division 66.E.1—Offences that apply to all licensed aircraft maintenance engineers

66.145 General offences

Compliance with privileges, conditions and limitations

- (1) A licensed aircraft maintenance engineer commits an offence if:
 - (a) he or she performs maintenance certification or issues a certificate of release to service; and
 - (b) the performance of the maintenance certification or issue of the certificate of release is not in accordance with:
 - (i) the privileges mentioned in the Part 66 Manual of Standards for his or her aircraft engineer licence or for a rating endorsed on the licence; or
 - (ii) a condition or limitation that applies to the performance of the maintenance certification or the issue of the certificate of release to service under the Part 66 Manual of Standards.

Penalty: 50 penalty units.

Requirement for recent qualification or experience

- (2) A licensed aircraft maintenance engineer commits an offence if:
 - (a) he or she performs maintenance certification or issues a certificate of release to service at a particular time; and
 - (b) none of the following subparagraphs apply to the holder:
 - (i) he or she was granted his or her aircraft engineer licence in the 2 years immediately before that time;
 - (ii) he or she has had at least 6 months experience of exercising the privileges mentioned in the Part 66 Manual of Standards for the licence or for a rating endorsed on the licence in the 2 years immediately before that time;

- (iii) he or she has met a requalification requirement for the licence in the 2 years immediately before that time.

Penalty: 50 penalty units.

- (4) An offence against this regulation is an offence of strict liability.

66.150 Medically significant conditions

- (1) A licensed aircraft maintenance engineer commits an offence if:
 - (a) at a particular time, he or she exercises a privilege mentioned in the Part 66 Manual of Standards for his or her aircraft engineer licence or for a rating endorsed on the licence; and
 - (b) at that time:
 - (i) he or she knows that he or she has a medically significant condition; and
 - (ii) the condition is safety-relevant; and
 - (iii) the condition was not specified in an application made by the licensed aircraft maintenance engineer for an aircraft engineer licence or a rating that he or she holds; and
 - (iv) the exercise of the privilege is not permitted by subregulation (2).

Penalty: 50 penalty units.

- (2) If the licensed aircraft maintenance engineer has the condition for a period of more than 30 days beginning on the day that he or she first knew that he or she had the condition, he or she may exercise the privilege after the end of that period only if the requirement mentioned in subregulation (3) is met.
- (3) The requirement is that the licensed aircraft maintenance engineer has obtained a certificate from a medical practitioner or specialist medical practitioner to the effect that his or her ability to exercise the privilege is no longer reduced by the condition.

Note: For other offences relating to the performance of maintenance certification and the issue of certificates of release to service, see Divisions 42.H.2, 42.H.3 and 42.H.4.

Division 66.E.2—Offences that apply to category A licence holders

66.155 Maintenance certification offences

- (1) A category A licence holder commits an offence if he or she performs maintenance certification other than on behalf of a Part 145 organisation.

Penalty: 50 penalty units.
- (2) A category A licence holder commits an offence if:
 - (a) he or she performs maintenance certification on behalf of a Part 145 organisation for maintenance; and
 - (b) any of the following subparagraphs apply to the maintenance:
 - (i) the maintenance is not line maintenance;
 - (ii) the maintenance is not mentioned in Appendix II to the Part 145 Manual of Standards;
 - (iii) he or she did not carry out the maintenance;
 - (iv) he or she carried out the maintenance on an aircraft system or a subset of an aircraft system that is excluded from his or her licence under regulation 66.026.
Penalty: 50 penalty units.
- (3) A reference in subregulation (2) to maintenance does not include supervision of maintenance.
- (4) An offence against subregulation (1) or (2) is an offence of strict liability.

66.160 Certificate of release to service offences

- (1) A category A licence holder commits an offence if he or she issues a certificate of release to service for an aircraft in relation to maintenance carried out on the aircraft other than on behalf of a Part 145 organisation.

Penalty: 50 penalty units.

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- (2) A category A licence holder commits an offence if:
- (a) he or she issues a certificate of release to service on behalf of a Part 145 organisation for an aircraft in relation to maintenance carried out on the aircraft; and
 - (b) either of the following paragraphs apply to the maintenance:
 - (i) the maintenance is not line maintenance;
 - (ii) the maintenance is not mentioned in Appendix II to the Part 145 Manual of Standards.

Penalty: 50 penalty units.

- (3) A reference in subregulation (2) to maintenance does not include supervision of maintenance.
- (4) An offence against subregulation (1) or (2) is an offence of strict liability.

Division 66.E.3—Offences that apply to category B1 and B2 licence holders

66.165 Offence—maintenance certification on behalf of Part 145 organisations

- (1) A category B1 or B2 licence holder commits an offence if:
- (a) the holder performs maintenance certification on behalf of a Part 145 organisation; and
 - (b) the maintenance certification is for maintenance that was carried out on an aircraft of a particular type rated aircraft type; and
 - (c) at the time of performing the maintenance certification, none of subregulations (3), (4), (5) and (6) apply.

Penalty: 50 penalty units.

- (2) A category B1 or B2 licence holder commits an offence if:
- (a) the holder performs maintenance certification on behalf of a Part 145 organisation; and
 - (b) the maintenance certification is for maintenance that was carried out on an aircraft of a particular type rated aircraft type; and
 - (c) the maintenance is carried out on an aircraft system or a subset of an aircraft system that is excluded from the holder's licence under regulation 66.026.

Penalty: 50 penalty units.

Rating not subject to exclusion

- (3) For paragraph (1)(c), this subregulation applies if:
- (a) the holder's licence is endorsed with a rating for the aircraft type; and
 - (b) the rating is not subject to the exclusion of an aircraft system or a subset of an aircraft system.

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Rating subject to exclusion that does not apply

- (4) For paragraph (1)(c), this subregulation applies if:
- (a) the holder's licence is endorsed with a rating for the aircraft type; and
 - (b) the rating is subject to the exclusion of an aircraft system or a subset of an aircraft system; and
 - (c) the maintenance is carried out on an aircraft system or subset that is not excluded from the rating under regulation 66.095.

Rating subject to exclusion—certification authorisation

- (5) For paragraph (1)(c), this subregulation applies if:
- (a) the holder's licence is endorsed with a rating for the aircraft type; and
 - (b) the maintenance is carried out on an aircraft system or a subset of an aircraft system that is excluded from the rating under regulation 66.095 (the ***excluded system***); and
 - (c) the holder has a certification authorisation from the organisation in relation to the aircraft type and the excluded system, granted in accordance with paragraph 145.A.37(b) of the Part 145 Manual of Standards.

No rating—certification authorisation

- (6) For paragraph (1)(c), this subregulation applies if:
- (a) the holder's licence is not endorsed with a rating for the aircraft type; and
 - (b) the holder has a certification authorisation from the organisation in relation to the aircraft type, granted in accordance with paragraph 145.A.37(b) or (c) of the Part 145 Manual of Standards.
- (7) An offence against this regulation is an offence of strict liability.

66.166 Offence—maintenance certification on behalf of Subpart 42.F organisations

- (1) A category B1 or B2 licence holder commits an offence if:

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- (a) the holder performs maintenance certification on behalf of a Subpart 42.F organisation; and
- (b) the maintenance certification is for maintenance that was carried out on an aircraft of a particular type rated aircraft type; and
- (c) at the time of performing the maintenance certification:
 - (i) the holder's licence is not endorsed with the rating for the aircraft type; or
 - (ii) the holder does not have a certification authorisation from the organisation in relation to the aircraft type.

Penalty: 50 penalty units.

- (2) An offence against this regulation is an offence of strict liability.

66.167 Offence—maintenance certification other than on behalf of approved maintenance organisations

- (1) A category B1 or B2 licence holder commits an offence if:
 - (a) the holder performs maintenance certification other than on behalf of an approved maintenance organisation; and
 - (b) the maintenance certification is for maintenance that was carried out on an aircraft of a particular type rated aircraft type; and
 - (c) at the time of performing the maintenance certification, the holder does not meet the requirements mentioned in subregulation (2).

Penalty: 50 penalty units.

- (2) For paragraph (1)(c), the requirements are that:
 - (a) the holder's licence is endorsed with the rating for the aircraft type; and
 - (b) the maintenance is not carried out on an aircraft system or a subset of an aircraft system that is:
 - (i) excluded from the licence under regulation 66.026; or
 - (ii) excluded from the rating under regulation 66.095.
- (3) An offence against this regulation is an offence of strict liability.

66.168 Offence—certificate of release to service issued on behalf of Part 145 organisations

- (1) A category B1 or B2 licence holder commits an offence if:
 - (a) the holder issues a certificate of release to service on behalf of a Part 145 organisation for an aircraft of a particular type rated aircraft type in relation to maintenance carried out on the aircraft; and
 - (b) subregulation (2) does not apply.
- Penalty: 50 penalty units.
- (2) For paragraph (1)(b), this subregulation applies if, at the time of issuing the certificate of release to service:
 - (a) the holder's licence is endorsed with a rating for the aircraft type; or
 - (b) the holder has a certification authorisation from the organisation in relation to the aircraft type, granted in accordance with paragraph 145.A.37(b) or (c) of the Part 145 Manual of Standards.
 - (3) An offence against this regulation is an offence of strict liability.

66.168A Offence—certificate of release to service issued on behalf of Subpart 42.F organisation

- (1) A category B1 or B2 licence holder commits an offence if:
 - (a) the holder issues a certificate of release to service on behalf of a Subpart 42.F organisation for an aircraft of a particular type rated aircraft type in relation to maintenance carried out on the aircraft; and
 - (b) at the time of issuing the certificate of release to service:
 - (i) the holder's licence is not endorsed with the rating for the aircraft type; or
 - (ii) the holder does not have a certification authorisation from the organisation in relation to the aircraft type.
- Penalty: 50 penalty units.
- (2) An offence against this regulation is an offence of strict liability.

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66.169 Offence—certificate of release to service issued other than on behalf of approved maintenance organisation

- (1) A category B1 or B2 licence holder commits an offence if:
 - (a) the holder issues a certificate of release to service, other than on behalf of an approved maintenance organisation, for an aircraft of a particular type rated aircraft type in relation to maintenance carried out on the aircraft; and
 - (b) at the time of issuing the certificate of release to service, the holder's licence is not endorsed with the rating for the aircraft type.

Penalty: 50 penalty units.

- (2) An offence against this regulation is an offence of strict liability.

Division 66.E.4—Offences that apply to category C licence holders

66.170 Certificate of release to service offences

- (1) A category C licence holder commits an offence if he or she issues a certificate of release to service for an aircraft in relation to maintenance carried out on the aircraft other than on behalf of a Part 145 organisation.

Penalty: 50 penalty units.

- (2) A category C licence holder commits an offence if:
- (a) he or she issues a certificate of release to service on behalf of a Part 145 organisation for an aircraft in relation to maintenance carried out on the aircraft; and
 - (b) the maintenance was not base maintenance.

Penalty: 50 penalty units.

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

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Subpart 66.F—Administration

66.175 CASA may ask licensed aircraft maintenance engineers for information

- (1) CASA may ask a licensed aircraft maintenance engineer to give CASA information specified in the request about himself or herself, his or her aircraft engineer licence and any ratings endorsed on the licence.
- (2) A request under subregulation (1) must:
 - (a) be in writing; and
 - (b) specify the date by which the licensed aircraft maintenance engineer must give CASA the information; and
 - (c) include a statement of the effect of regulation 66.180.
- (3) If a licensed aircraft maintenance engineer gives CASA information in accordance with a request under subregulation (1), CASA must, within 28 days after receiving the information, give the licensed aircraft maintenance engineer written notice in accordance with subregulation (4).
- (4) The notice must include a statement to the effect that CASA has confirmed the information or updated its records about the licensed aircraft maintenance engineer, the aircraft engineer licence and any ratings endorsed on the licence.

66.180 Suspension of licence for failure to provide information

If a licensed aircraft maintenance engineer does not comply with a request under subregulation 66.175 (1) by the date specified in the request, his or her aircraft engineer licence is suspended on the day after the date specified in the request.

66.185 CASA must revoke suspension of licence if information provided

- (1) This regulation applies if:

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- (a) an aircraft engineer licence is suspended by regulation 66.180; and
 - (b) on or after the day that the licence is suspended, the holder of the licence gives CASA information in accordance with the request under subregulation 66.175 (1).
- (2) CASA must, by notice in writing to the holder, revoke the suspension of the licence.
- (3) The notice must include the date on which the revocation takes effect.

Part 67—Medical

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- 67.080 DAOs — conditions
- 67.085 Certificate of appointment
- 67.090 Release of information about performance of DAMEs or DAOs
- 67.095 DAMEs and DAOs — cancellation or surrender of appointment
- 67.100 DAMEs and DAOs — automatic suspension and cancellation after criminal conviction
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Subpart 67.A—General

67.005 Applicability

This Part:

- (a) provides for the appointment of appropriately qualified persons as DAMEs or DAOs and for the cancellation of such appointments; and
- (b) sets out procedures under which CASA may make declarations that particular persons, or persons who hold or perform the duties of certain positions or offices, are to be taken to be DAMEs or DAOs; and
- (c) sets out the medical standards for the issue of medical certificates; and
- (d) provides for the issue and administrative control of medical certificates.

67.010 Definitions for this Part

- (1) In this Part:

clinical psychologist means a person who:

- (a) is registered or licensed as a clinical psychologist under a law of a State or Territory of Australia; or
- (b) in the case of a psychologist practising as a clinical psychologist in a country other than Australia—has other qualifications in clinical psychology acceptable to CASA.

Designated Aviation Medical Examiner's Handbook means the document called 'Designated Aviation Medical Examiner's Handbook' published by CASA, as in force from time to time.

Note: The Designated Aviation Medical Examiner's Handbook is available from CASA's website at:
<http://www.casa.gov.au/manuals/htm/dame/dame.htm>.

Human Services Department means the Department administered by the Minister administering the *Human Services (Medicare) Act 1973*.

medically significant condition includes:

- (a) any of the following (no matter how minor):
 - (i) any illness or injury;
 - (ii) any bodily infirmity, defect or incapacity;
 - (iii) any mental infirmity, defect or incapacity;
 - (iv) any sequela of an illness, injury, infirmity, defect or incapacity mentioned in subparagraph (i), (ii) or (iii);
and
- (b) any abnormal psychological state; and
- (c) drug addiction and drug dependence; and
- (d) for a woman—pregnancy and the physiological and psychological consequences of pregnancy or of termination of pregnancy.

medical practitioner means a person entitled to practise as a medical practitioner under a law of a State or Territory or under a law of a Contracting State.

medical standard 1 means the standard set out in table 67.150.

medical standard 2 means the standard set out in table 67.155.

medical standard 3 means the standard set out in table 67.160.

relevant examination means an examination or test of, or in relation to, a person for the purpose of finding out whether the person meets the relevant medical standard for the issue to him or her of a medical certificate.

relevant medical standard means:

- (a) for a class 1 medical certificate—medical standard 1; and
- (b) for a class 2 medical certificate—medical standard 2; and
- (c) for a class 3 medical certificate—medical standard 3.

specialist medical practitioner means a medical practitioner who has:

- (a) postgraduate qualifications in a recognised medical specialty entitling him or her to be recognised as a specialist medical practitioner by the Human Services Department or by the

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public hospital service or public health service of a State or Territory of Australia; or

- (b) in the case of a medical practitioner practising in a country other than Australia—other postgraduate qualifications in the specialty acceptable to CASA.

specialist psychiatrist means a medical practitioner who has:

- (a) postgraduate qualifications in psychiatry entitling him or her to be recognised as a specialist psychiatrist by the Human Services Department or by the public hospital service or public health service of a State or Territory of Australia; or
 - (b) in the case of a psychiatrist practising in a country other than Australia—other postgraduate qualifications in psychiatry acceptable to CASA.
- (2) In this Part, a mention of a medically significant condition (other than pregnancy, a consequence of pregnancy or the termination of a pregnancy) includes both such a condition that is congenital and one that is the result of injury or illness.

67.015 Meaning of *safety-relevant*

For the purposes of this Part, a medically significant condition is ***safety-relevant*** if it reduces, or is likely to reduce, the ability of someone who has it to exercise a privilege conferred or to be conferred, or perform a duty imposed or to be imposed, by a licence that he or she holds or has applied for.

67.020 Extended meaning of *convicted of an offence*

- (1) In this Part, ***convicted of an offence*** has, in addition to its ordinary meaning, the meaning set out in subregulation (2).
- (2) For this Part, a person is taken to have been ***convicted of an offence*** if:
 - (a) he or she is found guilty of the offence but is discharged without a conviction being recorded; or
 - (b) with his or her consent, the offence is taken into account in sentencing him or her for another offence.

Subpart 67.B—Designated aviation medical examiners and designated aviation ophthalmologists

67.025 Application for appointment as DAME or DAO

- (1) A medical practitioner may apply to CASA for appointment as a DAME or DAO for the purposes of this Part.

Note 1: An application must be in the approved form, include all the information required by these Regulations and be accompanied by every document required by these Regulations—see regulation 11.030.

Note 2: Part 11 deals with applications and decision making.

- (2) An application must be in writing and must be accompanied by copies of the following documents:
- (a) the certificate of the applicant's registration as a medical practitioner in the State or Territory of Australia, or the Contracting State, in which he or she proposes to function as a DAME or DAO;
 - (b) if the applicant is applying for appointment as a DAME—either:
 - (i) a certificate as to his or her successful completion of a course in aviation medicine approved by CASA; or
 - (ii) documents that are evidence of his or her demonstrated competence in aviation medicine;
 - (c) if the applicant is applying for appointment as a DAO—documents that are evidence that:
 - (i) he or she is a Fellow of the Royal Australian College of Ophthalmologists or has postgraduate qualifications in ophthalmology entitling him or her to be recognised as an ophthalmologist by the Human Services Department or by the public hospital service or public health service of a State or Territory of Australia; or

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- (ii) if the applicant is practising in a country other than Australia—he or she has postgraduate qualifications in ophthalmology that are acceptable to CASA.

Note: The documents ‘Conditions of Appointment for DAMEs’ and ‘Conditions of Appointment for DAOs’ (part of the application form for an appointment as a DAME or DAO) are available from CASA’s website at:

<http://www.casa.gov.au/manuals/regulate/dame/form755.pdf>.

67.030 More information for application

- (2) If CASA gives a notice under regulation 11.040 to an applicant for appointment as a DAME or DAO, the notice must include a statement to the effect that the application will be taken to be withdrawn if the information or document is not given to CASA within 1 month or any further time allowed by CASA under paragraph (3)(b).
- (3) The applicant must give to CASA the information or document:
 - (a) within 1 month after the date of the notice; or
 - (b) if the applicant asks CASA for an extension of time before the end of the month and CASA extends the time within which the applicant must give the information—before the end of the extended period.
- (4) If the applicant does not comply with subregulation (3), the application is taken to be withdrawn by the applicant.
- (5) If an applicant for appointment as a DAME or DAO is designated in a Contracting State as a medical examiner for subclause 1.2.2.4 of Annex 1, *Personnel Licensing*, to the Chicago Convention, CASA need not consider the application unless the applicant authorises the authority of the Contracting State that designated the applicant under that subclause to disclose to CASA information about the applicant’s performance and competence as a medical examiner.

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67.035 Continuation of appointment until application decided

- (1) This regulation applies in relation to an appointment of a DAME or DAO that is granted by CASA for a specified period (the *old appointment*) if:
 - (a) at least 1 month before the time when the old appointment would, but for this regulation cease, its holder applies to CASA under this Subpart for a new appointment that authorises the holder to exercise the same powers or perform the same functions as the old appointment; and
 - (b) at the time when the old appointment would, but for this regulation cease, CASA has not made a decision on the application.
- (2) Despite anything else in these Regulations, but subject to subregulations (3) and (4), the old appointment continues in force until CASA makes a decision on the application.
- (3) If CASA asks for information or a document under regulation 11.040 and the holder does not provide the information or document within the period mentioned in paragraph 67.030 (3)(a) or any further period allowed by CASA under paragraph 67.030 (3)(b), the old appointment is taken to cease at the end of that period.
- (4) If subregulation 67.030 (5) applies to the holder and the holder has not authorised the authority of the Contracting State concerned to disclose to CASA information about the holder's performance and competence as a medical examiner within 1 month after the date of the application, the old appointment is taken to cease at the end of that period.

67.040 When decision must be made

- (1) Subject to this regulation, if CASA does not make a decision about an application for appointment as a DAME or DAO within 3 months after receiving it, CASA is taken to have refused the application.
- (2) If CASA asks for information or a document under regulation 11.040, the time between when CASA asks for the

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information or document, and when the applicant gives CASA the information or document, does not count towards the period.

- (3) If subregulation 67.030 (5) applies to the applicant, any time between when the applicant submits the application to CASA and when the applicant authorises the authority of the Contracting State concerned to disclose to CASA information about the applicant's performance and competence as a medical examiner, does not count towards the period.

67.045 Appointment of DAMEs

- (1) Subject to regulation 11.055, if a medical practitioner has applied for appointment as a DAME in accordance with this Subpart, CASA must appoint the practitioner as a DAME if:
- (a) the practitioner is registered in the State or Territory of Australia, or registered or licensed in the Contracting State, in which he or she proposes to function as a DAME; and
 - (b) either he or she:
 - (i) has received training acceptable to CASA in aviation medicine; or
 - (ii) has demonstrated competence in aviation medicine.

Note 1: The courses of training generally acceptable are set out in the *Designated Aviation Medical Examiner's Handbook*, available from CASA's website at <http://www.casa.gov.au>.

Note 2: Under regulation 201.004, an application may be made to the Administrative Appeals Tribunal for review of:

- (a) a decision refusing to appoint, or cancelling, suspending or varying, the appointment of, a person as a DAME; or
- (b) a decision imposing a condition on an appointment.

67.055 DAMEs—declaration about holders of position

- (1) CASA may declare, in writing, that the person holding or occupying a particular office or position from time to time, or performing the duties of a particular office or position from time to time, is, subject to subregulation (3), taken to be a DAME.

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- (2) CASA may also declare, in writing, that a medical practitioner specified in the declaration is, for the purposes of doing a particular act or thing specified in the declaration, taken to be a DAME.
- (3) A declaration under subregulation (1) has no effect in relation to a person occupying or performing the duties of an office or position if the person is not a medical practitioner.
- (4) Subject to subregulation (5), a declaration under subregulation (1) remains in force:
 - (a) unless it is revoked; or
 - (b) if a period (which must not be less than 4 weeks) is specified in the declaration—until the end of that period unless it is sooner revoked.
- (5) A declaration under subregulation (1) is not in force while it is suspended.

67.060 DAMEs—conditions

- (1) The appointment of a DAME is subject to the following conditions:
 - (a) that he or she complies with any requirement of the Designated Aviation Medical Examiner's Handbook that is applicable to him or her;
 - (b) that he or she observes the Code of Ethics of the Australian Medical Association, as that Code is in effect from time to time;
 - (c) that he or she undertakes continuing training in aviation medicine according to a course or system specified, or referred to, on the CASA website or otherwise approved by CASA;
 - (d) that, if he or she is convicted of an offence punishable by imprisonment for 12 months or longer (whether or not such a sentence is actually imposed), he or she tells CASA of the conviction in writing as soon as practicable.

Note: For the extended meaning of *convicted of an offence*, see regulation 67.020.

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- (2) A declaration under subregulation 67.055 (1) is subject to the conditions that a person occupying, or performing the duties of, the office or position to which the declaration relates:
 - (a) observes, while he or she is acting as a DAME, the Code of Ethics of the Australian Medical Association, as that Code is in effect from time to time; and
 - (b) if he or she is convicted of an offence punishable by imprisonment for 12 months or longer (whether or not such a sentence is actually imposed), tells CASA of the conviction in writing as soon as practicable.
- (3) A declaration under subregulation 67.055 (2) is subject to the condition that the person specified in the declaration observes, while he or she is acting as a DAME, the Code of Ethics of the Australian Medical Association, as that Code is in effect from time to time.

67.065 Appointment of DAOs

- (1) Subject to regulation 11.055, if a medical practitioner has applied for appointment as a DAO in accordance with this Subpart, CASA must appoint the practitioner as a DAO if the practitioner has the qualifications mentioned in subregulation (4).

