



# Australian Government

## Civil Aviation Safety Authority

I, JOHN FRANCIS McCORMICK, Director of Aviation Safety, on behalf of CASA, make this instrument under subregulation 30 (3) of the *Civil Aviation Regulations 1988*.

**[Signed John F. McCormick]**

John F. McCormick  
Director of Aviation Safety

24 September 2013

### Civil Aviation Order 104.0 Amendment Instrument 2013 (No. 1)

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**1 Name of instrument**

This instrument is the *Civil Aviation Order 104.0 Amendment Instrument 2013 (No. 1)*.

**2 Commencement**

This instrument commences on 1 October 2013.

**3 Amendment of Civil Aviation Order 104.0**

Schedule 1 amends Civil Aviation Order 104.0 (Certificates of approval — application, grant and conditions).

### Schedule 1 Amendments

**[1] Paragraph 2.1, Definitions**

*insert*

**authority or type rating holder** means a person who holds 1 or more of the following:

- (a) an airworthiness authority under paragraph 33B (1) (a) of CAR 1988 to carry out maintenance on a WHR;

*Note* The abbreviation WHR is used to denote a class of aircraft comprising Warbirds, Historic aircraft and Replica aircraft and is defined in this section.

- (b) an airworthiness authority under paragraph 33B (1) (d) of CAR 1988 to conduct non-destructive testing (**NDT**) of aircraft and aircraft components;
- (c) an aircraft welding authority under subregulation 33D (1) of CAR 1988;
- (d) an authorisation under subregulation 42ZC (6) of CAR 1988 to carry out maintenance for paragraph 42ZC (4) (e) of CAR 1988;
- (e) a category B1 or B2 licence with a rating for a type rated aircraft type that is a WHR.

*Note* **Type rated aircraft type** is defined in Part 3 of the Dictionary in CASR 1998.

**certification authorisation** means an authorisation mentioned in paragraph 8.2.

**employed authority or type rating holder** means a person who is an authority or type rating holder employed by a COA holder.

**Part 1 WHR maintenance** means maintenance on a WHR mentioned in Part 1 of the table in Appendix 3 of this Order.

**quality control manual** for a COA holder means the manual, as approved in writing by CASA, for training and assessment in, and certification authorisation for, the maintenance of aircraft, including a WHR where relevant.

**trained WHR employee** means a WHR employee of a COA holder who:

- (a) has successfully completed training and assessment in accordance with subsection 8 of this Order; and
- (b) holds a current certification authorisation, under subsection 8 of this Order, from the COA holder authorising the employee to perform particular maintenance on a WHR mentioned in Part 1 of the table in Appendix 3.

**unlisted WHR** means a WHR that is:

- (a) not mentioned in Part 1 or Part 2 of the table in Appendix 3; or
- (b) deemed by paragraph 8.13 to be an unlisted WHR.

**WHR** means an aircraft that is:

- (a) either:
  - (i) manufactured in accordance with the requirements of, and accepted for use by, an armed force; or  
*Note* Such an aircraft is colloquially known as a warbird.
  - (ii) an historic or replica aircraft that CASA or an authorised person is satisfied meets the airworthiness requirements for the issue of a standard certificate of airworthiness (except any requirements that are inappropriate for the special purpose for which the aircraft is to be used); and
- (b) issued with:
  - (i) a special certificate of airworthiness for limited category aircraft under regulation 21.189 of CASR 1998; or
  - (ii) an experimental certificate for aircraft under paragraph 21.191 (d) or (e) of CASR 1998.

*Note* The tables in Parts 1 and 2 of Appendix 3 refer to an aircraft in terms of its combined airframe and engine type as mentioned in the subcolumns of column 1 of the tables.

**WHR employee** means a person who is an employee of a COA holder and who is 1 of the following:

- (a) a category B1 licence holder in a subcategory that is applicable to the WHR on which he or she proposes to carry out maintenance under subsection 8 of CAO 104.0;
- (b) a category B2 licence holder.

