

Civil Aviation Legislation Amendment (Maintenance and Other Matters) Regulation 2013

Select Legislative Instrument No. 275, 2013

I, Quentin Bryce AC CVO, Governor‑General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulation under the *Civil Aviation Act 1988*.

Dated 12 December 2013

Quentin Bryce

Governor‑General

By Her Excellency’s Command

Warren Truss

Minister for Infrastructure and Regional Development

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1 Name of regulation

 This regulation is the *Civil Aviation Legislation Amendment (Maintenance and Other Matters) Regulation 2013*.

2 Commencement

 This regulation commences on 18 December 2013.

3 Authority

 This regulation is made under the *Civil Aviation Act 1988.*

4 Schedule(s)

 Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1—Amendments

Civil Aviation Regulations 1988

1 Subregulation 30(1A)

Omit “On or after 27 June 2013, a person”, substitute “A person”.

2 Paragraph 42W(4)(a)

Repeal the paragraph, substitute:

 (a) if the component, or a component that it incorporates, was manufactured in the course of carrying out maintenance—the completion of the maintenance was certified in accordance with regulation 42ZE or 42ZN;

3 Paragraph 139(1)(c)

Omit “unless”, substitute “if Part 42 of CASR does not apply to the aircraft—unless”.

4 Division 2 of Part 20 (heading)

Repeal the heading, substitute:

Division 2—Transitional provisions relating to Parts 42, 66, 145 and 147 of CASR

5 Regulations 326 to 329

Repeal the regulations, substitute:

328 Application of Part 4A to aircraft

 Part 4A does not apply to an aircraft to which Part 42 of CASR applies.

6 Regulation 330

Omit “on and after 27 June 2011,”.

7 Regulation 332

Omit “On and after 27 June 2011, paragraphs”, substitute “Paragraphs”.

8 At the end of Part 20

Add:

Division 4—Transitional provisions—amendments made by the Civil Aviation Legislation Amendment (Maintenance and Other Matters) Regulation 2013

Subdivision 1—Transitional provisions

336 References to certification of completion of maintenance and authorised release certificates (regulation 42W)

 (1) For paragraphs 42W(4)(a) and (b), a reference to the completion of maintenance being certified in accordance with regulation 42ZE or 42ZN is taken to include a reference to a certificate of release to service having been issued for the maintenance.

 (2) For paragraphs 42W(4)(d) and (e), a reference to an authorised release certificate is taken to include, for a component on which maintenance has been carried out under CASR, a reference to a certificate of release to service for the component in relation to the maintenance that is issued under Division 42.H.4 of CASR and is in the approved form.

337 Application of regulation 214 (Training of maintenance personnel)

 Regulation 214 does not apply to an operator in relation to an aircraft for which a Part 145 organisation is:

 (a) providing maintenance services; or

 (b) undertaking CAR maintenance activities.

Subdivision 2—Part 145 organisations approved to undertake CAR maintenance activities

338 Definition of *approved system of certification of completion of maintenance*

 The definition of ***approved system of certification of completion of maintenance*** in subregulation 2(1) is taken to include, for a Part 145 organisation that is approved to undertake CAR maintenance activities, the system of certification of completion of maintenance set out in the organisation’s exposition.

339 Compliance with regulation 42G (Flight control system: additional requirements)

 A Part 145 organisation that carries out maintenance to which regulation 42G applies is taken to have complied with that regulation in relation to the maintenance if the organisation:

 (a) is approved to undertake CAR maintenance activities for the aircraft on which the maintenance is carried out; and

 (b) carries out the maintenance in accordance with Division 42.D.5 (Requirements for independent inspection of critical control system maintenance) of CASR.

340 Compliance with Division 4 of Part 4A (How maintenance is to be carried out)

 A Part 145 organisation that carries out maintenance on an aircraft is taken to have complied with Division 4 of Part 4A in relation to the maintenance if the organisation:

 (a) is approved to undertake CAR maintenance activities for the aircraft; and

 (b) carries out the maintenance in accordance with Divisions 42.D.4 (Requirements for carrying out maintenance) and 42.E.3 (Requirements for controlling unserviceable and unsalvageable parts) of CASR.

341 Who may carry out maintenance for regulation 42ZC (Maintenance on Australian aircraft in Australian territory)

 (1) Subregulation 42ZC(3) is taken to permit the following persons to carry out maintenance on a class A aircraft in Australian territory:

 (a) a Part 145 organisation that is approved to undertake CAR maintenance activities for the aircraft;

 (b) an individual carrying out maintenance on behalf of a Part 145 organisation that is approved to undertake CAR maintenance activities for the aircraft.

 (2) Subregulation 42ZC(4) is taken to permit the following persons to carry out maintenance on a class B aircraft in Australian territory:

 (a) a Part 145 organisation that is approved to undertake CAR maintenance activities for the aircraft;

 (b) an individual carrying out maintenance on behalf of a Part 145 organisation that is approved to undertake CAR maintenance activities for the aircraft.

342 Application of regulations 42ZF to 42ZM (which deal with approved systems of certification of completion of maintenance)

 Regulations 42ZF to 42ZM do not apply to a Part 145 organisation that is approved to undertake CAR maintenance activities.