Note: Under regulation 201.004, an application may be made to the Administrative Appeals Tribunal for review of:

- (a) a decision refusing to appoint, or cancelling, suspending or varying, the appointment of, a person as a DAO; or
 - (b) a decision imposing a condition on an appointment.
- (4) The qualifications are:
 - (a) in the case of a practitioner who is an ophthalmologist practising in Australia—being a Fellow of the Royal Australian College of Ophthalmologists or otherwise having postgraduate qualifications in ophthalmology entitling him or her to be recognised as an ophthalmologist by the Human Services Department or by the public hospital service or public health service of a State or Territory of Australia; and
 - (b) in the case of a practitioner who is an ophthalmologist practising in a country other than Australia—having

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postgraduate qualifications in ophthalmology that are acceptable to CASA.

67.075 DAOs—declaration about holders of position

- (1) CASA may declare, in writing, that the person holding or occupying a particular office or position from time to time, or performing the duties of a particular office or position from time to time, is, subject to subregulation (3), taken to be a DAO.
- (2) CASA may also declare, in writing, that a qualified person specified in the declaration is, for the purposes of doing a particular act or thing specified in the declaration, taken to be a DAO.
- (3) A declaration under subregulation (1) has no effect in relation to a person occupying, or performing the duties of, an office or position if:
 - (a) the person is not a Fellow of the Royal Australian College of Ophthalmologists, or does not have postgraduate qualifications in ophthalmology entitling him or her to be recognised as an ophthalmologist by the Human Services Department or by the public hospital service or public health service of a State or Territory of Australia; or
 - (b) in the case of an ophthalmologist practising in a country other than Australia—the person does not have postgraduate qualifications in ophthalmology that are acceptable to CASA.
- (4) Subject to subregulation (5), a declaration under subregulation (1) remains in force:
 - (a) unless it is revoked; or
 - (b) if a period (which must not be less than 4 weeks) is specified in the declaration—until the end of that period unless it is sooner revoked.
- (5) A declaration under subregulation (1) is not in force while it is suspended.
- (6) In this regulation:

Regulation 67.080

qualified person means a person who is a medical practitioner having the qualifications referred to in paragraph 67.065 (4)(a) or (b).

67.080 DAOs—conditions

- (1) The appointment of a DAO is subject to the following conditions:
 - (a) that he or she observes the Code of Ethics of the Australian Medical Association, as that Code is in effect from time to time;
 - (b) that he or she undertakes continuing training in ophthalmology according to courses or systems acceptable to CASA;
 - (c) that, if he or she is convicted of an offence punishable by imprisonment for 12 months or longer (whether or not such a sentence is actually imposed), he or she tells CASA of the conviction in writing as soon as practicable.

Note: For the extended meaning of **convicted of an offence**, see regulation 67.020.

- (2) A DAO who is a Fellow of the Royal Australian College of Ophthalmologists, and undertakes continuing education in ophthalmology according to the requirements of the College, is taken to satisfy the requirement in paragraph (1)(b) as to continuing training in ophthalmology.
- (3) A declaration under subregulation 67.075 (1) is subject to the conditions that a person occupying, or performing the duties of, the office or position to which the declaration relates:
 - (a) observes, while he or she is acting as a DAO, the Code of Ethics of the Australian Medical Association, as that Code is in effect from time to time; and
 - (b) if he or she is convicted of an offence punishable by imprisonment for 12 months or longer (whether or not such a sentence is actually imposed), tells CASA of the conviction in writing as soon as practicable.

Note: For the extended meaning of **convicted of an offence**, see regulation 67.020.

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- (4) A declaration under subregulation 67.075 (2) is subject to the condition that the person specified in the declaration observes, while he or she is acting as a DAO, the Code of Ethics of the Australian Medical Association, as that Code is in effect from time to time.

67.090 Release of information about performance of DAMEs or DAOs

- (1) CASA may disclose, to an authority referred to in subregulation (3), information about the performance and competence as a medical examiner of a person who:
- (a) is a DAME or a DAO; or
 - (b) is performing or has performed the duties of a position referred to in a declaration under subregulation 67.055 (1) or 67.075 (1).
- (2) Despite subregulation (1), CASA may only disclose to the authority the information if CASA has taken all reasonable steps to ensure that that authority has given appropriate undertakings:
- (a) for protecting the confidentiality of the information; and
 - (b) for ensuring that it is used only for the purpose of assessing the performance and competence of the person as a medical examiner.
- (3) The authority is the authority of a Contracting State that designates medical examiners for that State for subclause 1.2.2.4 of Annex 1, *Personnel Licensing*, to the Chicago Convention, being an authority:
- (a) that has designated the person for that subclause; or
 - (b) to which the person has applied to be so designated.

Note: Medical practitioners who apply to CASA for appointment as DAMEs or DAOs and persons occupying, or performing the duties of, an office or position to which a declaration under subregulation 67.055 (1) or 67.075 (1) relates are notified by CASA about the effect of regulation 67.090.

Regulation 67.095

67.095 DAMEs and DAOs—cancellation or surrender of appointment

- (1) CASA may cancel a person's appointment as a DAME or DAO if there are reasonable grounds for believing that the person:
 - (a) has contravened a condition to which his or her appointment is subject; or
 - (b) has contravened regulation 67.125 or subregulation 67.170 (1); or
 - (c) does not meet, or does not continue to meet, a requirement of, or imposed under, this Subpart for getting or holding the appointment.
- (2) Before cancelling the appointment of a person as a DAME or DAO under subregulation (1), CASA:
 - (a) must give to the person a show cause notice that:
 - (i) sets out the matters that might constitute grounds for cancellation; and
 - (ii) invites the person, within a reasonable time stated in the notice, to make representations explaining why his or her appointment should not be cancelled; and
 - (b) must take into account any written representations that the person makes within the period stated in the notice.
- (3) If CASA cancels the appointment of a person as a DAME or DAO under subregulation (1), CASA must give the person written notice of the cancellation, setting out the grounds for the cancellation.

Note: A decision by CASA to cancel a DAME's or DAO's appointment is reviewable by the Administrative Appeals Tribunal—see regulation 67.141.

67.100 DAMEs and DAOs—automatic suspension and cancellation after criminal conviction

- (1) This regulation applies to a person appointed as a DAME or DAO who is convicted of an offence punishable by imprisonment for 12 months or longer (whether or not such a sentence is actually imposed).

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- Note 1: For the extended meaning of *convicted of an offence*, see regulation 67.020.
- Note 2: This regulation operates subject to the provisions of Part VIIC of the *Crimes Act 1914*.
- (2) The person's appointment is taken to be suspended at the time of the conviction.
- (3) The person's appointment is taken to be cancelled:
- (a) if he or she appeals against the conviction and the appeal is dismissed—at the time the appeal is dismissed; or
 - (b) if he or she does not appeal against the conviction—on the last day for lodging such an appeal.

67.105 DAMEs—automatic cancellation on ceasing to be medical practitioner

- (1) Subject to subregulation (2), this regulation applies to a person appointed as a DAME who ceases to be a medical practitioner.
- (2) This regulation does not apply to a person who is registered or licensed as a medical practitioner in a country other than Australia, and registered as a medical practitioner in a State or Territory of Australia, if he or she ceases to be registered or licensed as a medical practitioner in the other country.
- (3) The person's appointment is taken to be cancelled at the time he or she ceases to be registered or licensed as a medical practitioner.

67.110 DAOs—automatic cancellation on ceasing to be medical practitioner or ophthalmologist

- (1) Subject to subregulation (2), this regulation applies to a person appointed as a DAO who ceases to be a medical practitioner or specialist ophthalmologist.
- (2) This regulation does not apply to a person who is registered or licensed as a medical practitioner in a country other than Australia and registered as a medical practitioner in a State or Territory of Australia if he or she ceases to be registered or licensed as a medical practitioner in the other country.

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- (3) The person's appointment is taken to be cancelled:
 - (a) at the time he or she ceases to be a specialist ophthalmologist; or
 - (b) if he or she ceases to be registered or licensed as a medical practitioner—at the time he or she so ceases.

67.120 Revocation of declarations

- (1) CASA may revoke a declaration made under subregulation 67.055 (1) or 67.075 (2) in respect of a particular office or position by written notice to the body or organisation of which the office or position forms part if there are reasonable grounds for believing that:
 - (a) a fact or circumstance exists that, had it existed and been known to CASA at the time the declaration was made, is likely to have resulted in the declaration not being made; or
 - (b) continuing the particular office or position to be declared would be likely to have an adverse effect on the safety of air navigation.
- (2) Before revoking a declaration made under subregulation 67.055 (1) or 67.075 (2) in respect of a particular office or position, CASA must give to the body or organisation of which the office forms part:
 - (a) written notice of the matters that might constitute grounds for the revocation of the declaration; and
 - (b) a reasonable opportunity to make representations explaining why the declaration should not be revoked.
- (3) Despite anything else in this Part, CASA must revoke a declaration made under subregulation 67.055 (1) or 67.075 (1) if the organisation or body of which the office or position specified in it forms part asks CASA in writing to revoke the declaration.

67.125 Obligation to report

If the holder of a medical certificate tells a DAME or DAO about a medical condition that is safety-relevant, the DAME or DAO must inform CASA of the condition within 5 working days.

Regulation 67.130

67.130 Surrender of certificate of appointment

- (1) CASA may require, by written notice, a DAME or DAO to surrender any certificate or replacement certificate issued to the person under regulation 11.060 within a reasonable time specified in the notice.

- (2) The DAME or DAO must comply with the requirement.

Penalty: 5 penalty units.

- (3) A person who fails to comply with subregulation (2) is guilty of an offence in respect of each day during which the person refuses or fails to comply with the requirement, including the day of any conviction for such an offence.

- (4) A person must not destroy, mutilate or deface a certificate that he or she is required to surrender to CASA under subregulation (1) with intent to evade the obligation to comply with the requirement.

Penalty: 10 penalty units.

67.140 Indemnification of medical reporting

- (1) In this regulation:

indemnified act means any of the following acts:

- (a) advising CASA that a person does not meet a relevant medical standard;
- (b) expressing to CASA, whether in writing or otherwise, an opinion that a person whom the practitioner has examined or treated may not be competent or medically fit to undertake a duty or exercise a privilege under a licence that the person holds or has applied for, because of:
 - (i) illness or bodily or mental infirmity, defect or incapacity suffered by the person; or
 - (ii) the effect on the person of treatment for any illness, infirmity, defect or incapacity;
- (c) stating to CASA, whether in writing or otherwise:

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- (i) the nature of a person's illness, infirmity, defect or incapacity; or
 - (ii) the effect on a person of treatment for any illness, infirmity, defect or incapacity.
- (2) A DAME or DAO is not subject to any civil or criminal liability for doing an indemnified act in good faith in the course of carrying out his or her functions under this Part.
- (3) A person to whom, or an organisation to which, subregulation (4) applies is not subject to any civil or criminal liability for doing an indemnified act in good faith in the course of answering any question put to the person or organisation by CASA:
 - (a) that concerns a person who has applied for, or holds, a medical certificate; and
 - (b) that is relevant to any action CASA may take under this Part.
- (4) This subregulation applies to:
 - (a) a medical practitioner; and
 - (b) a specialist psychiatrist or clinical psychologist; and
 - (c) a person, organisation, body or authority referred to in paragraph 67.180 (6)(b), (c), (d) or (e) or 67.225 (6)(b), (c), (d) or (e); and
 - (d) a person, organisation, body or authority acting on behalf of a person, organisation, body or authority referred to in paragraph (c).

Subpart 67.C—Medical certificates

67.145 Kinds of medical certificate

There are 3 classes of medical certificate, as follows:

- (a) class 1 medical certificate;
- (b) class 2 medical certificate;
- (c) class 3 medical certificate.

67.150 Who meets medical standard 1

- (1) Subject to subregulations (2) to (7), a person who satisfies the criteria in table 67.150 meets medical standard 1.
- (2) A person may use contact lenses to meet the criterion in item 1.35 of table 67.150 if the lenses are monofocal and not tinted, and are well tolerated.
- (3) A person whose visual acuity in either eye is worse than 6/60 must provide a full ophthalmic report to CASA.
- (4) A person who has undergone surgery affecting the refractive status of either eye is taken not to meet the criterion in item 1.35 of table 67.150 until he or she is free of safety-relevant sequelae of the surgery.
- (5) A person who requires both near correction and distant correction to meet the criteria in items 1.35 and 1.36 of table 67.150 must demonstrate that 1 pair of spectacles is sufficient to meet both requirements for correction.
- (6) A person must demonstrate that he or she meets the criterion in item 1.39 of table 67.150 by:
 - (a) in daylight, or artificial light of similar luminosity, readily identifying a series of pseudo-isochromatic plates of the Ishihara 24-plate type, making no more than 2 errors; or
 - (b) for somebody who makes more than 2 errors in a test mentioned in paragraph (a), readily identifying aviation

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coloured lights displayed by means of a Farnsworth colour-perception lantern, making:

- (i) no errors on 1 run of 9 pairs of lights; or
 - (ii) no more than 2 errors on a sequence of 2 runs of 9 pairs of lights; or
 - (c) for somebody who does not satisfy paragraph (a) or (b), correctly identifying all relevant coloured lights in a test, determined by CASA, that simulates an operational situation.
- (7) If a change is made to a criterion in an item of table 67.150, a person who held a class 1 medical certificate and satisfied the criterion immediately before the change, but fails to satisfy the criterion as changed, is taken to satisfy the criterion for 2 years after the day when the change is made.

Note: Under Annex 1, *Personnel Licensing*, to the Chicago Convention, medical standard 1 applies to holders of, or applicants for, licences of the following kinds:

- commercial pilot licence (aeroplane or helicopter)
- airline transport pilot licence (aeroplane or helicopter)
- flight navigator
- flight engineer.

Table 67.150 Criteria for medical standard 1

Item	Criterion
<i>Abnormalities, disabilities and functional capacity</i>	
1.1	Has no safety-relevant condition of any of the following kinds that produces any degree of functional incapacity or a risk of incapacitation: (a) an abnormality; (b) a disability or disease (active or latent); (c) an injury; (d) a sequela of an accident or a surgical operation
1.2	Has no physical conditions or limitations that are safety-relevant
1.3	Is not using any over-the-counter or prescribed medication or drug (including medication or a drug used to treat a disease or medical disorder) that causes the person to experience any side effects likely to affect the person to an extent that is safety-relevant

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Item	Criterion
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Mental fitness

- | | |
|-------|--|
| 1.4 | Has no established medical history or clinical diagnosis of any of the following conditions, to an extent that is safety-relevant:
(a) psychosis;
(b) significant personality disorder;
(c) significant mental abnormality or neurosis |
| 1.5 | Does not engage in any problematic use of substances (within the meaning given by section 1.1 of Annex 1, <i>Personnel Licensing</i> , to the Chicago Convention) |
| 1.6 | If there is any personal history of problematic use of a substance (within the meaning given by section 1.1 of Annex 1, <i>Personnel Licensing</i> , to the Chicago Convention):
(a) the person's abstinence from problematic use of the substance is certified by an appropriate specialist medical practitioner; and
(b) the person is not suffering from any safety-relevant sequelae resulting from the person's use of the substance; and
(c) the person provides evidence that the person is undertaking, or has successfully completed, an appropriate course of therapy |
| Note: | In Annex 1, <i>Personnel Licensing</i> , to the Chicago Convention, 'Problematic use of substances' is defined as follows:

'The use of one or more psychoactive substances by aviation personnel in a way that:
a) constitutes a direct hazard to the user or endangers the lives, health or welfare of others; and/or
b) causes or worsens an occupational, social, mental or physical problem or disorder.'

'Psychoactive substances' is there defined as 'Alcohol, opioids, cannabinoids, sedatives and hypnotics, cocaine, other psychostimulants, hallucinogens, and volatile solvents, whereas coffee and tobacco are excluded.' |

Nervous system

- | | |
|-----|--|
| 1.7 | Has no established medical history or clinical diagnosis of:
(a) a safety-relevant disease of the nervous system; or
(b) epilepsy; or
(c) a disturbance of consciousness for which there is no satisfactory medical explanation and which may recur |
| 1.8 | Is not suffering from safety-relevant effects of a head injury or neurosurgical procedure |
-

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Item	Criterion
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Cardiovascular system

- | | |
|------|--|
| 1.9 | Has no safety-relevant heart abnormality |
| 1.10 | Systolic and diastolic blood pressures are within limits specified by CASA from time to time in the Designated Aviation Medical Examiner's Handbook (even if approved drugs are used to maintain the blood pressure within those limits) |
| 1.11 | Has no significant functional or structural abnormality of the circulatory tree |

Respiratory system

- | | |
|------|--|
| 1.12 | Is not suffering from a safety-relevant condition of the respiratory system |
| 1.13 | Has full and free respiratory function without the use of drugs (other than drugs approved by CASA for this item) that act on the respiratory organs |

Alimentary system and metabolic disorders

- | | |
|------|---|
| 1.14 | Is not suffering from any safety-relevant defect of the digestive system or its adnexae, nor from any safety-relevant effect of disease or trauma of, or an operation on, the digestive system or its adnexae |
| 1.15 | Is not suffering from any safety-relevant metabolic, nutritional or endocrine disorders |
| 1.16 | If suffering from diabetes mellitus—the diabetes is satisfactorily controlled without the use of any anti-diabetic drug |

Reticulo-endothelial system

- | | |
|------|--|
| 1.17 | Is not suffering from an enlargement of the spleen that causes a significant displacement below the costal margin |
| 1.18 | Is not suffering from a safety-relevant condition of any of the following kinds:
(a) localised or generalised enlargement of the lymphatic nodes;
(b) a disease of the blood;
(c) an immune deficiency disorder |

Genito-urinary system

- | | |
|------|---|
| 1.19 | Is not suffering from any safety-relevant disease of the genito-urinary system |
| 1.20 | Has no safety-relevant sequelae of disease or surgical procedures on the kidneys or urinary tract |
| 1.21 | Kidneys and urinary tract are free of significant obstructions |
| 1.22 | If there is any personal history of syphilis—provides evidence that adequate treatment has been completed and that there are no safety-relevant sequelae of the infection |
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Regulation 67.150

Item	Criterion
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Gynaecological and obstetrical

- | | |
|-------|--|
| 1.23 | Does not suffer from safety-relevant menstrual disturbances |
| 1.24 | If pregnant—the pregnancy is not likely to interfere with the safe exercise of privileges, or performance of duties, under the licence held or applied for |
| Note: | See regulation 67.235 regarding the periods during which a pregnant woman must not exercise the privileges of a licence. |

Skeletal system

- | | |
|------|--|
| 1.25 | Is not suffering from safety-relevant active disease of the bones, joints, muscles or tendons |
| 1.26 | Is not suffering from safety-relevant functional sequelae of medically significant conditions of the bones, joints, muscles or tendons |

Ear, nose and throat

- | | |
|------|--|
| 1.27 | Is not suffering from:
(a) active pathological processes of the internal ear or of the middle ear; or
(b) permanent obstructions of the Eustachian tubes; or
(c) permanent disturbances of the vestibular apparatus |
| 1.28 | Has no safety-relevant condition of the buccal cavity or the upper respiratory tract |

Hearing requirements

- | | |
|------|---|
| 1.29 | Is not suffering from any safety-relevant hearing defect |
| 1.30 | If suffering from a hearing loss (measured in a quiet room using a properly calibrated, compensated audiometer) in either ear of more than:
(a) 35 dB at any of the frequencies of 500 Hz, 1 000 Hz or 2 000 Hz; or
(b) 50 dB at 3 000 Hz—
passes a speech discrimination test, or an operational check, carried out by an approved person in an aircraft of similar ambient noise level to that in which the person being tested is or will be operationally involved |

Visual requirements

- | | |
|------|---|
| 1.31 | Eyes and their adnexae function normally |
| 1.32 | Is not suffering from any safety-relevant pathological condition (either acute or chronic), nor any sequelae of surgery or trauma |
| 1.33 | Has normal fields of vision |
| 1.34 | Has normal binocular vision |
-

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Item	Criterion
1.35	Has a distant visual acuity of 6/9 or better in each eye separately and 6/6 or better binocular (with or without correcting lenses)
1.36	Can read (with or without correcting lenses) an N5 chart (or its equivalent) binocularly at a distance that he or she selects (in the range of 30 to 50 centimetres), and can read an N14 chart binocularly (with or without correcting lenses) at a distance of 1 metre Note: A person who needs correcting lenses to meet this criterion must have the appropriate lenses available while carrying out duties under a relevant licence—see regulation 67.200.
1.37	Has a near point of accommodation no further away than 30 centimetres (with or without correcting lenses)
1.38	If using contact lenses to meet the visual standards set out in items 1.31 to 1.37: (a) is able to wear those lenses for twice the projected length of flight time or duty time for the person without deterioration in visual acuity or discomfort; and (b) if the lenses are of the hard or gas-permeable variety, demonstrates the ability, immediately after removing the lenses, to read at least 6/9 with spectacles binocularly
<i>Colour perception</i>	
1.39	Can readily distinguish the colours that need to be distinguished for the safe exercise of privileges, or performance of duties, under the relevant licence Note: For how to demonstrate this, see subregulation 67.150 (6).

67.155 Who meets medical standard 2

- (1) Subject to subregulations (2) to (7), a person who satisfies the criteria in table 67.155 meets medical standard 2.
 - (2) A person may use contact lenses to meet the criterion in item 2.35 of table 67.155 if the lenses are monofocal and not tinted, and are well tolerated.
 - (3) A person whose visual acuity in either eye is worse than 6/60 must provide a full ophthalmic report to CASA.
 - (4) A person who has undergone surgery affecting the refractive status of either eye is taken not to meet the criterion in item 2.35 of table
-

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67.155 until he or she is free of safety-relevant sequelae of the surgery.

- (5) A person who requires both near correction and distant correction to meet the criteria in items 2.35 and 2.36 of table 67.155 must demonstrate that 1 pair of spectacles is sufficient to meet both requirements for correction.
- (6) A person must demonstrate that he or she meets the criterion in item 2.39 of table 67.155 by:
 - (a) in daylight, or artificial light of similar luminosity, readily identifying a series of pseudo-isochromatic plates of the Ishihara 24-plate type, making no more than 2 errors; or
 - (b) for somebody who makes more than 2 errors in a test mentioned in paragraph (a), readily identifying aviation coloured lights displayed by means of a Farnsworth colour-perception lantern, making:
 - (i) no errors on 1 run of 9 pairs of lights; or
 - (ii) no more than 2 errors on a sequence of 2 runs of 9 pairs of lights; or
 - (c) for somebody who does not satisfy paragraph (a) or (b), correctly identifying all relevant coloured lights in a test, determined by CASA, that simulates an operational situation.
- (7) If a change is made to a criterion in an item of table 67.155, a person who held a class 2 medical certificate and satisfied the criterion immediately before the change, but fails to satisfy the criterion as changed, is taken to satisfy the criterion for 2 years after the day when the change is made.

Note: Under Annex 1, *Personnel Licensing*, to the Chicago Convention, medical standard 2 applies to holders of, or applicants for, licences of the following kinds:

- private pilot licences (aeroplane or helicopter)
- glider pilot licence
- free balloon pilot licence.