## **[2] After subsection 7**

*insert*

### **8AA When subsection 8 takes effect**

- 8AA.1 Subject to this subsection, subsection 8 takes effect for a COA holder on and from 1 October 2014.
- 8AA.2 If a person becomes a COA holder at any time from 1 October 2013 to 30 September 2014, subsection 8 takes effect for the person as soon as the person becomes a COA holder.
- 8AA.3 If, immediately before 1 October 2013, a person was a COA holder, subsection 8 takes effect:
  - (a) from 1 October 2014; or

- (b) on and from an earlier date agreed to in writing by CASA — but only if, on written application by the COA holder under this subparagraph, CASA:
  - (i) appoints the holder to be a CASA delegate of the kind referred to in paragraph 8.6; and
  - (ii) approves the holder's quality control manual in relation to the training and assessment, and reassessment of competency, referred to in paragraph 8.6.

8AA.4 The applicable provisions of subsection 8 take effect for each of a COA holder's employed authority or type rating holders and WHR employees immediately after subsection 8 takes effect for the COA holder.

## **8 WHR — conditions for COA training and assessment**

*Note* See also instrument CASA 197/13 containing directions and conditions variously addressed to COA holders and their employees, and to independent LAMEs (as defined in the direction).

8.1 A COA holder:

- (a) must not permit a person to carry out Part 1 WHR maintenance unless the COA holder has issued the person with a certification authorisation for carrying out the maintenance; and
- (b) must ensure that an employee of the COA holder does not carry out Part 1 WHR maintenance except in accordance with a certification authorisation issued under this subsection.

8.2 A COA holder may issue a certification authorisation to an employed authority or type rating holder, or a WHR employee, in accordance with this subsection.

8.3 Before issuing a certification authorisation to a WHR employee, the COA holder must provide, and the WHR employee must successfully complete, training and assessment in Part 1 WHR maintenance in accordance with the COA holder's quality control manual.

*Note* This training and assessment is not required for an employed authority or type rating holder.

8.4 A certification authorisation may only be issued for a period of not more than 2 years.

8.5 A certification authorisation may be reissued for further periods of not more than 2 years each:

- (a) to an employed authority or type rating holder; and
- (b) to a trained WHR employee — but only if, before the reissue, he or she successfully completes the COA holder's reassessment of competency for Part 1 WHR maintenance as provided for in the holder's quality control manual.

8.6 Before providing the training and assessment mentioned in paragraph 8.3, or the reassessment of competency mentioned in subparagraph 8.5 (b), the COA holder must, in respect of the Part 1 WHR maintenance, be a CASA delegate for subregulation 42ZC (6) of CAR 1988 who may authorise a person for the purposes of paragraph 42ZC (4) (e).

8.7 The COA holder must give a notice of completion of training and assessment, or reassessment, in the approved form, to the WHR employee as soon as the employee has successfully completed the training and assessment, or reassessment, in Part 1 WHR maintenance, and been issued, or reissued, with a certification authorisation.

*Note* With training, assessment and certification authorisation, a WHR employee becomes a trained WHR employee. With reassessment of competency and certification authorisation, a trained WHR employee is permitted to continue as a trained WHR employee. Part 1 WHR maintenance may only be carried out by an employed authority or type rating holder or by a trained WHR employee to whom the COA holder has issued a certification authorisation.

8.8 The COA holder must retain in safe custody, for at least 2 years after the WHR employee has left his or her employment with the holder, a perfectly legible copy of any notice of completion mentioned in paragraph 8.7.

- 8.9 For this subsection, a certification authorisation for Part 1 WHR maintenance may only be issued:
- (a) to an employed authority or type rating holder; and
  - (b) to a trained WHR employee — for an aircraft mentioned in an item in column 1 of Part 1 of the table in Appendix 3 but only if the person holds a licence in the category mentioned in the corresponding item in column 2 of Part 1 of the table.
- 8.10 For this subsection, a certification authorisation issued for an aircraft mentioned in an item in column 1 of Part 1 of the table in Appendix 3 may be identified by reference to the suggested identification (if any) mentioned for the item in column 3 of Part 1 of the table.
- 8.11 For this subsection, a COA holder may carry out maintenance on an aircraft mentioned in an item in column 1 of Part 2 of the table in Appendix 3 only if the maintenance is carried out by:
- (a) an employed authority or type rating holder (whether or not the person holds a certification authorisation); or
  - (b) a WHR employee (whether or not the person is a trained WHR employee, and whether or not the person holds a certification authorisation) — but only if the person holds a licence in the category mentioned in the corresponding item in column 2 of Part 2 of the table.
- 8.12 For this subsection, a COA holder may carry out maintenance on an unlisted WHR only if:
- (a) the maintenance is carried out as if the unlisted WHR were a WHR listed in Part 1 of the table in Appendix 3; and
  - (b) each of the requirements under this subsection for Part 1 WHR maintenance (including for qualifications, training, assessment, reassessment, certificate authorisations, delegations, notices and records) applied to maintenance of the unlisted WHR.
- 8.13 For paragraph 8.12, a WHR with an airframe mentioned in column 1 of Part 2 of the table in Appendix 3 whose piston engine type has been modified to be a turbine engine type, is deemed to be an unlisted WHR.