Note: For an approved system of certification of completion of maintenance for a Part 145 organisation that is approved to undertake CAR maintenance activities, see regulation 338.

343 Compliance with Part 4B (Defect reporting)

 A Part 145 organisation that carries out maintenance on an aircraft is taken to have complied with Part 4B in relation to a defect in the aircraft if the organisation:

 (a) is approved to undertake CAR maintenance activities for the aircraft; and

 (b) complies with Subdivision 42.D.6.2 (Reporting defects) of CASR in relation to the defect.

Civil Aviation Safety Regulations 1998

9 Part 1 (table of contents)

Omit the entries for regulations 1.006 and 1.007.

10 Regulations 1.006 and 1.007

Repeal the regulations.

11 Paragraph 21.184(3)(e)

Repeal the paragraph, substitute:

 (e) if Part 42 applies to the aircraft and maintenance has been carried out on the aircraft since it was last operated for a flight—one of the following documents has been issued for the aircraft in relation to the maintenance:

 (i) a certificate of release to service;

 (ii) an equivalent document issued in accordance with an NAA arrangement mentioned in regulation 42.301; and

12 Subregulation 21.617(3)

Omit “21.502(1)(b)” (wherever occurring), substitute “21.502(1)(c)”.

13 Regulation 42.010 (note 2)

Repeal the note, substitute:

Note 2: Subpart 202.BA contains application and transitional provisions for this Part. Under regulation 202.181, this Part applies to the following:

(a) a registered aircraft that is authorised to operate under an AOC issued for a purpose mentioned in paragraph 206(1)(c) of CAR;

(b) a registered aircraft for which an election under regulation 202.181 is in force;

(c) an aeronautical product for an aircraft mentioned in paragraph (a) or (b);

(d) a Part 145 organisation that is providing maintenance services for an aircraft or aeronautical product mentioned in paragraph (a), (b) or (c);

(e) an independent maintainer mentioned in item 4 or 5 of table 42.300 who is carrying out maintenance on an aircraft mentioned in paragraph (a) or (b).

14 Paragraph 42.015(3)(k)

Omit “, as in force immediately before 27 June 2011”.

15 Paragraph 42.030(2)(b)

Repeal the paragraph, substitute:

 (b) if maintenance has been carried out on the aircraft since it was last operated for a flight—one of the following documents has been issued for the aircraft in relation to the maintenance:

 (i) a certificate of release to service;

 (ii) an equivalent document issued in accordance with an NAA arrangement mentioned in regulation 42.301; and

16 Subregulation 42.180(4)

Repeal the subregulation, substitute:

 (4) The time is the end of 30 days after the day one of the following documents is issued for the aircraft in relation to the maintenance that included the replacement of the engine or propeller:

 (a) a certificate of release to service;

 (b) an equivalent document issued in accordance with an NAA arrangement mentioned in regulation 42.301.

17 Paragraph 42.195(6)(b)

Omit “the date”, substitute “the day”.

18 Paragraph 42.200(4)(b)

Repeal the paragraph, substitute:

 (b) the end of 30 days after one of the following documents is issued for the aircraft in relation to the maintenance:

 (i) a certificate of release to service;

 (ii) an equivalent document issued in accordance with an NAA arrangement mentioned in regulation 42.301.

19 Paragraph 42.200(7)(b)

Repeal the paragraph, substitute:

 (b) the end of 30 days after one of the following documents is issued for the aircraft in relation to the maintenance that included the fitting of the aeronautical product:

 (i) a certificate of release to service;

 (ii) an equivalent document issued in accordance with an NAA arrangement mentioned in regulation 42.301.

20 Subregulation 42.205(5)

Repeal the subregulation, substitute:

 (5) The time is the end of 30 days after one of the following documents is issued for the aircraft in relation to the maintenance that included the modification:

 (a) a certificate of release to service;

 (b) an equivalent document issued in accordance with an NAA arrangement mentioned in regulation 42.301.

21 Paragraph 42.210(4)(b)

Repeal the paragraph, substitute:

 (b) the end of 30 days after one of the following documents is issued for the aircraft in relation to the maintenance that included the fitting of the product to the aircraft:

 (i) a certificate of release to service;

 (ii) an equivalent document issued in accordance with an NAA arrangement mentioned in regulation 42.301.

22 Subregulation 42.260(1) (table item 4)

Repeal the item, substitute:

|  |  |  |
| --- | --- | --- |
| 4 | A certificate of release to service, or an equivalent document issued in accordance with an NAA arrangement mentioned in regulation 42.301, for the aircraft in relation to maintenance carried out on the aircraft | The later of the following:(a) 1 year after the date of issue of the certificate or equivalent document;(b) the date a certificate of release to service or equivalent document is next issued for the aircraft in relation to maintenance carried out on the aircraft |

23 Subregulation 42.301(1)

Omit “Territory”, substitute “territory”.

24 Subregulation 42.306(1)

Omit “Territory”, substitute “territory”.

25 Paragraph 42.306(2)(b)

Omit “that granted the approval”.