Table 67.155 Criteria for medical standard 2

Regulation 67.155

Item	Criterion
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Abnormalities, disabilities and functional capacity

- | | |
|-----|---|
| 2.1 | Has no safety-relevant condition of any of the following kinds that produces any degree of functional incapacity or a risk of incapacitation:
(a) an abnormality;
(b) a disability or disease (active or latent);
(c) an injury;
(d) a sequela of an accident or a surgical operation |
| 2.2 | Has no physical conditions or limitations that are safety-relevant |
| 2.3 | Is not using any over-the-counter or prescribed medication or drug (including medication or a drug used to treat a disease or medical disorder) that causes the person to experience any side effects likely to affect the person to an extent that is safety-relevant |

Mental fitness

- | | |
|-----|--|
| 2.4 | Has no established medical history or clinical diagnosis of any of the following conditions, to an extent that is safety-relevant:
(a) psychosis;
(b) significant personality disorder;
(c) significant mental abnormality or neurosis |
| 2.5 | Does not engage in any problematic use of substances (within the meaning given by section 1.1 of Annex 1, <i>Personnel Licensing</i> , to the Chicago Convention) |
| 2.6 | If there is any personal history of problematic use of a substance (within the meaning given by section 1.1 of Annex 1, <i>Personnel Licensing</i> , to the Chicago Convention):
(a) the person's abstinence from problematic use of the substance is certified by an appropriate specialist medical practitioner; and
(b) the person is not suffering from any safety-relevant sequelae resulting from the person's use of the substance; and |

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Item	Criterion
	(c) the person provides evidence that the person is undertaking, or has successfully completed, an appropriate course of therapy
Note:	In Annex 1, <i>Personnel Licensing</i>, to the Chicago Convention, 'Problematic use of substances' is defined as follows: 'The use of one or more psychoactive substances by aviation personnel in a way that: a) constitutes a direct hazard to the user or endangers the lives, health or welfare of others; and/or b) causes or worsens an occupational, social, mental or physical problem or disorder.' 'Psychoactive substances' is there defined as 'Alcohol, opioids, cannabinoids, sedatives and hypnotics, cocaine, other psychostimulants, hallucinogens, and volatile solvents, whereas coffee and tobacco are excluded.'
<i>Nervous system</i>	
2.7	Has no established medical history or clinical diagnosis of:
	(a) a safety-relevant disease of the nervous system; or
	(b) epilepsy; or
	(c) a disturbance of consciousness for which there is no satisfactory medical explanation and which may recur
2.8	Is not suffering from safety-relevant effects of a head injury or neurosurgical procedure
<i>Cardiovascular system</i>	
2.9	Has no safety-relevant heart abnormality
2.10	Systolic and diastolic blood pressures are within limits specified by CASA from time to time in the Designated Aviation Medical Examiner's Handbook (even if approved drugs are used to maintain the blood pressure within those limits)
2.11	Has no significant functional or structural abnormality of the circulatory tree
<i>Respiratory system</i>	
2.12	Is not suffering from a safety-relevant condition of the respiratory system
<i>Alimentary system and metabolic disorders</i>	
2.13	Is not suffering from a safety-relevant defect of the digestive system or its adnexae, nor from any safety-relevant effect of disease or trauma of, or an operation on, the digestive system or its adnexae
2.14	Is not suffering from safety-relevant metabolic, nutritional or endocrine disorders

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Item	Criterion
2.15	If suffering from diabetes mellitus: (a) the condition is satisfactorily controlled without the use of any anti-diabetic drug; or (b) if an oral anti-diabetic drug is used to control the condition: (i) the condition is under on-going medical supervision and control; and (ii) the oral drug is approved by CASA
<i>Reticulo-endothelial system</i>	
2.16	Is not suffering from an enlargement of the spleen that causes a significant displacement below the costal margin
2.17	Is not suffering from a safety-relevant condition of any of the following kinds: (a) localised or generalised enlargement of the lymphatic nodes; (b) a disease of the blood; (c) an immune deficiency disorder
<i>Genito-urinary system</i>	
2.18	Is not suffering from any safety relevant disease of the genitor-urinary system
2.19	Has no safety-relevant sequelae of disease or surgical procedures on the kidneys or urinary tract
2.20	Kidneys and urinary tract are free of significant obstructions
2.21	If there is any personal history of syphilis—provides evidence that adequate treatment has been completed and that there are no safety-relevant sequelae of the infection
<i>Gynaecological and obstetrical</i>	
2.22	Does not suffer from safety-relevant menstrual disturbances
2.23	If pregnant—the pregnancy is not likely to interfere with the safe exercise of privileges, or performance of duties, under the licence held or applied for
Note:	See regulation 67.235 regarding the periods during which a pregnant woman must not exercise the privileges of a licence.
<i>Skeletal system</i>	
2.24	Is not suffering from safety-relevant active disease of the bones, joints, muscles or tendons
2.25	Is not suffering from safety-relevant functional sequelae of medically significant conditions of the bones, joints, muscles or tendons
<i>Ear, nose and throat</i>	
2.26	Is not suffering from:

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Item	Criterion
	(a) active pathological processes of the internal ear or of the middle ear; or (b) permanent obstructions of the Eustachian tubes; or (c) permanent disturbances of the vestibular apparatus
2.27	Has no safety-relevant condition of the buccal cavity or the upper respiratory tract
<i>Hearing</i>	
2.28	Is not suffering from any safety-relevant hearing defect
2.29	With or without a hearing aid, is able to hear with both ears an average conversational voice in a quiet room while at a distance of 2 metres from the examiner, and looking away from the examiner
2.30	For somebody who fails to meet the standard in item 2.29, passes an operational check by an approved person in an aircraft having a similar ambient noise level to that in which the person is or will be operationally involved
<i>Visual requirements</i>	
2.31	Eyes and their adnexae function normally
2.32	Is not suffering from any safety-relevant pathological condition (either acute or chronic), nor any sequelae of surgery or trauma
2.33	Has normal fields of vision
2.34	Has normal binocular vision
2.35	Has a distant visual acuity of 6/12 or better in each eye separately and 6/9 or better binocular (with or without correcting lenses)
2.36	Can read (with or without correcting lenses) an N5 chart (or its equivalent) binocularly at a distance that he or she selects (in the range of 30 to 50 centimetres), and can read an N14 chart binocularly (with or without correcting lenses) at a distance of 1 metre
	Note: A person who needs correcting lenses to meet this criterion must have the appropriate lenses available while carrying out duties under a relevant licence—see regulation 67.200.
2.37	Has a near point of accommodation no further away than 30 centimetres (with or without correcting lenses)
2.38	If using contact lenses to meet the visual standards set out in items 2.31 to 2.37: (a) is able to wear those lenses for twice the projected length of flight time or duty time for the person without deterioration in visual acuity or discomfort; and

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Item	Criterion
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- | | |
|--|---|
| | (b) if the lenses are of the hard or gas-permeable variety, demonstrates the ability, immediately after removing the lenses, to read at least 6/9 with spectacles binocularly |
|--|---|

Colour perception

- | | |
|------|---|
| 2.39 | Can readily distinguish the colours that need to be distinguished for the safe exercise of privileges, or performance of duties, under the relevant licence |
|------|---|

Note: For how to demonstrate this, see subregulation 67.155 (6).

67.160 Who meets medical standard 3

- (1) Subject to subregulations (2) to (7), a person who satisfies the criteria in table 67.160 meets medical standard 3.
- (2) A person may use contact lenses to meet the criterion in item 3.33 of table 67.160 if the lenses are monofocal and not tinted, and are well tolerated.
- (3) A person whose visual acuity in either eye is worse than 6/60 must provide a full ophthalmic report to CASA.
- (4) A person who has undergone surgery affecting the refractive status of either eye is taken not to meet the criterion in item 3.33 of table 67.160 until he or she is free of safety-relevant sequelae of the surgery.
- (5) A person who requires both near correction and distant correction to meet the criteria in items 3.33 and 3.34 of table 67.160 must demonstrate that 1 pair of spectacles is sufficient to meet both requirements for correction.
- (6) If a person applies for a class 3 medical certificate, the person must demonstrate that he or she meets the criterion in item 3.37 of table 67.160 by, in daylight, or artificial light of similar luminosity, readily identifying a series of pseudo-isochromatic plates of the Ishihara 24-plate type, making no more than 2 errors.
- (7) If a change is made to a criterion in an item of table 67.160, a person who held a class 3 medical certificate and satisfied the criterion immediately before the change, but fails to satisfy the

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criterion as changed, is taken to satisfy the criterion for 2 years after the day when the change is made.

Note: Under Annex 1, *Personnel Licensing*, to the Chicago Convention, medical standard 3 applies to holders of, or applicants for, air traffic controller licences.

Table 67.160 Criteria for medical standard 3

Item	Criterion
<i>Abnormalities, disabilities and functional capacity</i>	
3.1	Has no safety-relevant condition of any of the following kinds that produces any degree of functional incapacity, or risk of incapacitation: (a) an abnormality; (b) a disability or disease (active or latent); (c) an injury; (d) a sequela of an accident or a surgical operation
3.2	Has no physical conditions or limitations that are safety-relevant
3.3	Is not using any over-the-counter or prescribed medication or drug (including medication or a drug used to treat a disease or medical disorder) that causes the person to experience any side effects likely to affect the person to an extent that is safety-relevant
<i>Mental fitness</i>	
3.4	Has no established medical history or clinical diagnosis of any of the following conditions, to an extent that is safety-relevant: (a) psychosis; (b) significant personality disorder; (c) significant mental abnormality or neurosis
3.5	Does not engage in any problematic use of substances (within the meaning given by section 1.1 of Annex 1, <i>Personnel Licensing</i> , to the Chicago Convention)

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Item	Criterion
3.6	If there is any personal history of problematic use of a substance (within the meaning given by section 1.1 of Annex 1, <i>Personnel Licensing</i>, to the Chicago Convention): (a) the person's abstinence from problematic use of the substance is certified by an appropriate specialist medical practitioner; and (b) the person is not suffering from any safety-relevant sequelae resulting from the person's use of the substance; and (c) the person provides evidence that the person is undertaking, or has successfully completed, an appropriate course of therapy Note: In Annex 1, <i>Personnel Licensing</i>, to the Chicago Convention, 'Problematic use of substances' is defined as follows: 'The use of one or more psychoactive substances by aviation personnel in a way that: a) constitutes a direct hazard to the user or endangers the lives, health or welfare of others; and/or b) causes or worsens an occupational, social, mental or physical problem or disorder.' 'Psychoactive substances' is there defined as 'Alcohol, opioids, cannabinoids, sedatives and hypnotics, cocaine, other psychostimulants, hallucinogens, and volatile solvents, whereas coffee and tobacco are excluded.'

Nervous system

- 3.7 Has no established medical history or clinical diagnosis of:
 - (a) a safety-relevant disease of the nervous system; or
 - (b) epilepsy; or
 - (c) a disturbance of consciousness for which there is no satisfactory medical explanation and which may recur
- 3.8 Is not suffering from safety-relevant effects of a head injury or neurosurgical procedure

Cardiovascular system

- 3.9 Has no safety-relevant heart abnormality
 - 3.10 Systolic and diastolic blood pressures are within limits specified by CASA from time to time in the Designated Aviation Medical Examiner's Handbook (even if approved drugs are used to maintain the blood pressure within those limits)
 - 3.11 Has no significant functional or structural abnormality of the circulatory tree
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Item	Criterion
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Respiratory system

- 3.12 Is not suffering from a safety-relevant condition of the respiratory system

Alimentary system and metabolic disorders

- 3.13 Is not suffering from a safety-relevant defect of the digestive system or its adnexae, nor from any safety-relevant effect of disease or trauma of, or an operation on, the digestive system or its adnexae
- 3.14 Is not suffering from safety-relevant metabolic, nutritional or endocrine disorders
- 3.15 If suffering from diabetes mellitus:
- (a) the condition is satisfactorily controlled without the use of any anti-diabetic drug; or
 - (b) if an oral anti-diabetic drug is used to control the condition:
 - (i) the condition is under on-going medical supervision and control; and
 - (ii) the oral drug is approved by CASA

Reticulo-endothelial system

- 3.16 Is not suffering from a safety-relevant condition of any of the following kinds:
- (a) localised or generalised enlargement of the lymphatic nodes;
 - (b) a disease of the blood;
 - (c) an immune deficiency disorder

Genito-urinary system

- 3.17 Is not suffering from any safety relevant disease of the genito-urinary system
- 3.18 Has no sequelae of disease or surgical procedures on the kidneys or urinary tract
- 3.19 Kidneys and urinary tract are free of significant obstructions
- 3.20 If there is any personal history of syphilis—provides evidence that adequate treatment has been completed and that there are no safety-relevant sequelae of the infection

Gynaecological and obstetrical

- 3.21 Does not suffer from safety-relevant menstrual disturbances
- 3.22 If pregnant—the pregnancy is not likely to interfere with the safe exercise of privileges, or performance of duties, under the licence held or applied for
- Note: See regulation 67.235 regarding the periods during which a pregnant woman must not exercise the privileges of a licence.

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Item	Criterion
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Skeletal system

- | | |
|------|--|
| 3.23 | Is not suffering from safety-relevant active disease of the bones, joints, muscles or tendons |
| 3.24 | Is not suffering from safety-relevant functional sequelae of medically significant conditions of the bones, joints, muscles or tendons |

Ear, nose and throat

- | | |
|------|--|
| 3.25 | Is not suffering from:
(a) active pathological processes of the internal ear or of the middle ear; or
(b) permanent disturbances of the vestibular apparatus |
| 3.26 | Has no safety-relevant condition of the buccal cavity or the upper respiratory tract |

Hearing requirements

- | | |
|------|---|
| 3.27 | Is not suffering from any safety-relevant hearing defect |
| 3.28 | If suffering from a hearing loss (measured in a quiet room using a properly calibrated, compensated audiometer) in either ear of more than:
(a) 35 dB at any of the frequencies of 500 Hz, 1 000 Hz or 2 000 Hz; or
(b) 50 dB at 3 000 Hz—
passes a speech discrimination test, or an operational check, carried out by an approved person |

Visual requirements

- | | |
|-------|--|
| 3.29 | Eyes and their adnexae function normally |
| 3.30 | Is not suffering from any safety-relevant pathological condition (either acute or chronic), nor any sequelae of surgery or trauma |
| 3.31 | Has normal binocular vision |
| 3.32 | Has normal fields of vision |
| 3.33 | Has a distant visual acuity of 6/9 or better in each eye separately and 6/6 or better binocular (with or without correcting lenses) |
| 3.34 | Can read (with or without correcting lenses) an N5 chart (or its equivalent) binocularly at a distance that he or she selects (in the range of 30 to 50 centimetres), and can read an N14 chart binocularly (with or without correcting lenses) at a distance of 1 metre |
| Note: | A person who needs correcting lenses to meet this criterion must have the appropriate lenses available while carrying out duties under a relevant licence—see regulation 67.200. |
-

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Item	Criterion
3.35	Has a near point of accommodation no further away than 30 centimetres (with or without correcting lenses)
3.36	If using contact lenses to meet the visual standards set out in items 3.29 to 3.35: (a) is able to wear those lenses for twice the projected length of duty time for the person without deterioration in visual acuity or discomfort; and (b) if the lenses are of the hard or gas-permeable variety, demonstrates the ability, immediately after removing the lenses, to read at least 6/9 with spectacles binocularly
<i>Colour perception</i>	
3.37	Can readily distinguish the colours that need to be distinguished for the safe exercise of privileges, or performance of duties, under the relevant licence
Note: For how to demonstrate this, see subregulation 67.160 (6).	

67.165 Directions about examinations for issue of medical certificates

- (1) If CASA has reason to believe that an applicant for the issue of a medical certificate has a condition (including a condition other than a medical condition) that may, if he or she is issued the medical certificate, endanger the safety of air navigation, CASA may direct the applicant to do either or both of the following:
 - (a) submit to an examination carried out by a medical practitioner, specialist psychiatrist, clinical psychologist, audiologist, optometrist, orthoptist, orthotist, occupational therapist, specialist prosthetist or a practitioner of another kind specified in the direction;
 - (b) submit to an examination or test by a person (not necessarily a medical practitioner) expert in the safe performance of the particular activity in respect of which the medical certificate is sought.
- (2) For paragraph (1)(a), CASA may nominate a particular practitioner, of a kind mentioned or referred to in that paragraph, who is to carry out the examination.

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- (3) For paragraph (1)(b), CASA may nominate a particular person who is expert in the safe performance of the activity concerned to carry out the examination.

67.170 Evidence of identity

- (1) If a person submits to a relevant examination by a DAME or DAO, the DAME or DAO must ask the person to produce evidence of his or her identity before finishing the examination.
- (2) The evidence must include a photograph of the person.
Example: The identification might take the form of a passport or any of the following that includes a photograph: a driver's licence, a workplace identification document, a student's identity card.
- (3) However, subregulation (1) does not require the DAME or DAO to ask the person to produce the evidence if the DAME or DAO knows or reasonably believes the person is who the person claims to be.
- (4) If the DAME or DAO has asked the person to produce evidence of his or her identity under subregulation (1), the DAME or DAO may refuse to carry out, or finish, the examination until the person produces the evidence.

67.175 Medical certificates—application

A person may apply to CASA for the issue of a medical certificate.

Note 1: An application must be in the approved form, include all the information required by these Regulations and be accompanied by every document required by these Regulations—see regulation 11.030.

Note 2: Part 11 deals with applications and decision making.

67.180 Medical certificates—issue and refusal

- (1) Subject to subregulation (7) and regulation 11.055, on receiving an application under regulation 67.175, CASA must issue a medical certificate to the applicant if the applicant meets the requirements of subregulation (2).

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- (2) For subregulation (1), the requirements are:
- (a) the applicant has undergone any relevant examinations that, in the opinion of CASA, are necessary in the particular case; and
 - (b) each relevant examination has been carried out by an examiner to whom subregulation (4) applies; and
 - (c) for each relevant examination, the applicant answers every question asked by the examiner that the examiner considers necessary to help CASA to decide whether the applicant meets the relevant medical standard; and
 - (d) subject to subregulation (5), the applicant authorises the disclosure to CASA and the examiner of any information about the applicant that may help CASA to decide whether the applicant meets the relevant medical standard, being information that is held by a person, organisation, body or authority referred to in subregulation (6); and
 - (e) either:
 - (i) the applicant meets the relevant medical standard; or
 - (ii) if the applicant does not meet that medical standard—the extent to which he or she does not meet the standard is not likely to endanger the safety of air navigation; and
 - (f) if, in addition to any relevant examinations that the applicant has undergone under paragraph (a), CASA has directed the applicant to undergo an examination under subregulation 67.165 (1):
 - (i) the applicant has undergone that examination; and
 - (ii) having taken into account the result of the examination, CASA is satisfied that issuing a medical certificate to the applicant would not endanger the safety of air navigation.

Note 1: The routine examinations that an applicant for the issue of a medical certificate must undergo to establish whether he or she meets the relevant medical standard for the certificate are those set out in the Designated Aviation Medical Examiner's Handbook.

Note 2: Part VIIC of the *Crimes Act 1914* operates to prevent any requirement to disclose a spent conviction. For details, see that Part.

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- Note 3: A false statement in relation to the issue of a certificate is an offence punishable by imprisonment for 12 months—see the *Criminal Code*, section 137.1.
- Note 4: A person may not meet any of the medical standards if the person has a history of ‘problematic use of substances’—see items 1.5 and 1.6 of table 67.150, items 2.5 and 2.6 of table 67.155 and items 3.5 and 3.6 of table 67.160.
- Note 5: For the period for which a medical certificate remains in force, see regulation 67.205.

- (3) This subregulation applies to an applicant:
- (a) whose medical certificate (the *old certificate*) has expired; and
 - (b) who:
 - (i) applies to CASA for the issue of a new medical certificate within 3 months after the old certificate expired; and
 - (ii) in the opinion of CASA, is not required to undergo any relevant examinations for the issue of the new certificate.

Note: If a medical certificate is issued to an applicant referred to in subregulation (3), the medical certificate remains in force for the period (which must not be longer than 2 months) set out in the certificate—see subregulation 67.205 (4).

- (4) This subregulation applies to the following persons:
- (a) a DAME;
 - (b) a DAO;
 - (c) a specialist medical practitioner, or any other medical practitioner, who CASA has directed may carry out medical examinations for the purposes of subregulation (2);
 - (d) if CASA has directed that the applicant be assessed by a specialist psychiatrist or clinical psychologist—the psychiatrist or psychologist who carried out the assessment;
 - (e) if CASA has directed that the applicant be assessed by an audiologist, optometrist, orthoptist, orthotist, occupational therapist, specialist prosthetist, or similar practitioner—the practitioner who carried out the assessment;
 - (f) if CASA has directed that the applicant be assessed by a person (not necessarily a medical practitioner) expert in the

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safe performance of the particular activity in respect of which the medical certificate is sought—the person who carried out the assessment.

- (5) An authorisation under paragraph (2)(d) does not require a person, organisation, body or authority to disclose:
- (a) information that was collected for use as evidence in a legal proceeding, and has not been tendered or admitted as evidence in a court; or
 - (b) information that could not, because of Part 3.10 of the *Evidence Act 1995*, be given in evidence in a proceeding to which that Part applies.

Note: Part 3.10 of the *Evidence Act 1995* is about: client legal privilege; religious confessions; self-incrimination in other proceedings; and evidence excluded in the public interest. For details, see that Act.

- (6) For paragraph (2)(d), the persons, organisations, bodies or authorities are as follows:
- (a) a medical practitioner;
 - (b) any other person or organisation (including a hospital) that has made a physical, psychological or psychiatric examination of the applicant;
 - (c) any other person or organisation (including a hospital) that has treated the applicant for a medically significant condition;
 - (d) an employer (including a former employer) of the applicant;
 - (e) any other person, organisation, body or authority (including a police force or police service and, subject to Part VIIC of the *Crimes Act 1914*, a court) that holds information of the kind referred to in paragraph (2)(d).
- (7) CASA must not issue a medical certificate to an applicant if it is satisfied that the applicant:
- (a) has knowingly or recklessly made a false or misleading statement in relation to the application for the medical certificate; or
 - (b) does not satisfy the requirements of this regulation; or

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- (c) has not, in the course of undergoing a relevant examination for the medical certificate, complied with a request made under subregulation 67.170 (1).
- (8) A medical certificate issued to an applicant who does not meet the relevant medical standard for the issue of the certificate, or to whom subparagraph (2)(f)(ii) applies, must bear a note of that fact.
- (9) The fact that an applicant who does not meet the relevant medical standard in all respects has previously been issued with a medical certificate under subparagraph (2)(e)(ii) or (f)(ii), or a special medical certificate (within the meaning of Part 6 of CAR), does not automatically entitle him or her to the issue of a further such medical certificate.

67.185 Notice of decision to refuse medical certificate

- (1) If:
 - (a) CASA refuses to issue a medical certificate to a person; and
 - (b) the reasons for the refusal included that the person failed to meet the relevant medical standard;the notice given to the person under regulation 11.060 must state the respects in which the person did not meet the standard.
- (2) Failure to comply with subregulation (1) in relation to a decision does not affect the validity of the decision.

67.190 Reconsideration of decision to refuse medical certificate

- (1) A person to whom CASA has refused to issue a medical certificate, or to whom CASA has issued a medical certificate subject to a condition not sought by the person, may apply to CASA in writing for reconsideration of the decision.
- (2) The application must be made within 21 days after the day when the person is told by CASA, in writing, that it:
 - (a) has refused to issue a medical certificate to the person; or
 - (b) has issued a medical certificate subject to a condition not sought by the person.

Regulation 67.195

- (3) The reconsideration of an application submitted to CASA must not be carried out solely by the CASA officer who made the decision being reconsidered.

Note: A refusal to issue a medical certificate is reviewable by the Administrative Appeals Tribunal—see the Act, section 31 and regulation 201.004.

67.195 Medical certificate—conditions

- (2) Without limiting regulations 11.056 and 11.067, CASA may issue a medical certificate subject to a condition that the period during which the certificate remains in force may be extended only by CASA.

67.200 Conditions applicable to certain medical certificates—correcting lenses

- (1) In addition to any other condition imposed by or under this Part or Part 11, a medical certificate issued to a person who needs correcting lenses to satisfy the requirements of item 1.36 of table 67.150, item 2.36 of table 67.155 or item 3.34 of table 67.160 is subject to the conditions set out in subregulations (2) and (4).
- (2) The person must have those correcting lenses available for use while exercising the privileges of a licence for which the certificate is required.
- (3) If the person is the holder of, or an applicant for, a licence for which he or she is required to meet medical standard 1 or 2, the correcting lenses may be a pair of spectacles or a combination of contact lenses and a pair of spectacles.
- (4) A person to whom subregulation (3) applies must have within reach, while he or she is performing duties essential to the operation of an Australian aircraft during flight time, a spare pair of spectacles for each pair of correcting lenses that he or she requires to meet the relevant medical standard.
- (5) The holder of a medical certificate that is subject to a condition set out in subregulation (2) or (4) must not contravene the condition.

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Penalty: 50 penalty units.

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

67.205 Medical certificates—period in force

(1) In this regulation:

appropriate day means:

(a) for a medical certificate issued to a person who:

- (i) has never held a medical certificate, or a person who has previously held a medical certificate that has expired; and
- (ii) has undergone any relevant examinations required for the purpose of the issue of the certificate;

the day when the last relevant examination is completed; and

(b) for a new medical certificate issued to a person:

- (i) who holds a medical certificate that is in force (the *current certificate*); and
- (ii) who has undergone any relevant examinations required for the purpose of the issue of the new certificate; and
- (iii) whose last relevant examination is completed more than 28 days before his or her current certificate is due to expire;

the day when the examination is completed; and

(c) for a new medical certificate issued to a person:

- (i) who holds a medical certificate that is in force (the *current certificate*); and
- (ii) who has undergone any relevant examinations required for the purpose of the issue of the new certificate; and
- (iii) whose last relevant examination is completed 28 or fewer days before his or her current certificate is due to expire;

the day when the current certificate is due to expire.