## **9 Provisions not affected**

- 9.1 Subsection 8 does not affect the operation of regulation 42G of CAR 1988.

*Note* Regulation 42G of CAR 1988 concerns who may be qualified as an “appropriate person” to conduct the independent inspection required when an aircraft flight control system is assembled, adjusted, repaired, modified or replaced in the course of maintenance on the aircraft.

- 9.2 Subsection 8 does not affect the operation of paragraph 42ZC (4) (d) of CAR 1988.

*Note 1* Paragraph 42ZC (4) (d) of CAR 1988 concerns maintenance, specified in Schedule 8 of CAR 1988, that may be carried out by a pilot of a Class B aircraft. A WHR is a class B aircraft.

*Note 2* Under instrument CASA 155/11, for paragraph 42ZC (4) (e) of CAR 1988, each subcategory B1 licence holder, or category B2 licence holder, is authorised to carry out the maintenance mentioned in Schedule 8 of CAR 1988 on any class B aircraft, including a WHR.

### [3] After Appendix 2

*insert*

## Appendix 3 — WHR for the application of subsection 8

### Part 1 — for an employed authority or type rating holder and a trained WHR employee — certification required

*Note 1* Only an employed authority or type rating holder or a trained WHR employee, issued with a certification authorisation, may carry out maintenance on these aircraft.

*Note 2* The “**Suggested identification for a certification authorisation**” (if any) mentioned in column 3 of the tables in Appendix 3 refers to a suggested means of identifying certification authorisations for Civil Aviation Order 104.0. It is included here for information only.

Aircraft		Licence Categories	Suggested identification for a certification authorisation
Airframe	Engine type		
Aero Vodochody L 29 Delphin	Motorlet M-701C 500	B1.1; B2	L29
Aero Vodochody L 39 Albatross	Ivchenko AI-25TL	B1.1; B2	L 39
BAC Jet Provost	A-S Viper	B1.1; B2	Jet Provost
BAC Strikemaster	Rolls-Royce Viper Mk.535 turbojet	B1.1; B2	Strikemaster
Bell Cobra	Lycoming T53-L-13	B1.3; B2	AH-1G
Bell Iroquois Huey	Lycoming T53-L-11	B1.3; B2	UH series
CAC Sabre	RR Avon	B1.1; B2	Sabre
Cessna Dragonfly	General Electric J85-GE-17A	B1.1; B2	Dragonfly
DH 115 Vampire	DH Goblin	B1.1; B2	DH115
English Electric/Handley Page Canberra	RR Avon	B1.1; B2	Canberra
Folland Gnat	BS Orpheus	B1.1; B2	Gnat
Fouga CM 170 Magister	Turbomeca Marbore	B1.1; B2	CM 170
Gloster Meteor	RR Derwent	B1.1; B2	Meteor
Hawker Hunter	RR Avon	B1.1; B2	Hunter
Lockheed C121 Constellation	Wright R-3350-DA3	B1.2; B2	Constellation
Lockheed P2v Neptune	Wright R-3350 and Westinghouse J 34	B1.1; B1.2; B2	Neptune
Mikoyan Mig 15	Klimov VK 1	B1.1; B2	Mig 15
Mikoyan Mig 17	Klimov VK-1F	B1.1; B2	Mig 17
Mikoyan Mig 21	Tumansky	B1.1; B2	Mig 21
Savoia Marchetti S211	P&W JT15D-4C	B1.1; B2	S211
Soko Galeb	A-S/RR Viper	B1.1; B2	Galeb
TS-11 Iskra	WSK SO-3	B1.1; B2	TS-11

**Part 2 — for an employed authority or type rating holder, and a WHR employee whether trained or not — certification authorisation not required**

*Note* An employed authority or type rating holder, a trained WHR employee, and a WHR employee who is not a trained WHR employee, may carry out maintenance on these aircraft.