Example 1: A person who has never held a medical certificate has an examination for the issue of a medical certificate on 1 January 2003. The appropriate day for the certificate is 1 January 2003.

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Example 2: A person who holds a medical certificate that is due to expire on 1 January 2004 has an examination for a new certificate on 1 November 2003. The appropriate day for the new certificate is 1 November 2003.

Example 3: A person who holds a medical certificate that is due to expire on 1 January 2004 has an examination for a new certificate on 20 December 2003. The appropriate day for the new certificate is 1 January 2004.

Example 4: A person who held a medical certificate that expired on 1 January 2003 has an examination for a new certificate on 1 March 2003. The appropriate day for the new certificate is 1 March 2003.

- (2) A medical certificate comes into force:
 - (a) if the holder has undergone any relevant examinations required for the purpose of the issue of the certificate and complies with the relevant medical standard in all respects—on the certificate's appropriate day; or
 - (b) in any other case—on the day when the certificate is issued.
- (3) Subject to subregulation (6) and regulations 67.215 and 67.220, a medical certificate issued by CASA to a person who has undergone any relevant examinations required for the purpose of the issue of the certificate remains in force for the period set out in the certificate, being a period of not more than:
 - (a) in the case of a class 1 medical certificate—1 year after the day when the certificate comes into force; and
 - (b) in the case of a class 2 medical certificate:
 - (i) if the person is less than 40 years old when the certificate is issued to him or her—4 years after the day when the certificate comes into force; or
 - (ii) if the person is 40 years old or older when the certificate is issued to him or her—2 years after the day when the certificate comes into force; and
 - (c) in the case of a class 3 medical certificate—2 years after the day when the certificate comes into force.
- (4) Subject to subregulation (6) and regulations 67.215 and 67.220, a medical certificate issued by CASA to a person who has not been required to undergo any relevant examinations for the purpose of the issue of the certificate remains in force for the period (which must not be longer than 2 months) set out in the certificate.

Regulation 67.210

- (5) Subject to subregulation (6), a medical certificate issued by a DAME remains in force for the period (which must not be longer than 2 months) set out in the certificate.
- (6) If a new medical certificate is issued to a person who holds a current medical certificate, and the new certificate comes into force before the current certificate is due to expire, the current certificate ceases to be in force at the last moment of the day before the day when the new certificate comes into force.

67.210 Medical certificates—application for extension of period in force

- (1) The holder of a current medical certificate issued by CASA may apply for an extension of the period during which the medical certificate remains in force.
- (2) The application may be made to:
 - (a) CASA; or
 - (b) if the certificate is not subject to a condition to the effect that the period during which the certificate remains in force may be extended only by CASA—a DAME.

67.215 Medical certificates—extension of period in force by CASA

- (1) If, on receiving an application under regulation 67.210 for an extension of the period during which a current medical certificate remains in force, CASA is satisfied that extending the period will not adversely affect the safety of air navigation, CASA may extend the period by:
 - (a) entering the period of the extension on the certificate; or
 - (b) giving to the holder of the certificate a written notice setting out the period of the extension.
- (2) An extension by CASA of the period during which the certificate remains in force must not be for longer than 1 year after the day when the certificate would expire if the period had not been extended.

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67.220 Medical certificates—extension of period in force by DAMEs

- (1) A DAME must, on receiving an application under regulation 67.210 for an extension of the period during which a current medical certificate remains in force:
 - (a) deal with the application in accordance with the Designated Aviation Medical Examiner's Handbook; and
 - (b) extend the period only if the DAME is satisfied that this will not adversely affect the safety of air navigation.
- (2) If the DAME extends the period during which a medical certificate remains in force, the DAME must:
 - (a) enter the period of the extension on the certificate; or
 - (b) give to the holder of the certificate a written notice setting out the period of the extension.
- (3) A medical certificate may be extended by a DAME only once.
- (4) An extension by a DAME of the period during which the certificate remains in force must not be for longer than 2 months after the day when the certificate would expire if the period had not been extended.

67.225 Medical certificates—new medical certificates issued by DAMEs

- (1) A person whose medical certificate has expired may apply to a DAME for the issue of a medical certificate under this regulation if the medical certificate:
 - (a) was issued by CASA; and
 - (b) was not subject to a condition that the period during which the certificate remains in force may be extended only by CASA.
- (2) An application must be made within 3 months after the medical certificate has expired.
- (3) On receiving an application under subregulation (1), a DAME must:

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- (a) deal with it in accordance with the Designated Aviation Medical Examiner's Handbook; and
- (b) subject to this regulation, issue a new medical certificate to the applicant only if satisfied that:
 - (i) the applicant has, subject to subregulation (5), authorised the disclosure of his or her medical information to the DAME, being information that is held by a person, organisation, body or authority referred to in subregulation (6); and
 - (ii) issuing the medical certificate to the applicant will not adversely affect the safety of air navigation.

Note: If a medical certificate is issued to a person by a DAME, the medical certificate remains in force for the period (which must not be longer than 2 months) set out in the certificate—see subregulation 67.205 (5).

- (4) The DAME must not issue a medical certificate to the applicant if the DAME is satisfied that the applicant:
 - (a) has knowingly or recklessly made a false or misleading statement in relation to the application for the medical certificate; or
 - (b) does not satisfy the requirements of this regulation; or
 - (c) has not, in the course of undergoing a relevant examination for the medical certificate, complied with a request made under subregulation 67.170 (1).
- (5) An authorisation under subparagraph (3)(b)(i) does not require a person, organisation, body or authority to disclose:
 - (a) information that was collected for use as evidence in a legal proceeding, and has not been tendered or admitted as evidence in a court; or
 - (b) information that could not, because of Part 3.10 of the *Evidence Act 1995*, be given in evidence in a proceeding to which that Part applies.

Note: Part 3.10 of the *Evidence Act 1995* is about: client legal privilege; religious confessions; self-incrimination in other proceedings; and evidence excluded in the public interest. For details, see that Act.

- (6) For subparagraph (3)(b)(i), the persons, organisations, bodies or authorities are as follows:

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- (a) a medical practitioner;
- (b) any other person or organisation (including a hospital) that has made a physical, psychological or psychiatric examination of the applicant;
- (c) any other person or organisation (including a hospital) that has treated the applicant for a medically significant condition;
- (d) an employer (including a former employer) of the applicant;
- (e) any other person, organisation, body or authority (including a police force or police service and, subject to Part VIIC of the *Crimes Act 1914*, a court) that holds information of the kind referred to in subparagraph (3)(b)(i).

67.230 CASA may require medical examination of certificate holders

- (1) If it is necessary, in the interests of the safety of air navigation, for the holder of a medical certificate to demonstrate:
 - (a) that he or she continues to meet the relevant medical standard; or
 - (b) that holding the certificate does not adversely affect the safety of air navigation;

CASA may direct the holder to do any 1 or more of the following:

- (c) submit to an examination carried out by a medical practitioner, specialist psychiatrist, clinical psychologist, audiologist, optometrist, orthoptist, orthotist, occupational therapist, specialist prosthetist or a practitioner of another kind specified in the direction;
- (d) submit to an examination or test by a person (not necessarily a medical practitioner) expert in the safe performance of the particular activity to which the medical certificate relates;
- (e) authorise the disclosure to CASA of any information about the holder, held by a person, organisation, body or authority referred to in subregulation (4), that may help CASA to decide whether:
 - (i) the holder continues to meet that medical standard; or
 - (ii) the holder's holding the certificate may adversely affect the safety of air navigation.

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- (2) For paragraph (1)(c), CASA may nominate a particular practitioner, of a kind mentioned or referred to in that paragraph, who is to carry out the examination.
- (3) For paragraph (1)(d), CASA may nominate a particular person who is expert in the performance of the activity concerned to carry out the examination.
- (4) For paragraph (1)(e), the persons, organisations, bodies and authorities are as follows:
 - (a) a medical practitioner, specialist psychiatrist, clinical psychologist, audiologist, optometrist, orthoptist, orthotist, occupational therapist, specialist prosthetist or similar practitioner who has examined or treated the holder;
 - (b) any other person or organisation (including a hospital) that has made a physical, psychological or psychiatric examination of the holder;
 - (c) any other person or organisation (including a hospital) that has treated the holder for a medically significant condition;
 - (d) an employer (including a former employer) of the holder;
 - (e) any other person, organisation, body or authority (including a police force or police service and, subject to Part VIIC of the *Crimes Act 1914*, a court) that holds information relevant to deciding whether the person's holding the certificate may adversely affect the safety of air navigation.

67.235 Suspension of medical certificates—pregnancy

- (1) A medical certificate held by a pregnant woman who holds, or is an applicant for, a licence is taken to be suspended:
 - (a) during the period beginning immediately after the end of the 30th week of gestation and ending when a DAME certifies that she is fully recovered following delivery or the termination of the pregnancy; or
 - (b) if in a particular case CASA directs in writing that a different period should apply—during the period so directed by CASA; or
 - (c) if, before the start of the period mentioned in paragraph (a), the pregnancy ends in miscarriage or premature labour, or is

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terminated by medical intervention—from the time of the miscarriage, premature labour or intervention until a DAME certifies that the woman is fully recovered.

Note: This regulation does not preclude a pilot who is pregnant from undertaking or receiving instruction in a flight simulator at any stage of the pilot's pregnancy.

- (2) Despite subregulation (1), a pregnant woman who holds an air traffic controller licence may continue to exercise the privileges of the licence until the end of the 38th week of gestation if:
- (a) the medical practitioner who is attending the woman certifies her continued medical fitness to do so each week beginning at the 31st week of gestation; and
 - (b) a DAME certifies the woman's continuing fitness to do so each week beginning at the 31st week of gestation; and
 - (c) another person who holds an air traffic controller licence, and is medically fit and able to take over responsibility for the function, is on duty and available at the times when she does so.

67.240 Medical certificates—suspension pending examination

- (1) If CASA directs the holder of a medical certificate to submit to an examination under regulation 67.230, or to authorise the disclosure of information to CASA under that regulation, CASA may, in writing, suspend the medical certificate.
- (2) If CASA suspends a medical certificate, CASA must give the holder of the certificate written notice of the suspension and of the reasons for the suspension.
- (3) A suspension of a medical certificate takes effect when the holder of the certificate is told of the suspension, either orally or in writing.
- (4) If:
 - (a) CASA suspends a medical certificate; and
 - (b) the holder of the certificate submits to an examination or test directed by CASA, or authorises the disclosure of information to CASA; and

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- (c) the examination, test or information shows that:
 - (i) the holder meets the relevant medical standard; and
 - (ii) the continued holding of the certificate by the holder will not adversely affect the safety of air navigation;CASA must:
 - (d) end the suspension; and
 - (e) tell the holder in writing that the suspension has ended.
- (5) If:
 - (a) CASA suspends a medical certificate; and
 - (b) the holder of the certificate submits to an examination or test directed by CASA, or authorises the disclosure of information to CASA; and
 - (c) the examination, test or information shows either or both of the following:
 - (i) the holder fails to meet the relevant medical standard;
 - (ii) the continued holding of the certificate by the holder will adversely affect the safety of air navigation;CASA must tell the holder in writing the respect in which the holder does not meet the medical standard.

67.245 Suspension of medical certificates—special arrangements for service in urgent cases

- (1) If there is reason to believe in a particular case that:
 - (a) the holding of a medical certificate by a person may seriously and adversely affect the safety of air navigation; and
 - (b) it is necessary, in the interests of the safety of air navigation, to suspend the certificate immediately; and
 - (c) the person is likely to attempt to evade service on him or her of the notice of suspension;CASA may give the notice to the person in any way by which it is likely to be quickly brought to the person's attention.
- (2) In particular, if no other method of giving the notice is practicable in the circumstances, the notice may be given by fixing it in a prominent position to an aircraft that the person is likely to fly.

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- (3) A notice that is fixed to an aircraft is taken to have been given to the person at the time it is fixed to the aircraft.

67.250 Medical certificates—effect of suspension

If CASA suspends a medical certificate, its holder is taken not to be the holder of a medical certificate during the period of the suspension.

67.255 Medical certificates—cancellation if medical standard not met

- (1) If, after undergoing an examination for the purposes of regulation 67.180 or under regulation 67.230, the holder of a medical certificate fails to meet the relevant medical standard for the certificate (or, in the case of a person who did not, at the time the certificate was issued, meet the standard in all respects, fails to meet the standard in an additional respect), CASA must:
- (a) by written notice given to the holder, cancel the certificate; and
 - (b) if CASA is satisfied that the holding of a medical certificate by the holder will not adversely affect the safety of air navigation—issue to the holder a medical certificate that is subject to any conditions that are necessary in the interests of the safety of air navigation.
- (2) CASA must include in the notice the reasons for the holder's failure to meet the relevant medical standard.

67.260 Medical certificates—cancellation and suspension in other cases

- (1) CASA may, by written notice given to the holder of a medical certificate, cancel the certificate, or suspend it for a specified period, if there are reasonable grounds for believing that the holder:
- (a) has contravened a condition to which the certificate is subject; or
 - (b) has contravened subregulation 67.265 (3) or (4); or

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- (c) has failed to comply with a direction under regulation 67.230.
- (2) A notice must set out the grounds for the cancellation or suspension.
- (3) Before cancelling or suspending a medical certificate, CASA must:
 - (a) give a show cause notice to the holder of the certificate of the facts and circumstances that, in the opinion of CASA, justify consideration being given to the cancellation or suspension of the certificate; and
 - (b) allow the holder to show cause (within the time CASA sets out in that notice, being a period of not less than 14 days after the notice was given), why the certificate should not be cancelled or suspended.

Subpart 67.D—Responsibilities of medical certificate holders

67.265 Obligation to tell CASA of changes in medical condition

- (1) In this regulation:

licence means a licence of any of the following kinds:

- (a) flight crew licence;
- (b) special pilot licence;
- (c) flight radiotelephone licence;
- (d) air traffic controller licence.

- (2) In this regulation, a reference to a DAME includes, in relation to a medically significant condition that affects a person's vision, a DAO.

- (3) If:

- (a) the holder of a class 1 medical certificate and a licence:
 - (i) knows that he or she has a medically significant condition; and
 - (ii) is reckless as to whether the condition has been disclosed to CASA; and
- (b) the condition continues for longer than 7 days; and
- (c) the condition has the result that his or her ability to do an act authorised by the licence is impaired;

he or she must tell CASA or a DAME about the condition as soon as practicable after the end of the 7 days.

Penalty: 50 penalty units.

- (4) If:

- (a) the holder of a class 2 or class 3 medical certificate and a licence:
 - (i) knows that he or she has a medically significant condition; and

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- (ii) is reckless as to whether the condition has been disclosed to CASA; and
 - (b) the condition continues for longer than 30 days; and
 - (c) the condition has the result that his or her ability to do an act authorised by the licence is impaired;
- he or she must tell CASA or a DAME about the condition as soon as practicable after the end of the 30 days.

Penalty: 50 penalty units.

(5) If the holder of a medical certificate and a licence:

- (a) knows that he or she has a medically significant condition; and
- (b) is reckless as to whether the condition has been disclosed to CASA; and
- (c) the condition has the result that his or her ability to do an act authorised by the licence is impaired;

he or she must not do the act until a DAME certifies that the holder can safely do such acts.

Penalty: 50 penalty units.

Note: If the holder of a medical certificate tells a DAME about a medically significant condition, and the condition is safety-relevant, the DAME must tell CASA in writing of that fact within 5 working days—see regulation 67.125.

- (6) It is a defence to a prosecution under subregulation (5) that, in the circumstances, the relevant act was a reasonable measure to save life (including the holder's own life) or avoid damage to property.

67.270 Offence—doing act while efficiency impaired

- (1) This regulation applies in relation to a licence of any of the following kinds:
 - (a) flight crew licence;
 - (b) special pilot licence;
 - (c) flight radiotelephone licence;
 - (d) air traffic controller licence.

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- (2) The holder of the licence must not do an act authorised by the licence if at the time:
- (a) he or she knows that he or she has a medically significant condition; and
 - (b) the condition has the result that his or her ability to do the act is impaired.

Penalty: 50 penalty units.

- (3) If the holder's normal ability to do such acts is not fully restored within the period specified in subregulation (4) for the holder's licence, the holder must not do an act authorised by the licence until a DAME gives a certificate to the holder to the effect that the person's ability to do such acts is no longer impaired.

Penalty: 50 penalty units.

- (4) The period is:
- (a) for a licence for which a class 1 medical certificate is necessary—7 days; and
 - (b) for a licence of any other kind to which this regulation applies—30 days.

Note: If the holder of a medical certificate tells a DAME or DAO about a medically significant condition, and the condition is safety-relevant, the DAME must tell CASA in writing of that fact within 5 working days—see regulation 67.125.

67.275 Surrender of medical certificates

- (1) CASA may require, by written notice, the holder of a medical certificate to surrender the certificate to CASA within a reasonable time specified in the notice.
- (2) The person must comply with the requirement.

Penalty: 5 penalty units.

- (3) A person who contravenes subregulation (2) is guilty of an offence in respect of each day during which the person refuses or fails to comply with the requirement, including the day of any conviction for such an offence.

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Subpart 67.D Responsibilities of medical certificate holders

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- (4) The person must not destroy, mutilate or deface the certificate with intent to evade the obligation to comply with the requirement.

Penalty: 10 penalty units.

Part 71—Airspace

Note: This Part heading is reserved for future use.

Part 90—Additional airworthiness requirements

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Subpart 90.A—General

90.005 Purpose of Part

This Part sets out airworthiness requirements for an aircraft that are in addition to:

- (a) the type certification basis for the aircraft; and
- (b) any requirements for the issue of a certificate of airworthiness for the aircraft under Part 21.

Note: For the definition of *type certification basis*, see the Dictionary.

90.008 Definitions for Part 90

- (1) In this Part:

Class C cargo or baggage compartment has the same meaning as in FARs section 25.857, as in force from time to time.

Class D cargo or baggage compartment has the same meaning as in FARs section 25.857, as in force on 16 June 1986.

Class E cargo compartment has the same meaning as in FARs section 25.857, as in force from time to time.

emergency exit means an external door, hatch or window on an aircraft intended for use by passengers or crew in an emergency.

large aeroplane means an aeroplane with a maximum take-off weight of more than 5 700 kg.

non-transport category aeroplane means an aeroplane of a type that was originally certificated in a category other than the transport category.

operating has the meaning given by subregulation (2).

originally certificated has the meaning given by subregulation (3).

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Part 90 Manual of Standards means the Manual of Standards issued by CASA under regulation 90.020.

side-facing seat, for an aircraft, means a seat that faces more than 18° from the aircraft's longitudinal axis.

small aeroplane means an aeroplane with a maximum take-off weight of 5 700 kg or less.

transport category aeroplane means an aeroplane of a type that was originally certificated in the transport category.

Note: For the definition of **approved**, see the Dictionary. Approvals given in Air Navigation Orders before 30 June 1988 and in Civil Aviation Orders between 1 July 1988 and 6 July 1995 are taken to have been given by CASA—see regulation 311 of CAR and subsection 13 (2) of the *Civil Aviation Legislation Amendment Act 1995*.

- (2) For this Part, an aircraft is **operating** from the moment at which the aircraft first moves (whether or not under its own power) for the purpose of taking off for a flight until the moment at which it comes to rest for the purpose of disembarking any persons or cargo on board after:
 - (a) it lands; or
 - (b) the flight is aborted.
- (3) For this Part, an aircraft of a particular type is **originally certificated** as follows:
 - (a) if the aircraft's State of Design is Australia—when CASA first issues a type certificate in respect of an aircraft of that type;
 - (b) if the aircraft's State of Design is a foreign country—when the NAA of the State of Design first issues a foreign type certificate in respect of an aircraft of that type.

90.010 Exclusions in relation to particular provisions

- (1) The registered operator of an aircraft may apply in writing to CASA for exclusion of the aircraft, or an aeronautical product that is part of, or used in, the aircraft, from the operation of a provision of this Part.

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- (2) On receiving an application, CASA may, in writing, exclude the aircraft or aeronautical product from the operation of the provision.
- (3) In making a decision under subregulation (2), CASA must:
 - (a) regard as paramount the preservation of a level of aviation safety that is at least acceptable; and
 - (b) have regard to any reasons given in the application.
- (4) However, CASA may exclude an aircraft or aeronautical product under subregulation (2) only if CASA is satisfied that it is not practicable for the aircraft or aeronautical product to meet the requirements of the provision.
- (5) CASA may, in an instrument of exclusion under subregulation (2), provide that the exclusion is subject to 1 or more conditions.
- (6) An instrument of exclusion under subregulation (2) applies to a particular aircraft or aeronautical product only while the registered operator of the aircraft, or the aircraft that the aeronautical product is part of, or used in, complies with each condition of the exclusion.

Note: See regulation 201.004 for review of an exclusion decision.

90.015 Operation of exclusions under regulation 39.004

- (1) This regulation applies if, before 1 December 2010, CASA has, under regulation 39.004, excluded (the *exclusion*):
 - (a) a particular aircraft or aeronautical product; or
 - (b) a particular kind of aircraft or aeronautical product;from the operation of an airworthiness directive, or a requirement of an airworthiness directive, mentioned in column 2 of an item in table 90.015 (the *item*).
- (2) Subject to subregulation (3), the provision mentioned in column 3 of the item does not apply to an aircraft or aeronautical product that, immediately before 1 December 2010, was subject to the exclusion.
- (3) Subregulation (2) applies to a particular aircraft or aeronautical product only while the registered operator of the aircraft, or the

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aircraft that the aeronautical product is part of, or used in, continues to comply with each condition of the exclusion.

Note: On 1 December 2010, the airworthiness directives mentioned in table 90.015 were cancelled.

Table 90.015 Provisions covered by exclusions relating to each airworthiness directive

Item	Airworthiness Directive	Provision
1	AD/General/4 Amdt 4, requirement 1(a)	Regulation 90.130
2	AD/General/4 Amdt 4, requirement 2(a)	Regulation 90.205
3	AD/General/4 Amdt 4, requirements 2(b)(1) and (2)	Regulation 90.220
4	AD/General/4 Amdt 4, requirement 2(b)(3)	Regulation 90.225
5	AD/General/4 Amdt 4, requirement 2(c)	Regulation 90.220
6	AD/General/4 Amdt 4, requirement 2(d)	Regulation 90.225
7	AD/General/4 Amdt 4, requirement 2(e)	Regulation 90.215
8	AD/General/4 Amdt 4, requirement 2(f)	Regulation 90.235
9	AD/General/4 Amdt 4, requirement 2(g)	Regulation 90.240
10	AD/General/4 Amdt 4, requirement 2(h)	Regulation 90.245
11	AD/General/4 Amdt 4, requirement 2(k)	Regulation 90.210
12	AD/General/4 Amdt 4, requirement 3	Regulation 90.410
13	AD/General/4 Amdt 4, requirement 3(e)	Regulation 90.220
14	AD/General/4 Amdt 4, requirement 3(f)	Regulation 90.215
15	AD/General/4 Amdt 4, requirement 4	Regulation 90.605
16	AD/General/4 Amdt 4, requirement 5(b)	Regulation 90.135
17	AD/General/4 Amdt 4, requirement 5(c)	Regulation 90.135
18	AD/General/33 Amdt 1	Regulation 90.140
19	AD/General/48 Amdt 3	Regulation 90.270
20	AD/General/57 Amdt 1	Regulation 90.285
21	AD/General/60 Amdt 1	Regulation 90.105
22	AD/General/61 Amdt 2	Regulation 90.125
23	AD/General/63 Amdt 1	Regulation 90.255
24	AD/General/64 Amdt 2	Regulation 90.120
25	AD/General/66 Amdt 1	Regulation 90.230

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Item	Airworthiness Directive	Provision
26	AD/General/67 Amdt 3	Regulation 90.110
27	AD/General/68 Amdt 4	Regulation 90.250
28	AD/General/70 Amdt 1	Regulation 90.260
29	AD/General/71 Amdt 1	Regulation 90.115
30	AD/General/73	Regulation 90.215
31	AD/General/74 Amdt 1	Regulation 90.105
32	AD/General/76 Amdt 2	Regulation 90.265
33	AD/General/84 Amdt 2	Regulation 90.145
34	AD/General/84 Amdt 2	Regulation 90.275
35	AD/General/85	Regulation 90.280

90.020 Issue of Manual of Standards

- (1) For paragraph 98 (5A)(b) of the Act, CASA may issue a Manual of Standards for this Part that sets out matters relating to the airworthiness of, or design standards for, aircraft.
- (2) In particular, the Part 90 Manual of Standards may set out standards for the following:
 - (a) cabin crew seats and related equipment;
 - (b) escape devices;
 - (c) access to emergency exits;
 - (d) interior and exterior emergency exit marking;
 - (e) interior and exterior emergency lighting;
 - (f) floor proximity emergency escape paths;
 - (g) over-wing escape routes;
 - (h) materials used in the interior of cabins;
 - (i) symbols identifying emergency exits;
 - (j) landing gear aural warning systems and associated devices.

Note: Subpart 11.J sets out procedures for the issue, amendment and revocation of a Manual of Standards.

Subpart 90.B—General provisions

90.100 Applicability

This Subpart applies to aircraft other than the following:

- (a) balloons;
- (b) airships;
- (c) sailplanes;
- (d) powered sailplanes;
- (e) an aircraft for which any of the following is in force:
 - (i) a special certificate of airworthiness mentioned in regulation 21.186, 21.189 or 21.190;
 - (ii) an experimental certificate;
 - (iii) a special flight permit;
 - (iv) a provisional certificate of airworthiness.

90.105 Flight crew restraints

- (1) The registered operator of an aircraft to which this Subpart applies commits an offence if:
 - (a) the registered operator:
 - (i) operates the aircraft; or
 - (ii) permits a person to operate the aircraft; and
 - (b) a requirement in this regulation is not met while the aircraft is operating.

Penalty: 50 penalty units.

- (2) For a large aeroplane that was originally certificated on or after 1 January 1958, each seat in the flight crew compartment must be equipped with an approved safety harness that meets the requirements in subregulations (4) and (6).
- (3) For any other aircraft, each seat that is:
 - (a) a flight crew seat; or
 - (b) a seat in the front row of seats in the aircraft's cockpit;

Regulation 90.110

must be equipped with an approved safety harness that meets the requirements in subregulations (5) and (6).

- (4) For subregulation (2), the safety harness must consist of:
 - (a) an approved symmetrical type harness; or
 - (b) a single shoulder strap harness that was approved and installed before 6 March 1980.
- (5) For subregulation (3), the safety harness must consist of a lap belt and at least 1 shoulder strap.
- (6) For subregulations (2) and (3), the safety harness must:
 - (a) allow any flight crew member who is occupying the seat and has the harness correctly fastened to perform his or her functions; and
 - (b) when not in use, be able to be secured so it does not:
 - (i) prevent the proper operation of the aircraft; or
 - (ii) hinder a person in the aircraft if he or she must leave the aircraft in an emergency.

Source FARs sections 91.205, 91.521 and 121.311 modified.

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

90.110 Occupant restraints—small aeroplanes

- (1) This regulation applies to a small aeroplane that:
 - (a) is an aircraft to which this Subpart applies; and
 - (b) was manufactured on or after 13 December 1986;other than a multi-engine aeroplane that has 10 or more passenger seats.
- (2) The registered operator of the aeroplane commits an offence if:
 - (a) the registered operator:
 - (i) operates the aeroplane; or
 - (ii) permits a person to operate the aeroplane; and
 - (b) a requirement in subregulation (3) is not met while the aeroplane is operating.

Penalty: 50 penalty units.

Regulation 90.115

- (3) A seat in the aeroplane that does not have an approved seat belt and shoulder harness:
 - (a) must not be used during take-off or landing; and
 - (b) must carry a placard to that effect.

Source FARs section 91.205 modified.

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

90.115 Occupant restraints—helicopters

- (1) This regulation applies to a helicopter that:
 - (a) is an aircraft to which this Subpart applies; and
 - (b) was manufactured on or after 17 September 1992.
- (2) The registered operator of the helicopter commits an offence if:
 - (a) the registered operator:
 - (i) operates the helicopter; or
 - (ii) permits a person to operate the helicopter; and
 - (b) a requirement in this regulation is not met while the helicopter is operating.

Penalty: 50 penalty units.

- (3) A seat in the helicopter that does not have an approved seat belt and shoulder harness:
 - (a) must not be used during take-off or landing; and
 - (b) must carry a placard to that effect.
- (4) There must be a means to secure each seat belt and harness when it is not in use so that it does not:
 - (a) prevent the proper operation of the helicopter; or
 - (b) hinder a person in the helicopter if he or she must leave the helicopter in an emergency.

Source FARs section 91.205 modified.

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

Regulation 90.120

90.120 Side-facing seats

- (1) The registered operator of an aircraft to which this Subpart applies commits an offence if:
 - (a) the registered operator:
 - (i) operates the aircraft; or
 - (ii) permits a person to operate the aircraft; and
 - (b) a requirement in subregulation (2) is not met while the aircraft is operating.

Penalty: 50 penalty units.

- (2) A side-facing seat in the aircraft must be equipped with:
 - (a) an approved lap belt and an energy-absorbing rest that would support the arms, shoulders, head and spine of the occupant during an emergency landing; or
 - (b) an approved safety harness that would prevent the occupant's head being injured by striking an object during an emergency landing.

Source FARs section 121.311 modified.

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

90.125 Cabin crew seats

- (1) The registered operator of an aircraft to which this Subpart applies commits an offence if:
 - (a) the registered operator:
 - (i) operates the aircraft; or
 - (ii) permits a person to operate the aircraft; and
 - (b) while the aircraft is operating, a seat or any related equipment that is provided for a cabin crew member does not meet the standard for cabin crew seats and related equipment set out in the Part 90 Manual of Standards.

Penalty: 50 penalty units.

Source FARs sections 91.521 and 121.311 modified.

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

Regulation 90.130

90.130 External doors

- (1) The registered operator of an aircraft to which this Subpart applies commits an offence if:
- (a) the registered operator:
 - (i) operates the aircraft; or
 - (ii) permits a person to operate the aircraft; and
 - (b) a requirement in this regulation is not met while the aircraft is operating.

Penalty: 50 penalty units.

- (2) An external door in the aircraft must be of a kind that can be opened from both inside and outside the aircraft, unless:
- (a) the aircraft is an unpressurised small aeroplane; and
 - (b) in the aircraft's type design the door can be opened from the inside only.
- (3) The information mentioned in subregulation (4) must be clearly marked:
- (a) on the inside of each external door; and
 - (b) if an external door can be opened from the outside—on the outside of the external door.
- (4) For subregulation (3), the information is:
- (a) the location of the handle; and
 - (b) the operating instructions for the handle; and
 - (c) the position of the handle when the door is properly locked, or another way of showing when the door is properly locked.
- (5) In a large aeroplane or a pressurised small aeroplane, the design of an external door that, in use, initially opens outwards must allow for the locking mechanism to be visible from inside the aircraft to check whether the locking pins or latches are fully engaged.
- (6) An external door must also meet the requirements in this Part for an emergency exit.
- (7) An offence against subregulation (1) is an offence of strict liability.

Regulation 90.135

90.135 Emergency exits

- (1) The registered operator of an aircraft to which this Subpart applies commits an offence if:
 - (a) the registered operator:
 - (i) operates the aircraft; or
 - (ii) permits a person to operate the aircraft; and
 - (b) a requirement in this regulation is not met while the aircraft is operating.

Penalty: 50 penalty units.

- (2) Subject to paragraph (6)(b), each passenger and crew member in the aircraft must have unobstructed access to at least 1 emergency exit.
- (3) The location of each emergency exit must be marked so that each seated passenger can see the location of the exit nearest to the passenger.
- (4) Each passenger compartment in the aircraft must have a sign showing the way to any emergency exit that is not located in the passenger compartment.
- (5) Instructions showing how to open the emergency exit must be clearly marked on:
 - (a) the inside of each emergency exit; and
 - (b) if an emergency exit can be opened from the outside—on the outside of the emergency exit.
- (6) If an aircraft has 7 or more seats, including crew seats:
 - (a) each emergency exit sign and the instructions for operating each emergency exit must be provided with lighting so that, if the cabin is in darkness and the cabin lighting is not operating, the sign and instructions can be read by a person attempting to open the emergency exit; and
 - (b) access to an emergency exit must not be blocked by a seat back unless:
 - (i) the seat back can easily be moved out of the way; and

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- (ii) instructions for moving the seat back are clearly marked on or near the seat.

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

90.140 Cargo and baggage compartment lighting

- (1) The registered operator of an aircraft to which this Subpart applies commits an offence if:
 - (a) the registered operator:
 - (i) operates the aircraft; or
 - (ii) permits a person to operate the aircraft; and
 - (b) a requirement in subregulation (2) is not met while the aircraft is operating.

Penalty: 50 penalty units.

- (2) If the aircraft has lighting within a cargo or baggage compartment, the lamps:
 - (a) must be protected against the possibility of accidental damage; and
 - (b) must be insulated so that any baggage placed adjacent to the lamp is not subjected to excessive heat.
- (3) An offence against subregulation (1) is an offence of strict liability.

90.145 Thermal/acoustic insulation materials

- (1) This regulation applies to a large transport category aeroplane.
- (2) However, this regulation does not apply to an aeroplane of a particular type if a certificate of airworthiness was issued in respect of at least 1 aeroplane of that type before 1 January 1958.
- (3) The registered operator of an aeroplane to which this regulation applies commits an offence if:
 - (a) the registered operator:
 - (i) operates the aeroplane; or
 - (ii) permits a person to operate the aeroplane; and

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- (b) a requirement in this regulation is not met while the aeroplane is operating.

Penalty: 50 penalty units.

- (4) If:
 - (a) the aeroplane was manufactured before 2 September 2005;
and
 - (b) thermal/acoustic insulation materials have been installed in the fuselage as replacements on or after 2 September 2005;
and
 - (c) the materials are:
 - (i) of a blanket construction; or
 - (ii) installed around air ducting;the materials must meet the flame propagation standards of FARs paragraph 25.856 (a), as in force on 2 September 2003.
- (5) If the aeroplane was manufactured on or after 2 September 2005, any thermal/acoustic insulation materials installed in the fuselage must meet the flame propagation standards of FARs paragraph 25.856 (a), as in force on 2 September 2003.

Source FARs section 121.312 modified.

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

Subpart 90.C—Large aeroplanes engaged in air transport operations

Division 90.C.1—General

90.200 Applicability

This Subpart applies to large aeroplanes engaged in air transport operations.

Division 90.C.2—Emergency exits

90.205 Escape devices

- (1) The registered operator of a passenger-carrying aeroplane to which this Subpart applies commits an offence if:
 - (a) the registered operator:
 - (i) operates the aeroplane; or
 - (ii) permits a person to operate the aeroplane; and
 - (b) a requirement in this regulation is not met while the aeroplane is operating.

Penalty: 50 penalty units.

- (2) If:
 - (a) the aeroplane has an emergency exit; and
 - (b) the exit:
 - (i) is higher than 1.83 m above the ground when the aeroplane's landing gear is extended; and
 - (ii) is not positioned over the wing;the aeroplane must be equipped with an escape device to help passengers and members of the crew reach the ground from the aeroplane's cabin in an emergency.
- (3) The escape device must meet the standard for escape devices set out in the Part 90 Manual of Standards.
- (4) However, subregulation (2) does not apply to the rear window emergency exit of a DC-3 aeroplane that is being operated with 35 occupants or fewer.

Source FARs section 121.310 modified.
- (5) An offence against subregulation (1) is an offence of strict liability.

90.210 Location of emergency exits

- (1) This regulation applies to a passenger-carrying aeroplane that:
 - (a) is an aeroplane to which this Subpart applies; and

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- (b) is required under its type certification basis to have 2 or more emergency exits on each side of the fuselage.

Note: For the definition of *type certification basis*, see the Dictionary.

- (2) However, this regulation does not apply to an aeroplane that:
 - (a) was in operation before 16 October 1987; and
 - (b) had an emergency exit configuration installed and approved before 16 October 1987.
- (3) The registered operator of an aeroplane to which this regulation applies commits an offence if:
 - (a) the registered operator:
 - (i) operates the aeroplane; or
 - (ii) permits a person to operate the aeroplane; and
 - (b) the requirement in subregulation (4) is not met while the aeroplane is operating.

Penalty: 50 penalty units.

- (4) The distance between any 2 adjacent emergency exits that lead from the same deck in the aeroplane must be no more than 18.3 m.
- (5) For subregulation (4), the distance between 2 adjacent emergency exits is measured between the closest edges of the 2 doors, parallel to the aeroplane's longitudinal axis.

Source FARs section 121.310 modified.

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

90.215 Access to emergency exits

- (1) The registered operator of a passenger-carrying aeroplane to which this Subpart applies commits an offence if:
 - (a) the registered operator:
 - (i) operates the aeroplane; or
 - (ii) permits a person to operate the aeroplane; and
 - (b) while the aeroplane is operating, a passageway leading to, or an area providing access to, an emergency exit does not meet

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the standard for access to emergency exits set out in the Part 90 Manual of Standards.

Penalty: 50 penalty units.

Source FARs section 121.310 modified.

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

90.220 Interior emergency exit marking

- (1) The registered operator of a passenger-carrying aeroplane to which this Subpart applies commits an offence if:
- (a) the registered operator:
 - (i) operates the aeroplane; or
 - (ii) permits a person to operate the aeroplane; and
 - (b) while the aeroplane is operating, the identification marking for an emergency exit on the aeroplane, or a location sign or instruction for opening such an emergency exit, does not meet the standard for interior emergency exit marking set out in the Part 90 Manual of Standards.

Penalty: 50 penalty units.

Source FARs section 121.310 modified.

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

90.225 Interior emergency lighting

- (1) The registered operator of a passenger-carrying transport category aeroplane to which this Subpart applies commits an offence if:
- (a) the registered operator:
 - (i) operates the aeroplane; or
 - (ii) permits a person to operate the aeroplane; and
 - (b) while the aeroplane is operating, the interior emergency lighting system of the aeroplane does not meet the standard for interior emergency lighting set out in the Part 90 Manual of Standards.

Regulation 90.230

Penalty: 50 penalty units.

Source FARs section 121.310 modified.

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

90.230 Floor proximity emergency escape path

- (1) This regulation applies to a passenger-carrying transport category aeroplane that:
- (a) is an aeroplane to which this Subpart applies; and
 - (b) was originally certificated on or after 1 January 1958; and
 - (c) has 20 or more passenger seats.
- (2) The registered operator of an aeroplane to which this regulation applies commits an offence if:
- (a) the registered operator:
 - (i) operates the aeroplane; or
 - (ii) permits a person to operate the aeroplane; and
 - (b) while the aeroplane is operating, the aeroplane does not have a floor proximity emergency escape path that meets the standard for floor proximity emergency escape paths set out in the Part 90 Manual of Standards.

Penalty: 50 penalty units.

Source FARs section 121.310 modified.

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

90.235 Exterior emergency exit marking

- (1) The registered operator of a passenger-carrying aeroplane to which this Subpart applies commits an offence if:
- (a) the registered operator:
 - (i) operates the aeroplane; or
 - (ii) permits a person to operate the aeroplane; and
 - (b) while the aeroplane is operating, the outside of an emergency exit on the aeroplane is not marked so that it meets the standard for exterior emergency exit marking set out in the Part 90 Manual of Standards.

Regulation 90.240

Penalty: 50 penalty units.

Source FARs section 121.310 modified.

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

90.240 Exterior emergency lighting

- (1) The registered operator of a passenger-carrying transport category aeroplane to which this Subpart applies commits an offence if:
- (a) the registered operator:
 - (i) operates the aeroplane; or
 - (ii) permits a person to operate the aeroplane; and
 - (b) while the aeroplane is operating, an over-wing exit on the aeroplane, or an escape device fitted to the aeroplane for regulation 90.205, is not fitted with an exterior emergency lighting system that meets the standard for exterior emergency lighting set out in the Part 90 Manual of Standards.

Penalty: 50 penalty units.

Source FARs section 121.310 modified.

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

90.245 Over-wing escape routes

- (1) The registered operator of a passenger-carrying aeroplane to which this Subpart applies commits an offence if:
- (a) the registered operator:
 - (i) operates the aeroplane; or
 - (ii) permits a person to operate the aeroplane; and
 - (b) while the aeroplane is operating, an over-wing emergency exit on the aeroplane does not have an over-wing escape route that meets the standard for over-wing escape routes set out in the Part 90 Manual of Standards.

Penalty: 50 penalty units.

Source FARs section 121.310 modified.

Regulation 90.245

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

Regulation 90.250

Division 90.C.3—Fire protection

90.250 Cabin interiors—materials

- (1) This regulation applies to a transport category aeroplane that:
 - (a) is an aeroplane to which this Subpart applies; and
 - (b) has 20 or more passenger seats.
- (2) The registered operator of the aeroplane commits an offence if:
 - (a) the registered operator:
 - (i) operates the aeroplane; or
 - (ii) permits a person to operate the aeroplane; and
 - (b) while the aeroplane is operating, the materials used in the interior of the cabin of the aeroplane do not meet the standard for cabin interiors set out in the Part 90 Manual of Standards.

Penalty: 50 penalty units.

Source FARs section 121.312 modified.

- (3) Subregulation (2) does not apply to a material used for a passenger seat cushion in an aeroplane to which regulation 90.255 applies.
- (4) An offence against subregulation (2) is an offence of strict liability.

90.255 Seat cushions—materials

- (1) This regulation applies to a transport category aeroplane that:
 - (a) is an aeroplane to which this Subpart applies; and
 - (b) has 31 or more passenger seats; and
 - (c) was originally certificated on or after 1 January 1958.

Note: On and after 1 January 2016, this regulation will also apply to:

- (a) transport category aeroplanes that:
 - (i) have 30 passenger seats or fewer; and
 - (ii) were originally certificated on or after 1 January 1958; and
- (b) non-transport category aeroplanes that were originally certificated on or after 1 January 1965.

- (2) The registered operator of the aeroplane commits an offence if:
-

Regulation 90.260

- (a) the registered operator:
 - (i) operates the aeroplane; or
 - (ii) permits a person to operate the aeroplane; and
- (b) while the aeroplane is operating, a seat cushion, other than a flight crew member's seat cushion, in the aeroplane does not comply with FARs paragraph 25.853 (c), as in force on 26 November 1984.

Penalty: 50 penalty units.

Source FARs section 121.312 modified.

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

90.260 Cargo compartment liners—materials

- (1) This regulation applies to a transport category aeroplane that:
 - (a) is an aeroplane to which this Subpart applies; and
 - (b) was originally certificated on or after 1 January 1958.
- (2) The registered operator of the aeroplane commits an offence if:
 - (a) the registered operator:
 - (i) operates the aeroplane; or
 - (ii) permits a person to operate the aeroplane; and
 - (b) a requirement in subregulation (3) is not met while the aeroplane is operating.

Penalty: 50 penalty units.

- (3) If the aeroplane has a Class C cargo or baggage compartment, or a Class D cargo or baggage compartment, larger than 5.66 m³, the ceiling and wall liner panels of the compartment must be:
 - (a) constructed of glass fibre reinforced resin; or
 - (b) constructed of 1 or more materials that meet:
 - (i) the flame penetration test requirements of FARs Part 25, Appendix F, Part III, as in force on 16 June 1986; or
 - (ii) another approved test; or
 - (c) an aluminium liner installation approved before 20 March 1989.

Source FARs section 121.314 modified.

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

90.265 Cargo compartments for aeroplanes engaged in regular public transport operations

- (1) This regulation applies to a transport category aeroplane that:
- (a) is an aeroplane to which this Subpart applies; and
 - (b) was originally certificated on or after 1 January 1958; and
 - (c) is engaged in regular public transport operations.

Note: It is anticipated that the application of this regulation will be extended to cover operations mentioned in paragraph 206 (1)(b) of CAR when provisions of Parts 121 and 135 relating to air transport operations commence.

- (2) The registered operator of the aeroplane commits an offence if:
- (a) the registered operator:
 - (i) operates the aeroplane; or
 - (ii) permits a person to operate the aeroplane; and
 - (b) a requirement in subregulation (3) is not met while the aeroplane is operating.

Penalty: 50 penalty units.

- (3) If the aeroplane has a Class D cargo or baggage compartment, the compartment must meet:
- (a) for a passenger-carrying aeroplane—the standards for a Class C cargo or baggage compartment set out in FARs paragraph 25.857 (c) and section 25.858; or
 - (b) for any other aeroplane—the standards for a Class E cargo compartment set out in FARs paragraph 25.857 (e).

Source FARs section 121.314 modified.

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

90.270 Toilets

- (1) The registered operator of a passenger-carrying aeroplane to which this Subpart applies commits an offence if:
- (a) the registered operator:

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- (i) operates the aeroplane; or
- (ii) permits a person to operate the aeroplane; and
- (b) a requirement in this regulation is not met while the aeroplane is operating.

Penalty: 50 penalty units.

- (2) Both sides of the door of each toilet in the aeroplane must have, installed above the door knob or near the door, a placard showing:
 - (a) the words 'NO SMOKING IN TOILET' or 'NO SMOKING'; or
 - (b) a symbol with the same meaning.
- (3) Each toilet in an aeroplane that has 20 or more passenger seats must be equipped with:
 - (a) a smoke detector that gives a warning signal that can be seen or heard by a flight crew member or cabin crew member; and
 - (b) 1 or more built-in fire extinguishers that will, in the event of a fire in a waste receptacle in the toilet, discharge into the receptacle.

Source FARs section 121.308 modified.

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

90.275 Thermal/acoustic insulation materials

- (1) This regulation applies to a transport category aeroplane that:
 - (a) is an aeroplane to which this Subpart applies; and
 - (b) was manufactured on or after 2 September 2009; and
 - (c) has 20 or more passenger seats; and
 - (d) is engaged in regular public transport operations.

Note: It is anticipated that the application of this regulation will be extended to cover operations mentioned in paragraph 206 (1)(b) of CAR when provisions of Parts 121 and 135 relating to air transport operations commence.

- (2) However, this regulation does not apply to an aeroplane of a particular type if a certificate of airworthiness was issued in respect of at least 1 aeroplane of that type before 1 January 1958.

Part 90 Additional airworthiness requirements

Subpart 90.C Large aeroplanes engaged in air transport operations

Division 90.C.3 Fire protection

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- (3) The registered operator of an aeroplane to which this regulation applies commits an offence if:
- (a) the registered operator:
 - (i) operates the aeroplane; or
 - (ii) permits a person to operate the aeroplane; and
 - (b) while the aeroplane is operating, any thermal/acoustic insulation materials installed in the lower half of the aeroplane's fuselage do not meet the flame penetration resistance standards of FARs paragraph 25.856 (b), as in force on 2 September 2003.

Penalty: 50 penalty units.

Source FARs section 121.312 modified.

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

Division 90.C.4—Systems and equipment

90.280 Seats

- (1) This regulation applies to a transport category aeroplane that:
- (a) is an aeroplane to which this Subpart applies; and
 - (b) was originally certificated on or after 1 January 1958; and
 - (c) is manufactured on or after 27 October 2009; and
 - (d) is engaged in regular public transport operations.

Note: It is anticipated that the application of this regulation will be extended to cover operations mentioned in paragraph 206 (1)(b) of CAR when provisions of Parts 121 and 135 relating to air transport operations commence.

- (2) The registered operator of the aeroplane commits an offence if:
- (a) the registered operator:
 - (i) operates the aeroplane; or
 - (ii) permits a person to operate the aeroplane; and
 - (b) while the aeroplane is operating, a seat for a passenger or cabin crew member does not meet the standards of FARs section 25.562, as in force on 16 June 1988.

Penalty: 50 penalty units.

Source FARs section 121.311 modified.

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

90.285 Pitot heat indication systems

- (1) This regulation applies to a turbine-powered transport category aeroplane that:
- (a) is an aeroplane to which this Subpart applies; and
 - (b) has a flight instrument pitot heating system; and
 - (c) is engaged in regular public transport operations.