<b>Aircraft</b>		<b>Licence Categories</b>
<b>Airframe</b>	<b>Engine type</b>	
Aermacchi AM-3 Bosbok	Lycoming	B1.2; B2
AESL CT4/CT6	Cont IO-360	B1.2; B2
Antonov AN2 Colt	Shvetsov	B1.2; B2
Beech 18	PW R 985	B1.2; B2
BA/Klemm Eagle	Gypsy Major	B1.2; B2
BA/Klemm L-25 Swallow	Continental	B1.2; B2
CAC Boomerang	P&W R-1830	B1.2; B2
CAC Mustang	RR/Packard Merlin	B1.2; B2
CAC Winjeel	P&W R-985	B1.2; B2
CAC Wirraway	P&W R-1340	B1.2; B2
Cessna O2A/B	Cont. IO-360	B1.2; B2
Cessna L19/305 Bird Dog	Cont. O-470	B1.2; B2
Comper Swift	Pobjoy/Gypsy Major	B1.2; B2
Consolidated Catalina	PW R-1830	B1.2; B2
Convair CV340	R-2800	B1.2; B2
Curtis P 40	Allison V-1710 RR/Packard Merlin	B1.2; B2
DH 84 Dragon	Gypsy Major	B1.2; B2
DH 89 Dragon Rapide	Gypsy 6	B1.2; B2
DH 83 Fox Moth	Gypsy	B1.2; B2
DH 60 Moth	Gypsy	B1.2; B2
Dh 82 Tiger Moth	Gypsy Major	B1.2; B2
Dh 94 Moth Minor	Gypsy Minor	B1.2; B2
DHA3 Drover	Gypsy Major	B1.2; B2
DHC1 Chipmunk	Piston (various types)	B1.2; B2
DHC 4 Caribou	PW R-2800	B1.2; B2
Douglas A-26/B-26 Attacker/Invader	PW R-2800	B1.2; B2
Douglas C47/DC3	PW R-1830/ Wright R-1820	B1.2; B2
Douglas DC4	PW R-2000	B1.2; B2
Fiat G59	RR/Packard Merlin	B1.2; B2
Grumman Avenger	Wright R-2600	B1.2; B2
Grumman S2 Tracker	Wright R-1820	B1.2; B2
Hawker Sea Fury	Bristol	B1.2; B2

<b>Aircraft</b>		<b>Licence Categories</b>
<b>Airframe</b>	<b>Engine type</b>	
	Centaurus	
Lockheed Hudson	Wright R-1820	B1.2; B2
Nanchang CJ 6	Zhouzhou	B1.2; B2
North American Mustang	RR/Packard Merlin	B1.2; B2
North American T28	Wright R-1820	B1.2; B2
North American T6/SNJ/Harvard	P&W R-1340	B1.2; B2
Percival Provost Mk1	Alvis Leonides	B1.2; B2
PZL Wilga	Ivchenko	B1.2; B2
Ryan (all)	Menasco Pirate, Gypsy Major	B1.2; B2
Short Scion	Pobjoy	B1.2; B2
Supermarine Spitfire	RR/Packard Merlin	B1.2; B2
Vultee BT 13	P&W R-985	B1.2; B2
Yakovlev Yak-18A/Yak-18T	Vedeneyev	B1.2; B2
Yakovlev Yak 50	Klimov	B1.2; B2
Yakovlev Yak 52	Vedeneyev	B1.2; B2
Auster series	Piston (various types)	B1.2; B2
Piper Cub series	Piston (various types)	B1.2; B2
Cessna 100, 200 series	Piston (various types)	B1.2; B2
Taylorcraft	Piston (various types)	B1.2; B2