Note: It is anticipated that the application of this regulation will be extended to cover operations mentioned in paragraph 206 (1)(b) of CAR when provisions of Parts 121 and 135 relating to air transport operations commence.

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- (2) The registered operator of the aeroplane commits an offence if:
- (a) the registered operator:
 - (i) operates the aeroplane; or
 - (ii) permits a person to operate the aeroplane; and
 - (b) a requirement in this regulation is not met while the aeroplane is operating.

Penalty: 50 penalty units.

- (3) The aeroplane must have an indication system to indicate to the flight crew if the flight instrument pitot heating system is not operating.
- (4) The indication system must comply with the following requirements:
- (a) the indication system must incorporate an amber light that is in clear view of a flight crew member;
 - (b) the indication system must be designed to alert the flight crew if either of the following conditions exists:
 - (i) the flight instrument pitot heating system is switched off;
 - (ii) the flight instrument pitot heating system is switched on and any pitot tube heating element is inoperative.

Source FARs section 121.342 modified.

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

90.290 Landing gear aural warning systems

- (1) The registered operator of an aeroplane to which this Subpart applies, other than an aeroplane that complies with FARs section 25.729 as in force on 6 January 1992, commits an offence if:
- (a) the registered operator:
 - (i) operates the aeroplane; or
 - (ii) permits a person to operate the aeroplane; and
 - (b) while the aeroplane is operating, the aeroplane does not have a landing gear aural warning system and associated devices that meet the standard for landing gear aural warning systems

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and associated devices set out in the Part 90 Manual of Standards.

Penalty: 50 penalty units.

Source FARs section 121.289 modified.

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

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Subpart 90.D—Small aeroplanes engaged in air transport operations

90.400 Applicability

This Subpart applies to small aeroplanes engaged in air transport operations.

90.405 Cargo and baggage compartments

- (1) The registered operator of an aeroplane that has 10 or more passenger seats and to which this Subpart applies commits an offence if:
 - (a) the registered operator:
 - (i) operates the aeroplane; or
 - (ii) permits a person to operate the aeroplane; and
 - (b) a requirement in this regulation is not met while the aeroplane is operating.

Penalty: 50 penalty units.

- (2) Each compartment for cargo, baggage or both (**goods**) in the aeroplane must:
 - (a) display a placard showing the maximum load for which the compartment has been designed; and
 - (b) have a means to prevent goods creating a hazard by shifting, or by damaging the aeroplane; and
 - (c) have a means to restrain goods to protect the aeroplane's occupants from injury in the event of the aeroplane being subjected to a forward inertial load of up to 9 g when the compartment is carrying the maximum weight of goods.
- (3) If goods are in the passenger compartment of the aeroplane, the compartment must have a means to prevent the passengers being injured by the goods during the emergency landing conditions mentioned in the aeroplane's type certification basis.

Source FARs Part 135 Appendix A modified.

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

90.410 Emergency exits

- (1) This regulation applies to an aeroplane that:
- (a) is an aeroplane to which this Subpart applies; and
 - (b) has 10 or more passenger seats; and
 - (c) is engaged in regular public transport operations.

Note: It is anticipated that the application of this regulation will be extended to cover operations mentioned in paragraph 206 (1)(b) of CAR when provisions of Parts 121 and 135 relating to air transport operations commence.

- (2) The registered operator of the aeroplane commits an offence if:
- (a) the registered operator:
 - (i) operates the aeroplane; or
 - (ii) permits a person to operate the aeroplane; and
 - (b) while the aeroplane is operating, the aeroplane's emergency exits do not meet the standard for emergency exits set out in the Part 90 Manual of Standards.

Penalty: 50 penalty units.

Source FARs Part 135 Appendix A modified.

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

90.415 Landing gear aural warning systems

- (1) This regulation applies to an aeroplane that:
- (a) is an aeroplane to which this Subpart applies; and
 - (b) has 10 or more passenger seats; and
 - (c) has wing flaps and retractable landing gear; and
 - (d) is not an amphibian.
- (2) The registered operator of the aeroplane commits an offence if:
- (a) the registered operator:
 - (i) operates the aeroplane; or
 - (ii) permits a person to operate the aeroplane; and

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- (b) while the aeroplane is operating, the aeroplane does not have a landing gear aural warning system and associated devices that meet the standard for landing gear aural warning systems and associated devices set out in the Part 90 Manual of Standards.

Penalty: 50 penalty units.

Source FARs Part 135 Appendix A modified.

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

Subpart 90.E—Helicopters engaged in regular public transport operations

90.600 Applicability

This Subpart applies to helicopters engaged in regular public transport operations.

Note: It is anticipated that the application of this Subpart will be extended to cover operations mentioned in paragraph 206 (1)(b) of CAR when provisions of Part 133 relating to air transport operations commence.

90.605 Emergency exits

- (1) The registered operator of a helicopter to which this Subpart applies commits an offence if:
 - (a) the registered operator:
 - (i) operates the helicopter; or
 - (ii) permits a person to operate the helicopter; and
 - (b) a requirement in this regulation is not met while the helicopter is operating.

Penalty: 50 penalty units.

- (2) Each emergency exit must be marked so that its location can be seen from a distance equal to the width of the cabin.
- (3) There must be a sign on or near each exit that:
 - (a) shows the location of the exit handle; and
 - (b) gives the operating instructions for the handle; and
 - (c) can be read by a person attempting to open the exit.
- (4) The light for each emergency exit sign must:
 - (a) operate independently of the helicopter's main lighting system; and
 - (b) be able to be switched on manually; and

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- (c) remain illuminated when the helicopter makes an emergency landing, regardless of whether the light switches on automatically or must be switched on manually.
- (5) The outside of the fuselage must be marked to show:
 - (a) each emergency exit; and
 - (b) if an exit can be opened from outside—the means by which it can be opened.
- (6) An offence against subregulation (1) is an offence of strict liability.

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Subpart 91.A—Applicability and definitions

91.005 Applicability

- (1) This Part applies to:
- (a) the operation of Australian civil aircraft operating in or outside Australian territory; and
 - (b) the operation of a foreign registered civil aircraft flying into or out of, or operating in, Australian territory.

Note: Each Subpart has its own applicability provision to describe its subject-matter.

- (2) In spite of paragraph (1)(a):
- (a) Annex 2, *Rules of the Air*, to the Chicago Convention applies to the operation of an Australian civil aircraft over the high seas; and
 - (b) the rules of a foreign State relating to the flight and manoeuvre of aircraft apply to the operation of an Australian civil aircraft in that State; and
 - (c) subject to any contrary intention in another provision of this Part, a requirement of this Part applies in the circumstances referred to in paragraph (b) if it is not inconsistent with, or is more stringent than, the corresponding requirement of the law of the foreign State.

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Subpart 91.D—Operational procedures

91.830 Reduced vertical separation minimum (RVSM) operations

Note: This regulation heading is reserved for future use. For the rules presently applying to such operations, see regulations 181A to 181X of CAR.

91.850 Required navigation performance (RNP) operations

- (1) The operator of an aircraft must not permit it to start a flight during which it may operate in an RNP operation unless:
 - (a) a flight plan for the flight has been submitted to air traffic services; and
 - (b) the flight plan complies with regulation 241 of CAR so far as those requirements apply to the operation.

Penalty: 25 penalty units.

- (2) In this regulation:

RNP operation means an aircraft operation of a kind for which the airspace or route design or aircraft separation minima for the operation are based on an RNP type.

Note: An operator who does not hold an RNP operational authorisation will not necessarily be excluded by air traffic services from airspace in which the route design, route spacing and aircraft separation minima are based on an RNP type. However, such an operator would not be given the separation minima that would be given to an operator who holds an RNP operational authorisation.

91.865 Basic area navigation (B-RNAV) operations

Note: This regulation heading is reserved for future use.

91.870 Precision area navigation (P-RNAV) operations

Note: This regulation heading is reserved for future use.

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91.875 Minimum navigation performance specification (MNPS) operations

Note: This regulation heading is reserved for future use.

91.880 Australian area navigation (AUSEP) operations

Note: This regulation heading is reserved for future use.

91.885 Navigation trial operations

Note: This regulation heading is reserved for future use.

91.890 Area navigation (RNAV) operations

Note: This regulation heading is reserved for future use.

Subpart 91.U—Navigation authorisations

Division 91.U.1—Preliminary

91.5000 Applicability

- (1) This Subpart applies in relation to navigation authorisations held by Australian operators.
- (2) This Subpart sets out the administrative processes to be followed by CASA and applicants, and the technical, training, operational and monitoring standards that form the basis of the navigation authorisations.

91.5005 Definition for this Subpart

In this Subpart:

Australian operator means an operator whose principal place of business, or whose place of permanent residence, is in Australian territory.

MOS Subpart 91.U means the manual known as *Manual of Standards—Subpart 91.U*, as issued by CASA from time to time.

navigation authorisation means an RNP operational authorisation (within the meaning given by subregulation 91.5155 (1)).

Note: In future it is intended that the definition will be expanded to cover other kinds of navigation authorisation (such as RVSM approvals, which are presently dealt with in Division 5 of Part 12 of CAR).

91.5010 Issue of Manual of Standards

CASA may issue a Manual of Standards for this Subpart that provides for the following matters:

- (a) equipment requirements;
- (b) training requirements;
- (c) continuing airworthiness;
- (d) operating procedures;

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- (e) reporting of navigation or system errors;
- (f) any other matter required or permitted by this Subpart to be provided for by the Manual of Standards;
- (g) any matter necessary or convenient to be provided for the effective operation of this Subpart.

Note 1: A Manual of Standards is a legislative instrument for the purposes of the *Legislative Instruments Act 2003*: see paragraph 6 (d) of that Act and subsections 98 (5A) and (5B) of the *Civil Aviation Act 1988*.

Note 2: Subpart 11.J sets out procedures for the issue, amendment and revocation of a Manual of Standards.

91.5015 How long navigation authorisations remain in force

- (1) Subject to subregulation (2), a navigation authorisation remains in force unless it is cancelled.
- (2) A navigation authorisation is not in force during any period in which it is suspended.

91.5020 Contravention of conditions of navigation authorisations

- (1) The holder of a navigation authorisation must not contravene a condition of the authorisation.

Penalty: 25 penalty units.

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

91.5025 Removal of aircraft from navigation authorisations—holder ceasing to operate aircraft

- (1) If the holder of a navigation authorisation ceases to be the operator of an aircraft covered by the authorisation, the holder must notify CASA, in writing, within 14 days after ceasing to be the operator.

Penalty: 5 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.
- (3) After receiving a notice under subregulation (1), CASA must:
 - (a) cancel the navigation authorisation; and

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- (b) if any other aircraft is or are covered by the authorisation, give the holder a new navigation authorisation covering the remaining aircraft.
- (4) CASA must give the holder written notice of the cancellation, and the new authorisation (if any), setting out:
 - (a) the date of the cancellation; and
 - (b) any other information CASA thinks should be included.
- (5) A new navigation authorisation given under paragraph (3)(b) takes effect on the cancellation of the replaced authorisation.

91.5030 Aircraft allotted new registration marks

If a navigation authorisation identifies an Australian aircraft by reference to its registration mark, but that registration mark has been replaced with a new one, the reference in the authorisation to the old registration mark is taken to be a reference to the new registration mark.

Note: A navigation authorisation identifies an aircraft by both its serial number and its registration mark—see paragraph 91.5165 (d).

Division 91.U.2—RVSM airworthiness authorisation

Note: This Division is reserved for future use.

Division 91.U.3—RVSM operational authorisation

Note: This Division is reserved for future use.

Division 91.U.4—RNP operational authorisation

Note: **RNP** means required navigation performance. An **RNP type** is a level of navigation performance accuracy expressed as a distance, in nautical miles.

91.5150 RNP types

There are the following RNP types:

- (a) RNP 4;
- (b) RNP 10.

Note: The number in an RNP type is the level of navigation performance accuracy for the type, in nautical miles. Hence, RNP 4 requires a navigation performance accuracy of 4 nautical miles.

91.5155 Applications for RNP operational authorisation

- (1) An **RNP operational authorisation** is an authorisation granted to an Australian operator by CASA certifying that the operator is qualified to operate a specified aircraft in a specified aircraft operation to which a specified RNP type applies.
- (2) An Australian operator may apply to CASA for the grant of an RNP operational authorisation.
- (3) The application:
 - (a) must be made in writing; and
 - (b) must specify the RNP type or types proposed to be covered by the authorisation; and
 - (c) must specify the aircraft, or each aircraft, proposed to be covered by the authorisation by reference to the aircraft's registration mark and serial number; and
 - (d) must contain, or be accompanied by:
 - (i) written information, in accordance with MOS Subpart 91.U, that shows whether each of those aircraft meets the standards referred to in paragraph 91.5160 (a); and
 - (ii) a written description, in accordance with MOS Subpart 91.U, of the training program proposed by the operator for the members of the operator's flight crew who

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- would, if the authorisation were to be granted, operate any or all of the aircraft; and
- (iii) a written description, in accordance with MOS Subpart 91.U, of the program proposed by the operator for the continued airworthiness of the aircraft; and
 - (iv) a written description, in accordance with MOS Subpart 91.U, of the operational procedures for operating the aircraft in aircraft operations of the kind for which the airspace or route spacing and separation minima are based on the RNP type, or an RNP type, for which the authorisation is sought; and
 - (v) any other information required by MOS Subpart 91.U.

91.5160 Criteria for grant of RNP operational authorisations

For regulation 11.055, an applicant for an RNP operational authorisation must show that:

- (a) each aircraft proposed to be covered by the authorisation is equipped in accordance with the standards set out in MOS Subpart 91.U for equipment for aircraft operated under such an authorisation; and
- (b) the operator would, if the authorisation were to be granted, be able to comply with the conditions to which the authorisation would be subject.

91.5165 RNP operational authorisations

An RNP operational authorisation:

- (a) must contain a reference number by which it can be identified; and
- (b) must state the name of the operator and the date when it comes into force; and
- (c) must state the RNP type or types covered by it; and
- (d) must specify the aircraft, or each aircraft, covered by it by reference to the aircraft's registration mark and serial number; and
- (e) must set out any conditions imposed on the authorisation; and

- (f) may include any other information CASA thinks should be included.

91.5170 Conditions on RNP operational authorisations

In addition to any other conditions imposed by or under Part 11, an RNP operational authorisation is subject to the following conditions:

- (a) that the operator to which it is granted has, and complies with, a program for the continued airworthiness of each aircraft covered by the authorisation to ensure that it will continue to meet the standards for continued airworthiness set out in MOS Subpart 91.U;
- (b) that the operator has, for the members of the operator's flight crew who will operate the aircraft, a training program that complies with the standards for training programs set out in MOS Subpart 91.U;
- (c) that the operator has operating procedures for operating the aircraft in aircraft operations for which the airspace or route design and separation minima are based on an RNP type covered by the authorisation;
- (d) the aircraft's operator or pilot-in-command reports to CASA any navigation or system error of a type specified for that purpose in MOS Subpart 91.U.

Division 91.U.5—B-RNAV operational authorisation

Note: This Division heading is reserved for future use.

Division 91.U.6—P-RNAV operational authorisation

Note: This Division heading is reserved for future use.

Division 91.U.7—MNPS operational authorisation

Note: This Division heading is reserved for future use.

Division 91.U.8—AUSEP operational authorisation

Note: This Division heading is reserved for future use.

Part 91 General operating and flight rules

Subpart 91.U Navigation authorisations

Division 91.U.9 Navigation trial operational authorisation

**Division 91.U.9—Navigation trial operational
authorisation**

Note: This Division heading is reserved for future use.

Division 91.U.10—RNAV operational authorisation

Note: This Division heading is reserved for future use.

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Subpart 92.A—General

92.005 Applicability

- (1) This Part applies in relation to the operation of:
 - (a) all Australian aircraft; and
 - (b) all foreign aircraft (other than state aircraft) operating in Australian territory.
- (2) This Part sets out:
 - (a) for section 23 of the Act—the conditions under which an aircraft may carry dangerous goods and a person may carry dangerous goods, or consign dangerous goods for carriage, on an aircraft; and
 - (b) for section 23A of the Act—the requirements for the statement to be made in respect of cargo consigned for carriage on an aircraft; and
 - (c) for section 23B of the Act—the requirements for training of persons involved in handling cargo carried or consigned for carriage on an aircraft.

92.010 Definitions for Part 92

- (1) In this Part:

accept, used in relation to a package or consignment, has the same meaning as in the Technical Instructions.

Australian aircraft operator means an operator of an Australian aircraft.

commercial operator means an operator engaging in commercial air transport operations or commercial aerial work operations.

dangerous goods accident means an event involving dangerous goods that occurs in the course of the goods being carried, or consigned for carriage, on an aircraft and results in:

- (a) a fatal or serious injury to a person; or

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- (b) serious damage to the aircraft or any cargo carried on the aircraft.

dangerous goods incident means an event (other than a dangerous goods accident) involving dangerous goods that occurs in the course of the goods being carried, or consigned for carriage, on an aircraft and that:

- (a) results in:
- (i) the escape of smoke or flames from the container or package in which the goods are contained; or
 - (ii) breakage of the container or package in which the goods are contained; or
 - (iii) any escape of the goods or part of them from the container or package in which they are contained; or
 - (iv) leakage of fluid or radiation from the container or package in which the goods are contained; or
- (b) seriously jeopardises, or is likely to seriously jeopardise, the aircraft or its occupants.

dangerous goods manual means a manual kept by an operator in accordance with regulation 92.045 or 92.050.

freight forwarder means a person who offers the service of arranging the transport of cargo by air.

ground handling agent means a person who performs, on behalf of an operator, the service of accepting, handling, loading, unloading, transferring or otherwise processing cargo, passengers or baggage.

shipment means shipment by air.

shipper of dangerous goods means a person who consigns dangerous goods for carriage on an aircraft.

Technical Instructions means, at a particular time, the edition that is valid at that time of the document entitled *Technical Instructions for the Safe Transport of Dangerous Goods by Air*, issued by the International Civil Aviation Organization.

Note 1: Each edition of the Technical Instructions states in its Introduction the dates between which it is valid. The edition for 2003–2004 of the

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Technical Instructions is valid from 1 March 2003 to 31 December 2004 or until the next edition becomes valid. The Technical Instructions are available (as a printed document only) from the ICAO's Document Sales Unit at:

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Note 2: General industry practice is to follow the IATA Dangerous Goods Regulations, which are issued more frequently than the Technical Instructions. The requirements of the IATA Regulations are either the same as, or more stringent than, the requirements of the Technical Instructions. If that is so, compliance with the IATA Regulations will automatically result in compliance with the Technical Instructions.

- (2) An expression used in both this Part and the Technical Instructions has, unless the contrary intention appears, the same meaning in this Part as in the Technical Instructions.

92.015 What are dangerous goods?

For the purposes of subparagraph (b)(ii) of the definition of ***dangerous goods*** in subsection 23(3) of the Act, the things specified in the Dangerous Goods List contained in the Technical Instructions are declared to be dangerous goods.

Note: Explosives are dangerous goods whether or not they are mentioned in the Dangerous Goods List—see the Act, subsection 23 (3).

Subpart 92.B—Conditions for carriage etc of dangerous goods

Note: Subpart 92.D sets out certain exemptions from requirements of this Subpart.

92.020 Compliance with Technical Instructions generally

- (1) This regulation makes provision, for the purposes of subsections 23(1), (2) and (2A) of the Act, about the carriage, and consignment for carriage, of dangerous goods on an aircraft.

Note: Under subsections 23(1), (2) and (2A) of the Act, an aircraft must not carry dangerous goods except in accordance with these Regulations.

- (2) Dangerous goods of a kind that, under the Technical Instructions, are forbidden for transport by air must not be consigned for carriage on an aircraft.

Note: For details of where to obtain copies of the Technical Instructions, see the note following the definition of *Technical Instructions* in regulation 92.010.

- (3) Dangerous goods of a kind that, under the Technical Instructions, are forbidden for transport by air must not be carried on an aircraft.
- (4) Dangerous goods of a kind that, under the Technical Instructions, are forbidden for transport by air on a passenger aircraft must not be consigned for carriage on a passenger aircraft.
- (5) Dangerous goods of a kind that, under the Technical Instructions, are forbidden for transport by air on a passenger aircraft must not be carried on a passenger aircraft.
- (6) Dangerous goods of a kind that, under the Technical Instructions, may be carried by air only in particular circumstances must not be consigned for carriage by air except in those circumstances.
- (7) Dangerous goods of a kind that, under the Technical Instructions, may be carried by air only in particular circumstances must not be carried by air except in those circumstances.

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92.025 Compliance with Technical Instructions—operators

- (1) This regulation makes provision, for the purposes of subsections 23 (1), (2) and (2A) of the Act, about the carriage of dangerous goods on an aircraft.

Note: Under subsections 23 (1), (2) and (2A) of the Act, an aircraft must not carry dangerous goods except in accordance with these Regulations.

- (2) It is a condition of the carriage of dangerous goods on an aircraft that the operator of the aircraft complies with:
- (a) the requirements (if any) of the Technical Instructions limiting the quantity of such goods that may be carried on the aircraft; or
 - (b) the requirements of those Instructions concerning the following matters:
 - (i) the loading of the goods;
 - (ii) the separation of the goods from passengers, animals or other cargo on board the aircraft;
 - (iii) the replacement of lost, damaged or detached labels;
 - (iv) the labelling of unit load devices (such as containers or pallets) that contain the goods;
 - (v) segregation of the goods from other dangerous goods;
 - (vi) acceptance procedures for the goods;
 - (vii) dealing with undeliverable consignments;
 - (viii) dealing with damaged packages;
 - (ix) inspection of the aircraft or the goods;
 - (x) decontamination of the aircraft;
 - (xi) giving information to the aircraft's crew;
 - (xii) action to be taken by the crew in an emergency;
 - (xiii) giving information to an emergency service such as a fire service or police service;
 - (xiv) documentation;
 - (xv) providing notices and information.

Note: This regulation creates a defence to the offences created by subsections 23 (2) and (2A) of the Act. A defendant charged with either of those offences bears an evidential burden in relation to the matters set out in this regulation—see subsection 13.3 (3) of the *Criminal Code*.

92.030 Compliance with Technical Instructions—passengers and crew

- (1) This regulation makes provision, for the purposes of subsections 23 (1), (2) and (2A) of the Act, about the carriage of dangerous goods on an aircraft by a person, whether a passenger or a member of the aircraft's crew.

Note: Under subsections 23 (1), (2) and (2A) of the Act, dangerous goods must not be carried on an aircraft except in accordance with these Regulations.

- (2) Subject to subregulation (3), it is a condition of the carriage of dangerous goods on an aircraft by a person that the person complies with the requirements (if any) of the Technical Instructions:
- (a) concerning the type of dangerous goods that a person may carry on board an aircraft; or
 - (b) as to whether the dangerous goods may be carried in the person's carry-on baggage or in checked baggage; or
 - (c) limiting the quantity of such goods that may be carried on the aircraft, or in checked or carry-on baggage; or
 - (d) requiring the aircraft operator's approval before the goods are carried.

Note: The relevant provisions of the Technical Instructions are set out at the end of this regulation.

- (3) A person who is a passenger is taken not to contravene the condition in subregulation (2) if the person carries dangerous goods in contravention of that condition, or carries such goods in a way that would, but for this subregulation, contravene that condition, if:
- (a) the person carries the goods, or carries the goods in that way, in reliance on a statement, made by the operator or an employee of the operator, to the effect that the carriage of the goods, or the carriage of goods in that way, is permissible or does not contravene the Technical Instructions; and
 - (b) it is reasonable for the person to rely on that statement.

Note 1: This regulation creates a defence to the offences created by subsections 23 (2) and (2A) of the Act. A defendant charged with either of those offences bears an evidential burden in relation to the

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matters set out in this regulation—see subsection 13.3 (3) of the *Criminal Code*.

Note 2: Section 1.1 of the Technical Instructions, regarding dangerous goods carried by passengers or crew, is as follows:

1.1 DANGEROUS GOODS CARRIED BY PASSENGERS OR CREW

1.1.1 Except as otherwise provided in 1.1.2 below, dangerous goods must not be carried by passengers or crew members, either as or in carry-on baggage or checked baggage or on their person. Security type equipment such as attaché cases, cash boxes, cash bags, etc. incorporating dangerous goods, for example lithium batteries or pyrotechnic material, are totally forbidden; see entry in Table 3-1.

1.1.2 The provisions of these Instructions do not apply to the following when carried by passengers or crew members or in baggage, transported by the operator, that has been separated from its owner during transit (e.g. lost baggage or improperly routed baggage):

- a) when in retail packagings, alcoholic beverages containing more than 24 per cent but not more than 70 per cent alcohol by volume, in receptacles not exceeding 5 L, with a total net quantity per person of 5 L for such beverages;

Note.—Alcoholic beverages containing not more than 24 per cent alcohol by volume are not subject to any restrictions.

- b) non-radioactive medicinal or toilet articles (including aerosols). Also aerosols in Division 2.2, with no subsidiary risk, for sporting or home use in checked baggage only. The total net quantity of all such articles carried by each person must not exceed 2 kg or 2 L and the net quantity of each single article must not exceed 0.5 kg or 0.5 L. The term “medicinal or toilet articles (including aerosols)” is intended to include such items as hair sprays, perfumes, colognes and medicines containing alcohols;
- c) with the approval of the operator (s), small gaseous oxygen or air cylinders required for medical use;
- d) small carbon dioxide gas cylinders worn for the operation of mechanical limbs, also spare cylinders of a similar size if required to ensure an adequate supply for the duration of the journey;
- e) with the approval of the operator (s), as checked baggage only, securely boxed cartridges for sporting purposes, in Division 1.4S, in quantities not exceeding 5 kg gross mass per person for that person’s own use, excluding ammunition with explosive or incendiary projectiles. Allowances for more than one person must not be combined into one or more packages;
- f) dry ice in quantities not exceeding 2 kg per person, when used to pack perishables not subject to these Instructions, provided the package permits the release of carbon dioxide gas:
in carry-on baggage; or

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- with the approval of the operator (s), in checked baggage;
- g) safety matches or a lighter intended for use by an individual when carried on the person. However, lighters containing unabsorbed liquid fuel (other than liquefied gas), lighter fuel and lighter refills are not permitted on one's person or in checked or carry-on baggage;

Note.—“Strike anywhere” matches are forbidden for air transport.

- h) radioisotopic cardiac pacemakers or other devices, including those powered by lithium batteries, implanted into a person, or radio-pharmaceuticals contained within the body of a person as the result of medical treatment;
- i) with the approval of the operator (s), wheelchairs or other battery-powered mobility aids with non-spillable batteries (see Packing Instruction 806 and Special Provision A67), as checked baggage provided the battery terminals are protected from short circuits and the battery is securely attached to the wheelchair or mobility aid;
- j) with the approval of the operator (s), wheelchairs or other battery-powered mobility aids with spillable batteries as checked baggage, provided that the wheelchair or mobility aid can be loaded, stowed, secured and unloaded always in an upright position and that the battery is disconnected, the battery terminals are protected from short circuits and the battery is securely attached to the wheelchair or mobility aid. If the wheelchair or mobility aid cannot be loaded, stowed, secured and unloaded always in an upright position, the battery must be removed and the wheelchair or mobility aid may then be carried as checked baggage without restriction. The removed battery must be carried in strong, rigid packagings as follows:

these packagings must be leaktight, impervious to battery fluid and be protected against upset by securing to pallets or by securing them in cargo compartments using appropriate means of securement (other than by bracing with freight or baggage) such as by use of restraining straps, brackets or holders;

batteries must be protected against short circuits, secured upright in these packagings and surrounded by compatible absorbent material sufficient to absorb their total liquid contents; and

these packagings must be marked “Battery, wet, with wheelchair” or “Battery, wet, with mobility aid” and be labelled with a “Corrosive” label (Figure 5-21) and with a package orientation label (Figure 5-25).

The pilot-in-command must be informed of the location of a wheelchair or mobility aid with an installed battery or the location of a packed battery.

It is recommended that passengers make advance arrangements with each operator; also unless batteries are

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- non-spillable they should be fitted, where feasible, with spill-resistant vent caps;
- k) hair curlers containing hydrocarbon gas, no more than one per person, provided that the safety cover is securely fitted over the heating element. Gas refills for such curlers must not be carried;
 - l) with the approval of the operator (s), as carry-on baggage only, a mercurial barometer or mercurial thermometer carried by a representative of a government weather bureau or similar official agency. The barometer or thermometer must be packed in a strong outer packaging, having a sealed inner liner or a bag of strong leak-proof and puncture-resistant material impervious to mercury, which will prevent the escape of mercury from the package irrespective of its position. The pilot-in-command must be informed of the barometer or thermometer;
 - m) with the approval of the operator (s), no more than two small carbon dioxide cylinders of carbon dioxide or another suitable gas in Division 2.2 per person fitted into a self-inflating life-jacket for inflation purposes, plus no more than two spare cartridges;
 - n) with the approval of the operator (s), heat producing articles (i.e. battery-operated equipment such as underwater torches and soldering equipment which, if accidentally activated, will generate extreme heat and can cause fire) may be carried in carry-on baggage only. The heat producing component, or the energy source, must be removed so as to prevent unintentional functioning during transport;
 - o) one small medical or clinical thermometer which contains mercury, for personal use, when in its protective case;
 - p) with the approval of the operator (s), one avalanche rescue backpack per person equipped with a pyrotechnic trigger mechanism containing not more than 200 mg net of Division 1.4S and not more than 250 mg of compressed gas in Division 2.2. The backpack must be packed in such a manner that it cannot be accidentally activated. The airbags within the backpack must be fitted with pressure relief valves; and
 - q) consumer electronic devices (watches, calculating machines, cameras, cellular phones, laptop computers, camcorders, etc.) containing lithium or lithium ion cells or batteries when carried by passengers or crew for personal use. Spare batteries must be individually protected so as to prevent short circuits and carried in carry-on baggage only. In addition, each spare battery must not exceed the following quantities:
 - for lithium metal or lithium alloy batteries, a lithium content of not more than 2 grams; or
 - for lithium ion batteries, an aggregate equivalent lithium content of not more than 8 grams.

Lithium ion batteries with an aggregate equivalent lithium content of more than 8 grams but not more than 25 grams may be carried in carry-on baggage if they are individually protected so as to

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prevent short circuits and are limited to two spare batteries per person.

92.035 Compliance with Technical Instructions—persons who consign dangerous goods

- (1) This regulation makes provision, for the purposes of subsections 23 (1), (2) and (2A) of the Act, about the consignment for carriage of dangerous goods on an aircraft.

Note: Under subsections 23 (1), (2) and (2A) of the Act, dangerous goods must not be consigned for carriage on an aircraft except in accordance with these Regulations.

- (2) It is a condition of the consignment for carriage of dangerous goods on an aircraft that the consignor of the goods complies with the requirements of the Technical Instructions:
- (a) concerning the classification of the goods; and
 - (b) limiting the quantity of such goods that may be carried in the one consignment; and
 - (c) concerning:
 - (i) the packing of the goods; and
 - (ii) the marking of the goods; and
 - (iii) the labelling of the goods; and
 - (iv) segregation of the goods from other dangerous goods; and
 - (v) the documentation for the goods; and
 - (vi) the provision of information about the goods; and
 - (vii) empty packaging.

Note: This regulation creates a defence to the offences created by subsections 23 (2) and (2A) of the Act. A defendant charged with either of those offences bears an evidential burden in relation to the matters set out in this regulation—see subsection 13.3 (3) of the *Criminal Code*.

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92.040 Commercial Australian aircraft operators—conditions for carriage of dangerous goods—dangerous goods manual

- (1) This regulation sets out, for the purposes of subsections 23 (1), (2) and (2A) of the Act, a condition of the carriage of dangerous goods on an aircraft.

Note: Under subsections 23 (1), (2) and (2A) of the Act, dangerous goods must not be carried on an aircraft except in accordance with these Regulations.

- (2) A commercial Australian aircraft operator may carry dangerous goods (other than dangerous goods to which subregulation (3) applies) on an Australian aircraft operated by the operator, or permit such goods to be carried on such an aircraft, only if the operator:

- (a) has a dangerous goods manual in accordance with regulation 92.045; and
- (b) complies with regulation 92.055.

Note: This regulation creates a defence to the offences created by subsections 23 (2) and (2A) of the Act. A defendant charged with either of those offences bears an evidential burden in relation to the matters set out in this regulation—see subsection 13.3 (3) of the *Criminal Code*.

- (3) This subregulation applies to:

- (a) dangerous goods required to be carried on board the aircraft by a law in force in Australia (including the Civil Aviation Orders); and
- (b) dangerous goods carried on board the aircraft for use or sale on the aircraft during a flight;

but does not apply to any of the following kinds of dangerous goods:

- (c) goods of the operator intended as replacements for dangerous goods referred to in paragraph (a) or (b); or
- (d) the operator's goods, of a kind referred to in paragraph (a) or (b), that have been removed for replacement;
- (e) dangerous goods permitted, under these Regulations, to be carried in passengers' checked baggage or carry-on baggage;
- (f) goods intended to be used to provide, during flight:

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- (i) medical aid to a patient; or
- (ii) veterinary aid or a humane killer for an animal; or
- (iii) aid in connection with search and rescue operations;
- (g) goods for dropping in connection with forestry, horticultural, or pollution-control activities.

92.045 Dangerous goods manual—Australian aircraft operators

- (1) An Australian aircraft operator's dangerous goods manual must:
 - (a) set out the procedures and instructions for the handling and carriage of dangerous goods on the operator's aircraft; or
 - (b) specify where those procedures and instructions can be found.
- (2) The operator must have, and must use, an appropriate amendment system to keep all the copies of the manual up-to-date.

92.050 Commercial foreign aircraft operators—conditions to which carriage of dangerous goods is subject

- (1) This regulation sets out, for the purposes of subsections 23 (1), (2) and (2A) of the Act, a condition of the carriage of dangerous goods on an aircraft.

Note: Under subsections 23 (1), (2) and (2A) of the Act, dangerous goods must not be carried on an aircraft except in accordance with these Regulations.

- (2) A commercial foreign aircraft operator may carry dangerous goods (other than goods required to be carried on board the aircraft by the law of the Contracting State in which the aircraft is registered, or goods carried on board the aircraft for use or sale during flight) on a foreign aircraft operated by the operator, or permit such goods to be carried on such an aircraft, only if the operator:
 - (a) has a dangerous goods manual in accordance with:
 - (i) the Technical Instructions; or
 - (ii) if the law of the Contracting State in which the aircraft is registered imposes requirements about a dangerous goods manual—that law; and
 - (b) complies with regulation 92.055.

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Note: This regulation creates a defence to the offences created by subsections 23 (2) and (2A) of the Act. A defendant charged with either of those offences bears an evidential burden in relation to the matters set out in this regulation—see subsection 13.3 (3) of the *Criminal Code*.

92.055 Dangerous goods manual—requirements applicable to all operators

- (1) An operator's dangerous goods manual may be incorporated in the operator's operations manual or any other manual maintained by the operator that deals with the handling or carriage of cargo.
- (2) Subregulations (3), (4) and (5) set out, for the purposes of subsections 23 (1), (2) and (2A) of the Act, conditions of the carriage of dangerous goods on an aircraft.

Note: Under subsections 23 (1), (2) and (2A) of the Act, dangerous goods must not be carried on an aircraft except in accordance with these Regulations.

- (3) An operator must make a copy of its dangerous goods manual available, in a readily accessible place:
 - (a) in the case of an Australian operator—to each of the operator's employees whose duties and responsibilities are related to the handling or carriage of cargo; or
 - (b) in any other case—to:
 - (i) any of the operator's employees in Australia whose duties and responsibilities are related to the handling or carriage of cargo; and
 - (ii) any employees of its ground handling agent in Australia whose duties and responsibilities are related to the handling or carriage of cargo.
- (4) An operator must take all reasonable steps to ensure that the handling and carriage of dangerous goods is in accordance with the procedures and instructions in, or referred to in, its dangerous goods manual.
- (5) An operator must take all reasonable steps to ensure that each of the operator's employees is made aware of the contents of the operator's dangerous goods manual so far as it is applicable and

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relevant to the employee's duties before the employee first performs those duties.

92.065 Commercial operators—reporting of dangerous goods incidents

- (1) Subregulation (2) sets out, for the purposes of subsections 23 (1), (2) and (2A) of the Act, a condition of the carriage of dangerous goods on an aircraft.

Note: Under subsections 23 (1), (2) and (2A) of the Act, dangerous goods must not be carried on an aircraft except in accordance with these Regulations.

- (2) Subject to subregulation (3), the carriage of dangerous goods by an aircraft operated by a commercial operator is subject to the condition that, if a dangerous goods incident occurs, the operator must report the incident to CASA in writing within 2 working days after the incident occurs.

Note: An accident or serious incident involving dangerous goods carried on an aircraft must also be reported to the Australian Transport Safety Bureau under section 19BA of the *Air Navigation Act 1920*.

- (3) Subregulation (2) does not require an operator to report a dangerous goods incident involving dangerous goods that have not been accepted by the operator for carriage by air.

92.070 Dangerous goods statement (Act s 23A)

- (1) A person who, in the circumstances specified in subregulation (3), consigns cargo for carriage on board an aircraft (including a freight forwarder that does so in the course of business as a freight forwarder) must make and sign a written statement that:

- (a) is to the effect that the cargo does not contain dangerous goods; or
(b) describes the contents of the cargo.

Note: Consigning cargo without making the required statement is an offence—see the Act, subsection 23A(2). Knowingly making a false or misleading statement is also an offence—see the *Criminal Code*, section 137.1.

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- (2) The reference in subregulation (1) to consigning cargo for carriage on board an aircraft includes consigning cargo in circumstances such that there is a possibility that the cargo may, during its journey, be carried on an aircraft.
- (3) For subsection 23A(1) of the Act and subregulation (1), all circumstances other than those mentioned in subregulation (4) are specified.
- (4) The circumstances in which subregulation (1) does not apply are the following:
 - (a) the cargo was consigned from a place outside Australia;
 - (b) the cargo is checked baggage that is to be carried on the same aircraft as the person who checked the baggage;
 - (c) the cargo is:
 - (i) a postal article (within the meaning of the *Australian Postal Corporation Act 1989*) that is in the course of carriage by air; or
 - (ii) a document being sent between service centres of a document exchange service (within the meaning given by that Act);
 - and:
 - (iii) weighs no more than 500 grams; and
 - (iv) is no more than 20 millimetres thick; and
 - (v) is no longer than 360 millimetres; and
 - (vi) is no wider than 260 millimetres;
 - (d) the cargo is dangerous goods that have been marked and documented in accordance with this Part.
- (5) Subregulation (6) sets out, for the purposes of subsections 23(1), (2) and (2A) of the Act, a condition of the carriage of dangerous goods on an aircraft.

Note: Under subsections 23 (1), (2) and (2A) of the Act, an aircraft must not carry dangerous goods except in accordance with these Regulations.
- (6) Except in the circumstances mentioned in subregulation (4), the operator of an aircraft must not allow an item of cargo to be placed on board the aircraft unless the operator has been given a statement about the item in accordance with subregulation (1).

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92.075 Dangerous goods statement in reliance on statement already made

- (1) If, in the course of cargo being consigned for carriage on an aircraft, a person delivers the cargo to the Australian Postal Corporation or a freight forwarder and gives to the Corporation or the forwarder a signed written statement that acknowledges that the cargo will or may be carried by air, and:
 - (a) is to the effect that the cargo does not contain dangerous goods; or
 - (b) describes the contents of the cargo;the Corporation or the forwarder may, in making a statement to the operator of the kind required by regulation 92.070, rely on the person's statement.
- (2) If an aircraft operator hands cargo to another operator for carriage on an aircraft operated by the second operator, and a statement of the kind required by regulation 92.070 was given to the first operator, the first operator may, in making a statement to the second operator of the kind required by that regulation, rely on the statement given to the first operator.

Subpart 92.C—Training

92.085 Definitions for Subpart 92.C

(1) In this Subpart:

cargo does not include carry-on baggage or checked baggage.

deemed employee means a person who, although not employed by an aircraft operator, ground handling agent, freight forwarder, screening authority or shipper of dangerous goods, performs for the operator, ground handling agent, freight forwarder, screening authority or shipper any of the following services:

- (a) accepting cargo consigned for transport on an aircraft, or supervising someone whose duties include accepting such cargo at any time after it leaves the custody of the original consignor;
- (b) acting as a member of an aircraft's flight crew or as a load planner;
- (c) acting as a member of an aircraft's cabin crew;
- (d) handling cargo consigned for transport on an aircraft at any time after it leaves the custody of the original consignor, or supervising someone whose duties include handling such cargo;
- (e) handling passengers' checked or carry-on baggage, or supervising someone whose duties include handling such baggage;
- (f) packing dangerous goods, or supervising someone whose duties include packing such goods, in the course of the goods' being consigned for carriage on an aircraft.

group A employee means:

- (a) an employee whose duties include accepting, or supervising someone whose duties include accepting, cargo known or believed to contain dangerous goods consigned for transport on an aircraft at any time after it leaves the custody of the original consignor; or

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- (b) a deemed employee whose function includes those duties.

group B employee means:

- (a) an employee whose duties include accepting, or supervising someone whose duties include accepting, cargo consigned for transport on an aircraft (other than cargo known or believed to contain dangerous goods) at any time after it leaves the custody of the original consignor; or
- (b) a deemed employee whose function includes those duties.

group C employee means:

- (a) an employee who is a member of an aircraft's flight crew or a load planner; or
- (b) a deemed employee whose function includes performing the duties of a member of an aircraft's flight crew or a load planner

group D employee means:

- (a) an employee who is a member of an aircraft's cabin crew; or
- (b) a deemed employee whose function includes performing the duties of a member of an aircraft's cabin crew.

group E employee means:

- (a) any employee of an operator, ground handling agent, freight forwarder or screening authority who is not a group A, B, C or D employee and whose duties involve handling:
 - (i) cargo consigned for transport on an aircraft at any time after it leaves the custody of the original consignor; or
 - (ii) passengers' checked or carry-on baggage; or
- (b) a deemed employee whose function includes those duties.

group F employee means:

- (a) an employee of a shipper of goods whose duties include packing dangerous goods, or supervising someone else whose duties include packing dangerous goods, in the course of the goods being consigned for transport on an aircraft; or
- (b) a deemed employee whose function includes those duties.

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load planner, in relation to dangerous goods, means a person nominated by an operator to be responsible for any 1 or more of the following:

- (a) specifying where dangerous goods may be stowed on an aircraft;
- (b) specifying the necessary segregation of the goods from other dangerous goods, other cargo, or passengers on the aircraft;
- (c) preparing information for the use of the pilot-in-command;
- (d) providing dangerous goods emergency response information for the pilot-in command.

Note: A person who performs those functions is known by many different titles: for example, *load controller*. Not all the functions are necessarily performed by the same person. Some or all of the functions may be the responsibility of the pilot-in-command or another crew member.

screening authority has the same meaning as in the *Air Navigation Act 1920*.

- (2) For the definitions of **deemed employee** and **group F employee** in subregulation (1), a person **packs** dangerous goods if he or she does any of the following in relation to the goods:
- (a) enclosing the goods in packaging;
 - (b) marking or labelling the package or consignment;
 - (c) preparing a dangerous goods transport document for the consignment.

92.090 Extended meaning of every 2 years for this Subpart

For the purposes of this Subpart, if an employee completes a training course within 3 months before the second anniversary of the day on which he or she last completed, or is taken under a previous application of this regulation to have completed, a similar training course, he or she is taken to have completed the later course on that second anniversary.

Example: Suppose John Smith and Mary Jones each complete a course on 1 July 2003. Under the other provisions of this Subpart, each needs to complete the course again on 1 July 2005.

Suppose John completes the course again on 1 May 2005 (that is, less than 3 months before the second anniversary of the last time he did

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so). He is taken to have done so on 1 July 2005, and needs to complete the course again on 1 July 2007. However, Mary completes the course again on 15 March 2005 (that is, more than 3 months before the second anniversary of the last time she did so). She would need to complete the course yet again on 15 March 2007.

Suppose John completes the course again on 1 May 2007. He is taken to have done so on 1 July 2007, and needs to complete the course again on 1 July 2009. However, if Mary were to complete the course again on 15 January 2007, she would need to complete the course again on 15 March 2009.

92.095 Training—certain employees of Australian aircraft operators

- (1) This regulation applies to a group A, B, C, D or E employee in Australia of an Australian aircraft operator, and to a group C or D employee outside Australia of an Australian operator, but not to such an employee who is engaged only in 1 or more of the following:
 - (a) private operations;
 - (b) agricultural (including horticultural), forestry, or pollution-control operations;
 - (c) search and rescue operations;
 - (d) balloon operations;
 - (e) scenic or joy-flight operations;
 - (f) flying training operations.
- (2) An Australian aircraft operator must ensure that each of its employees to whom this regulation applies undertakes training in accordance with regulation 92.110:
 - (a) before the employee first performs the relevant duties; and
 - (b) every 2 years while the employee continues to have those duties.

Maximum Penalty: 30 penalty units.

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

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

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92.100 Training—certain employees of Australian ground handling agents

- (1) A ground handling agent must ensure that each of its employees in Australia who is a group A, B, C or E employee undertakes training in accordance with regulation 92.110:
 - (a) before the employee first performs the relevant duties; and
 - (b) every 2 years while the employee continues to have those duties.

Maximum Penalty: 30 penalty units.

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

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

92.105 Training—certain employees of Australian freight forwarders

- (1) Subject to subregulation (3), a freight forwarder must ensure that each of its employees in Australia who is a group A, B or E employee undertakes training in accordance with regulation 92.110:
 - (a) before the employee first performs the relevant duties; and
 - (b) every 2 years while the employee continues to have those duties.

Maximum Penalty: 30 penalty units.

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

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

- (3) Subregulation (1) does not apply to a freight forwarder's employee who handles or accepts only cargo of the kind mentioned in paragraph 92.070 (4)(c).

92.110 Required standard of training for regulations 92.095, 92.100 and 92.105

The training that an employee to whom regulation 92.095, 92.100 or 92.105 applies must undertake is a training course that meets the relevant requirements of regulation 92.135 and:

- (a) for a group A employee—is approved by CASA as being appropriate for group A employees; and
- (b) for a group B employee—is approved by CASA as being appropriate for group B employees; and
- (c) for a group C employee—is approved by CASA as being appropriate for group C employees; and
- (d) for a group D employee—is approved by CASA as being appropriate for group D employees; and
- (e) for a group E employee—is appropriate for group E employees.

Note: A training course for group E employees does not require approval by CASA.

92.115 Training—certain employees of screening authorities

- (1) This regulation applies to an employee in Australia of a screening authority if the employee's duties include handling, or supervising anyone who handles, checked baggage or carry-on baggage.
- (2) The screening authority must ensure that each of its employees to whom this regulation applies undertakes training in accordance with subregulation (4):
 - (a) before the employee first performs the relevant duties; and
 - (b) every 2 years while the employee continues to have those duties.

Maximum Penalty: 30 penalty units.

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

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

- (4) The training that such an employee must undertake is a training course appropriate for such employees that meets the requirements of regulation 92.135.

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Note: A training course for employees of screening authorities does not require approval by CASA.

92.120 Training—certain employees of shippers of dangerous goods

- (1) Subject to subregulation (2), a person who ships dangerous goods must ensure that each of its group F employees undertakes training in accordance with subregulation (4):
 - (a) before the employee first performs the relevant duties; and
 - (b) every 2 years while the employee continues to have those duties.

Maximum Penalty: 30 penalty units.

- (2) Subregulation (1) does not apply to an individual who consigns dangerous goods within Australian territory for his or her own private, non-commercial purposes.
- (3) An offence against subregulation (1) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.
- (4) The training that such an employee must undertake is a training course approved by CASA as being appropriate for group F employees and as meeting the requirements of regulation 92.135.

92.125 Training—certain employees of non-Australian operators

- (1) This regulation applies to a group A, B, C, D or E employee in Australia of an aircraft operator that is not an Australian operator.
- (2) The operator must ensure that each of its employees to whom this regulation applies undertakes training in accordance with:
 - (a) the requirements of the law of the place in which the operator's aircraft are registered; or
 - (b) if there are no such requirements, or the operator's aircraft are registered in more than 1 country, the requirements of the Technical Instructions;before the employee first performs the relevant duties, and as often as that law or the Technical Instructions require while the employee continues to carry out those duties.

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Maximum Penalty: 30 penalty units.

- (3) The operator must ensure that the records about that training required by that law or the Technical Instructions are kept.

Maximum Penalty: 30 penalty units.

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

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

92.130 Training—Australian operators' employees outside Australia

- (1) This regulation applies to a group A, B or E employee of an Australian operator who performs duties outside Australia.
- (2) The operator must ensure that each employee to whom this regulation applies undertakes training in accordance with:
- (a) the requirements of the law of the place in which he or she carries out those duties; or
 - (b) if there are no such requirements, the requirements of the Technical Instructions;
- before the employee first performs the relevant duties, and as often as that law or the Technical Instructions require while the employee continues to carry out those duties.

Maximum Penalty: 30 penalty units.

- (3) The operator must ensure that the records about that training required by that law or the Technical Instructions are kept.

Maximum Penalty: 30 penalty units.

- (4) The operator must also ensure that the training is evaluated at least every second year and the evaluation process is included in the operator's audit program.

Maximum Penalty: 10 penalty units.

- (5) The operator must also ensure that if a deemed employee's services are provided to the operator under a contract, the contract contains provisions for the necessary resources, competence, procedures

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and management systems, to ensure that the service to the operator is a safe one.

Maximum Penalty: 10 penalty units.

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

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

92.135 Requirements for training course

- (1) A dangerous goods training course that is required to be approved by CASA must include training in:
- (a) the subject mentioned in item 20 of Table 92.135-1; and
 - (b) each of the other subjects mentioned in that table that is relevant to the employee's duties and responsibilities in relation to the handling, carriage or consignment of cargo on an aircraft.

Note: Tables 92.135-1 and 92.135-2 follow this regulation.

- (2) A dangerous goods training course that is not required to be so approved must include training in:
- (a) the subject mentioned in item 12 of Table 92.135-2; and
 - (b) each of the other subjects mentioned in that table that is relevant to the employee's duties and responsibilities in relation to the handling, carriage or consignment of cargo on an aircraft.
- (3) A dangerous goods training course must provide for a test of the employee's knowledge of the relevant subjects based on the training.
- (4) A dangerous goods training course must be of a standard that will enable the employee, on completing it satisfactorily, to carry out those duties and responsibilities effectively.
- (5) A dangerous goods training course must provide for the issue, to each person who successfully completes the course, of a certificate stating that he or she has done so.

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Table 92.135-1 Syllabus for training courses requiring approval

Item	Subject
1	The requirements of the Act and these Regulations relating to consignment and carriage of dangerous goods
2	If the course is to be undertaken by an operator's employee or deemed employee, the purpose, contents and distribution requirements of the operator's dangerous goods manual
3	Parts 7;1.4, 7;5 and 7;6 of the Technical Instructions (<i>Cargo/passenger acceptance procedures—the kinds of cargo/passenger's baggage that are likely to be, or contain, dangerous goods</i>)
4	Methods used to identify cargo containing dangerous goods
5	The manner in which dangerous goods in each class of dangerous goods mentioned in the Technical Instructions could jeopardise the safety of an aircraft or anyone in it
6	The matters in the Foreword to the Technical Instructions
7	Part 1;2.1 of the Technical Instructions (<i>Dangerous goods forbidden for transport by air under any circumstance</i>)
8	Parts 1;1.1 and 1;1.2 of the Technical Instructions (<i>General applicability and General transport requirements</i>)
9	Part 1;2.2 of the Technical Instructions (<i>Exceptions for dangerous goods of the operator</i>)
10	Part 1;2.3 of the Technical Instructions (<i>Dangerous goods in air mail</i>)
11	Part 1;2.4 of the Technical Instructions (<i>Dangerous goods in excepted quantities</i>)
12	Part 3;4 of the Technical Instructions (<i>Dangerous goods in limited quantities</i>)
13	Part 1;3.1 of the Technical Instructions (<i>Definitions</i>)
14	Part 2 of the Technical Instructions (<i>Classification of dangerous goods</i>)
15	Parts 3;1 and 3;2, Table 3-1 and Part 3;3 of the Technical Instructions (respectively <i>General, Arrangement of the Dangerous Goods List, The Dangerous Goods List and Special Provisions</i>)
16	Part 4 of the Technical Instructions (<i>Packing instructions</i>)
17	Part 5 of the Technical Instructions (<i>Shipper's responsibilities</i>)
18	Part 7 of the Technical Instructions (<i>Operator's responsibilities</i>)
19	Part 6 of the Technical Instructions (<i>Packaging nomenclature, marking</i>)

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Item	Subject
	<i>requirements and tests</i>)
20	Part 8 of the Technical Instructions (<i>Provisions concerning passengers and crew</i>)
21	Attachment 1 to the Technical Instructions (<i>Lists of proper shipping names</i>)
22	Attachment 3 to the Technical Instructions (<i>Notified variations from the Instructions</i>)

Table 92.135-2 Syllabus for training courses not requiring approval

Item	Subject
1	The requirements of the Act and these Regulations relating to consignment and carriage of dangerous goods
2	If the course is to be undertaken by an operator's employee or deemed employee, the purpose, contents and distribution requirements of the operator's dangerous goods manual
3	Parts 7;1.4, 7;5 and 7;6 of the Technical Instructions (<i>The kinds of cargo/passenger's baggage that are likely to be, or contain, dangerous goods</i>)
4	Methods used to identify cargo containing dangerous goods
5	The manner in which the dangerous goods in each class of dangerous goods mentioned in the Technical Instructions could jeopardise the safety of an aircraft or anyone in it
6	The matters in the Foreword to the Technical Instructions
7	Part 1;2.2 of the Technical Instructions (<i>Exceptions for dangerous goods of the operator</i>)
8	Part 1;3.1 of the Technical Instructions (<i>Definitions</i>)
9	Part 2 of the Technical Instructions (<i>Classification of dangerous goods</i>)
10	Part 5;3 of the Technical Instructions (<i>Labelling</i>)
11	Part 7;2 of the Technical Instructions (<i>Storage and loading</i>)
12	Part 8 of the Technical Instructions (<i>Provisions concerning passengers and crew</i>)
13	Attachment 3 to the Technical Instructions (<i>Notified variations from the Instructions</i>)

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92.140 Who may conduct training

- (1) In this regulation:

approved training course means a training course required under this Part that is required to be approved by CASA.

- (2) A person must not give, or offer to give, instruction that purports to be, or to form part of, a training course that is required to be approved by CASA if the course is not approved.

Maximum Penalty: 10 penalty units.

- (3) A person must not give instruction that is part of an approved training course if he or she is not approved for that purpose.

Maximum Penalty: 10 penalty units.

- (4) If an approved training course is conducted by distance education methods (including correspondence, video or computer network) a person must not:

- (a) prepare material for; or
- (b) supervise;

the course if he or she is not approved for that purpose.

Maximum Penalty: 10 penalty units.

- (5) A person must not:

- (a) give instruction that is part of a training course for group E employees, or employees of a screening authority, required under this Part; or
- (b) prepare material for such a training course that is, or is to be, given by a distance education method (including by correspondence, video or computer network); or
- (c) supervise such a training course that is, or is to be, given by such a method;

if the person has not, within the previous 2 years, undertaken an approved training course for group A or B employees.

Maximum Penalty: 5 penalty units.

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- (6) For paragraph (5)(a), strict liability applies to the circumstance that a training course is required under this Part.
- (7) For this regulation, strict liability applies to the circumstance that a training course is required to be approved under this Part.

92.145 Records about training—Australian operators etc

- (1) This regulation applies to:
 - (a) an Australian aircraft operator that has any group A, B, C, D or E employees in Australia; and
 - (b) an Australian aircraft operator that has any group C or D employees outside Australia; and
 - (c) a person in Australia who:
 - (i) ships dangerous goods for carriage by aircraft; and
 - (ii) has any group F employees in Australia; and
 - (d) a ground handling agent or a freight forwarder that has any group A, B, C or E employees in Australia; and
 - (e) a screening authority.
- (2) A person or organisation to whom or to which this regulation applies must maintain an up-to-date record of:
 - (a) the name of each employee who has undertaken dangerous goods training in accordance with this Subpart; and
 - (b) for each such employee:
 - (i) the names of the person and the organisation providing the training and the date on which the training was undertaken; and
 - (ii) a reference (for example, by CASA approval number) to the training material used to meet the training requirements.

Maximum Penalty: 30 penalty units.

- (3) A person or organisation to whom or to which this regulation applies must:
 - (a) keep a copy of any certificate issued to an employee on the completion of a course of training required by this Part; and

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- (b) give a copy of any such certificate to CASA if CASA so requests.

Maximum Penalty: 30 penalty units.

- (4) A reference in this regulation to an employee includes a deemed employee only if the deemed employee:
 - (a) is self-employed; or
 - (b) is employed by an employer that is not required to keep records under this regulation.

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Subpart 92.D—Limitations on application of Subparts 92.B and 92.C

92.160 Aircraft operated by law enforcement authorities

- (1) Regulations 92.020, 92.025, 92.030 and 92.035 do not apply to the carriage of dangerous goods by an Australian aircraft, or by a person on an Australian aircraft, operated by an Australian law enforcement authority if:
 - (a) the aircraft is performing an operation solely for law enforcement purposes within Australian territory; and
 - (b) the goods are not of a kind that is forbidden for transport by air under any circumstances by the Technical Instructions; and
 - (c) the goods are in a proper condition for carriage by air and are stowed and secured safely in the aircraft, and the aircraft's pilot-in-command is told before the flight what the goods are and where they are on board the aircraft; and
 - (d) the authority has a dangerous goods manual that complies with regulation 92.055, has established safety and emergency procedures for the goods, and that manual or the authority's operations manual contains detailed instructions in relation to those procedures; and
 - (e) only persons essential to the operation are carried on the aircraft while the goods are on board the aircraft.
- (2) For subregulation (1), the Australian law enforcement authorities are the following:
 - (a) the Australian Federal Police;
 - (b) the Australian Customs Service;
 - (c) the Australian Quarantine and Inspection Service;
 - (d) the police force or police service of a State or the Northern Territory.

Note: This regulation creates a defence to the offences created by subsections 23 (2) and (2A) of the Act. A defendant charged with either of those offences bears an evidential burden in relation to

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the matters set out in this regulation—see subsection 13.3 (3) of the *Criminal Code*.

92.165 Helicopter-slung loads

Regulations 92.020, 92.025, 92.030 and 92.035 do not apply to the carriage of dangerous goods by an Australian aircraft that is a helicopter if:

- (a) the helicopter is operating in Australian territory; and
- (b) the goods:
 - (i) are carried as a slung load; and
 - (ii) are in a proper condition for carriage by air; and
 - (iii) are segregated in accordance with the Technical Instructions, or, if they are likely to react dangerously with one another, are not carried in the same load; and
 - (iv) are not of a kind that the Technical Instructions forbid the transport of by air under any circumstances; and
 - (v) are packed and stowed to prevent leakage or damage during the flight; and
 - (vi) are not fireworks, pyrotechnics or other explosives intended to be activated during the flight; and
- (c) only operating crew and persons associated with the goods are carried on board the helicopter; and
- (d) the helicopter's pilot-in-command is told before the load is carried what the goods are and the quantity of them in the load; and
- (e) the helicopter is operated in accordance with section 29.6 of the Civil Aviation Orders.

Note: This regulation creates a defence to the offences created by subsections 23 (2) and (2A) of the Act. A defendant charged with either of those offences bears an evidential burden in relation to the matters set out in this regulation—see subsection 13.3 (3) of the *Criminal Code*.

92.170 Cargo carried in main deck cargo compartments

- (1) In this regulation:

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Class B cargo compartment and **Class C cargo compartment** have the same respective meanings as in ICAO Document 9481, *Emergency Response Guidance for Aircraft Incidents Involving Dangerous Goods*, as in force on 1 January 2004.

UN followed by a 4-digit number is the number assigned by the United Nations Committee of Experts on the Transport of Dangerous Goods to identify a substance or group of substances.

Note: The numbers are set out in the UN Classification, which is available as a PDF file from:

<http://www.unece.org/trans/danger/publi/unrec/English/part3.pdf>.

UN Classification means Part 3 of the *United Nations Model Regulations on the Transport of Dangerous Goods*, published by the United Nations Economic Commission for Europe, as adapted by the International Civil Aviation Organization and set out in the Technical Instructions.

- (2) Subregulations 92.020 (6) and (7) and subparagraph 92.025 (2)(b)(i) do not apply to the carriage of dangerous goods in the main deck cargo compartment of an aircraft if:
- (a) the aircraft:
 - (i) is operating in Australian territory; and
 - (ii) does not have an underfloor cargo compartment; and
 - (b) in the case of an aircraft engaged in passenger-carrying operations, the compartment is not a class B or class C cargo compartment; and
 - (c) the cargo compartment is separated from the passenger cabin by a bulkhead or other barrier that will prevent fire and hazardous quantities of smoke or toxic gases from entering the passenger cabin or crew compartment; and
 - (d) the goods meet all of the packing, labelling, marking, documentation, stowage and segregation requirements of the Technical Instructions; and
 - (e) the goods do not have a subsidiary risk; and
 - (f) either:
 - (i) the proper shipping name for the goods given by the UN Classification does not include the letters 'n.o.s.'; or

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- (ii) the labelling rules set out in the UN Classification do not require the technical name of the goods to be used as well as the proper shipping name; and
- (g) the goods are of any of the following kinds:
 - (i) goods classified in Division 1.4 and compatibility group S (certain explosives);
 - (ii) aerosols that contain gases classified in Division 2.1 (flammable gases);
 - (iii) gases classified in Division 2.2 (non-flammable and non-toxic gases) (except UN 2037, UN 2073 and UN 2857);
 - (iv) flammable liquids (Class 3) in Packing Group III in combination packagings (except UN 1112, UN 2047, UN 2059, UN 2332, UN 3054 and UN 3269);
 - (v) flammable solids (Division 4.1) in Packing Group III (except UN 1309, UN 1313, UN 1314, UN 1318, UN 1324, UN 1330, UN 1338, UN 1353, UN 1869, UN 2000, UN 2213, UN 2714, UN 2715, UN 2878, UN 3089 and UN 3241);
 - (vi) oxidizing substances (Division 5.1) in Packing Group III (except UN 1458, UN 1459, UN 1467, UN 1481, UN 1482, UN 1483, UN 2427, UN 2428, UN 2429, UN 2469, UN 2726, UN 2984, UN 3210, UN 3211, UN 3213, UN 3215, UN 3216, UN 3218 and UN 3219);
 - (vii) toxic substances (Division 6.1) in Packing Group III in combination packagings (except UN 1549, UN 1550, UN 1551, UN 1556, UN 1557, UN 1593, UN 1599, UN 1655, UN 1686, UN 1690, UN 1710, UN 1812, UN 1887, UN 1888, UN 1897, UN 1935, UN 2024, UN 2025, UN 2074, UN 2077, UN 2233, UN 2501, UN 2505, UN 2515, UN 2609, UN 2655, UN 2656, UN 2674, UN 2713, UN 2747, UN 2785, UN 2788, UN 2821, UN 2831, UN 2853, UN 2854, UN 2855, UN 2856, UN 2871, UN 2874, UN 3141, UN 3144, UN 3146, UN 3286 and UN 3293);
 - (viii) infectious substances (Division 6.2);

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- (ix) diagnostic specimens (UN 3373) packed in accordance with Packing Instruction 650 of the Technical Instructions;
- (x) radioactive material (Class 7) but only excepted packages and packages assigned category I – White only;
- (xi) corrosives (Class 8) in Packing Group III in combination packagings (except UN 1731, UN 1740, UN 1755, UN 1757, UN 1783, UN 1787, UN 1788, UN 1789, UN 1814, UN 1819, UN 1824, UN 1908, UN 2430, UN 2496, UN 2508, UN 2564, UN 2578, UN 2585, UN 2586, UN 2672, UN 2677, UN 2679, UN 2681, UN 2693, UN 2790, UN 2803, UN 2809, UN 2837, UN 2869, UN 3145, UN 3253 and UN 3320);
- (xii) dangerous goods classified in Class 9 (except UN 1931, UN 1941, UN 1990, UN 2211, UN 2590, UN 3268, UN 3314, UN 3316, UN 3363 and UN 8000);
- (xiii) dangerous goods permitted by the Technical Instructions to be carried in excepted quantities.

Note: This regulation creates a defence to the offences created by subsections 23 (2) and (2A) of the Act. A defendant charged with either of those offences bears an evidential burden in relation to the matters set out in this regulation—see subsection 13.3 (3) of the *Criminal Code*.

- (3) Subregulations 92.020 (6) and (7) and subparagraph 92.025 (2)(b)(i) do not apply in relation to the carriage of UN 1072 (oxygen, compressed) in the main deck cargo compartment of an aircraft if the carriage is in accordance with paragraphs (2)(a) to (d).
- (4) Subregulations 92.020 (6) and (7) and subparagraph 92.025 (2)(b)(i) do not apply in relation to the carriage of UN 1993 (flammable liquid, n.o.s.) in the main deck cargo compartment of an aircraft if the carriage is in accordance with paragraphs (2)(a) to (d).

92.175 Goods carried by private operators

Subparts 92.B and 92.C do not apply to the carriage of dangerous goods by an aircraft operated by an operator engaged in private (non-commercial) operations if:

- (a) the aircraft is operating in Australian territory and:
 - (i) is unpressurised; and
 - (ii) has an approved passenger seat configuration of less than 10 seats; and
- (b) the goods:
 - (i) are in a proper condition for carriage by air; and
 - (ii) are identified by class in accordance with the Technical Instructions; and
 - (iii) are permitted by the Technical Instructions to be carried on a passenger or cargo aircraft; and
 - (iv) are stowed and secured on the aircraft to prevent movement and damage, and segregated in accordance with the requirements of the Technical Instructions if they are likely to react dangerously with one another; and
- (c) the pilot-in-command of the aircraft ensures that every person on board the aircraft knows, before boarding the aircraft, that the dangerous goods are on board.

Note: This regulation creates a defence to the offences created by subsections 23 (2) and (2A) of the Act. A defendant charged with either of those offences bears an evidential burden in relation to the matters set out in this regulation—see subsection 13.3 (3) of the *Criminal Code*.

92.180 Goods carried for parachute operations

Regulations 92.020, 92.025, 92.030 and 92.035 do not apply to the carriage, on an aircraft, of dangerous goods classified in Division 1.4 if:

- (a) the aircraft is operating in Australian territory; and
- (b) the person carrying the goods intends to jump from the aircraft by parachute, and to use the goods during the parachute descent; and

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- (c) the goods are not used until after the person jumps from the aircraft; and
- (d) the pilot-in-command of the aircraft:
 - (i) knows what the goods are; and
 - (ii) before the flight begins, briefs everybody intending to board the aircraft on what to do if any of the goods are activated during the flight; and
- (e) where the flight is being undertaken by a commercial operator—the operator establishes safety and emergency procedures for the operation and sets out those procedures in the operator’s dangerous goods manual.

Note: This regulation creates a defence to the offences created by subsections 23 (2) and (2A) of the Act. A defendant charged with either of those offences bears an evidential burden in relation to the matters set out in this regulation—see subsection 13.3 (3) of the *Criminal Code*.

92.185 Carriage of fuel in large containers

Regulations 92.020, 92.025, 92.030 and 92.035 do not apply to the consignment for carriage, or to the carriage, on a cargo aircraft in Australian territory of:

- (a) petrol (whether called petrol, gasoline or motor spirit) (UN 1203) of packing group II; or
 - (b) aviation turbine fuel (UN 1863) of packing group II;
- if the petrol or aviation turbine fuel:
- (c) is documented, labelled, stowed and segregated on the aircraft in accordance with the Technical Instructions; and
 - (d) is contained in 1A1 non-removable-head steel drums or 1B1 non-removable-head aluminium drums with a capacity of no more than 220 litres.

Note: This regulation creates a defence to the offences created by subsections 23 (2) and (2A) of the Act. A defendant charged with either of those offences bears an evidential burden in relation to the matters set out in this regulation—see subsection 13.3 (3) of the *Criminal Code*.

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92.190 Goods for use in emergency services

Regulations 92.020, 92.025, 92.030 and 92.035 do not apply to the consignment for carriage, or to the carriage, of dangerous goods on an aircraft if:

- (a) the aircraft:
 - (i) is unpressurised; and
 - (ii) has an approved passenger seat configuration of less than 10 seats; and
 - (iii) is operating in Australian territory; and
 - (iv) is operating for the sole purpose of carrying people engaged in emergency services work and their essential equipment (including the goods) to a place where they intend to undertake emergency service work, or of recovering them from such a place; and
- (b) where the aircraft is a helicopter—any static electric charge that it carries is discharged before the people or their equipment are loaded or unloaded; and
- (c) the goods:
 - (i) are limited to dangerous goods of the following kinds:
 - (A) goods classified in Division 1.4 (certain explosives);
 - (B) gases classified in Division 2.1 or 2.2;
 - (C) flammable liquids (Class 3);
 - (D) goods classified in Division 4.1 (flammable solids);
 - (E) goods classified in Class 9 (miscellaneous dangerous goods);
 - (F) corrosives (Class 8); and
 - (ii) are in a proper condition for carriage by air; and
 - (iii) are not used on the aircraft; and
 - (iv) if classified in Class 3:
 - (A) are packaged in accordance with the Technical Instructions; and
 - (B) are stowed and secured on the aircraft to prevent leakage or damage during the flight; and

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- (d) the aircraft's pilot-in-command is told that the goods are on board, and where they are on the aircraft, and consents to them being carried on the aircraft; and
- (e) only the aircraft's crew and persons associated with the goods are carried on board the aircraft; and
- (f) the operator establishes safety and emergency procedures for the carriage of the dangerous goods; and
- (g) where the flight is being conducted by a commercial operator—the operator has a dangerous goods manual that complies with regulation 92.055, has established safety and emergency procedures for the goods, and that manual or the operator's operations manual contains detailed instructions in relation to those procedures.

Note: This regulation creates a defence to the offences created by subsections 23 (2) and (2A) of the Act. A defendant charged with either of those offences bears an evidential burden in relation to the matters set out in this regulation—see subsection 13.3 (3) of the *Criminal Code*.

92.195 Carriage of ammunition by air security officers

- (1) Regulations 92.020, 92.025 and 92.030 do not apply to the carriage of dangerous goods by an air security officer if:
 - (a) the officer is an officer mentioned in paragraph (a) of the definition of *air security officer*; and
 - (b) the officer is on duty in an aircraft engaged in regular public transport operations; and
 - (c) the dangerous goods:
 - (i) is an amount of ammunition that is reasonably required in the performance of that duty; and
 - (ii) is issued by the Australian Federal Police to the officer; and
 - (iii) is for use by the officer.
- (2) Regulations 92.020, 92.025 and 92.030 do not apply to the carriage of dangerous goods by an air security officer if:
 - (a) the officer is an officer mentioned in paragraph (b) of the definition of *air security officer*; and

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- (b) the officer is on duty in an aircraft engaged in regular public transport operations; and
 - (c) the dangerous goods:
 - (i) is an amount of ammunition that is reasonably required in the performance of that duty; and
 - (ii) is issued by a responsible foreign government to the officer; and
 - (iii) is ammunition of the kind agreed to under an arrangement between the responsible foreign government and the Australian Government; and
 - (iv) is for use by the officer.
- (3) For subparagraphs (2)(c)(ii) and (iii):

responsible foreign government, in relation to an air security officer mentioned in paragraph (2)(a), means the foreign government referred to in the definition of ***air security officer*** that is a party to an arrangement with the Australian Government in relation to the officer operating.

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Subpart 92.E—Information to passengers

92.200 Information in passenger terminals

- (1) The owner or operator of an airport terminal must comply with the provisions of the Technical Instructions concerning information that must be given to passengers about the carriage of dangerous goods on aircraft.

Penalty: 10 penalty units.

- (2) The information required by subregulation (1) must at least be given by means of a sufficient number of notices, prominently displayed at each of the places at an airport where tickets are issued, passengers checked in and aircraft boarding areas maintained, and at baggage collection areas.

92.205 Information with tickets

- (1) A person (other than an aircraft operator) who issues a passenger ticket must ensure that the person to whom the ticket is issued is given information about the kinds of dangerous goods that must not be transported on an aircraft.

Penalty: 10 penalty units.

- (2) The information required by subregulation (1) must at least be given by means of information with the ticket and notices, visible to persons to whom tickets are issued, in each place where tickets are issued.