26 Subregulation 42.325(4)

Omit “(1)”, substitute “(2)”.

27 Paragraph 42.395(3)(a)

Repeal the paragraph, substitute:

 (a) the registration mark for the aircraft;

28 Paragraph 42.900(2)(i)

Repeal the paragraph.

29 Part 47 (table of contents)

Omit the entry for regulation 47.130, substitute:

47.130 Lapsing of registration

47.131 Suspension and cancellation of registration following a transfer

47.132 Cancellation of registration on other grounds

30 Subregulation 47.040(2) (note)

Omit “subregulation 47.130(3)”, substitute “regulation 47.132”.

31 Subregulation 47.060(2) (note)

Omit “47.130(4)”, substitute “47.130(2)”.

32 Subregulation 47.085(1) (note 2)

Omit “47.130(4)”, substitute “47.130(2)”.

33 Subregulation 47.095(1)

After “lapses”, insert “, is suspended”.

34 Subregulation 47.100(3) (note)

Omit “paragraph 47.130(2)(c)”, substitute “regulation 47.132”.

35 Subregulation 47.100(7) (note)

Omit “paragraph 47.130(2)(c)”, substitute “regulation 47.132”.

36 Subparagraph 47.110(4)(b)(i)

Repeal the subparagraph, substitute:

 (i) a copy of the transfer notice; and

37 Subregulation 47.110(5) (note)

Repeal the note, substitute:

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.

38 Paragraph 47.110(6)(b)

Repeal the paragraph.

39 Regulation 47.110 (note 1)

Repeal the note.

40 Regulation 47.110 (note 2)

Omit “Note 2”, substitute “Note 1”.

41 Regulation 47.110 (note 3)

Omit “Note 3”, substitute “Note 2”.

42 Regulation 47.130

Repeal the regulation, substitute:

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 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).

43 Part 66 (table of contents)

Omit the entry for regulation 66.135, substitute:

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

44 Regulation 66.010 (definition of *additional practical experience*)

Repeal the definition (not including the table), substitute:

***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.

45 Paragraph 66.075(2)(b)

After “Standards”, insert “(the ***relevant licence***)”.

46 Paragraph 66.075(3)(c)

Omit “; and”, substitute “.”.

47 Paragraph 66.075(3)(d)

Repeal the paragraph.

48 At the end of regulation 66.075 (before the notes)

Add:

 (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

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

49 Paragraph 66.080(1)(a)

Repeal the paragraph, substitute:

 (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

50 Paragraph 66.085(b)

Repeal the paragraph, substitute:

 (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;

51 Paragraph 66.090(c)

Repeal the paragraph, substitute:

 (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

52 Regulation 66.125

Repeal the regulation, substitute:

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 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.

53 Regulation 66.135 (heading)

Repeal the heading, substitute:

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

54 Part 90 (table of contents)

Omit the entries for Division 90.C.4, substitute:

Division 90.C.4—Systems and equipment

90.280 Seats

90.285 Pitot heat indication systems

90.290 Landing gear aural warning systems

55 Part 90 (table of contents)

Omit the entries for Subpart 90.D, substitute:

Subpart 90.D—Small aeroplanes engaged in air transport operations

90.400 Applicability

90.405 Cargo and baggage compartments

90.410 Emergency exits

90.415 Landing gear aural warning systems

56 Part 92 (table of contents)

Omit the entry for regulation 92.150.

57 Regulation 92.150

Repeal the regulation.

58 Part 139 (table of contents)

Omit the entry for regulation 139.030, substitute:

139.030 Restrictions on use of terminal instrument flight procedures

59 At the end of regulation 145.005

Add:

Note: See Division 202.GE.2.1 for transitional provisions under which Part 145 organisations can be approved to undertake CAR maintenance activities.

60 Subregulation 201.004(2) (table 201.004, item 13)

Omit “47.130”, substitute “47.132”.

61 Part 202 (table of contents)

Omit the entries for regulations 202.180, 202.181 and 202.182, substitute:

202.180 Application of Part 42

202.181 Election that Part 42 is to apply to an aircraft

62 Part 202 (table of contents)

Omit the entry for regulation 202.184.

63 Part 202 (table of contents)

Omit the entry for regulation 202.187, substitute:

202.187 Defects recorded in maintenance releases (regulation 42.355)

64 Part 202 (table of contents)

Omit the entries for regulations 202.189, 202.190 and 202.192.

65 Part 202 (table of contents)

Omit the entry for regulation 202.800, substitute:

Division 202.GE.1—Amendments made by the Civil Aviation and Civil Aviation Safety Amendment Regulations 2010 (No. 1)

202.800 CASA may direct making of applications under regulation 145.025

Division 202.GE.2—Amendments made by the Civil Aviation Legislation Amendment (Maintenance and Other Matters) Regulation 2013

Subdivision 202.GE.2.1—Part 145 organisations undertaking CAR maintenance activities—general

202.801 Interpretation for Division 202.GE.2—Part 145 references to maintenance services taken to include references to CAR maintenance activities

202.802 Interpretation for Division 202.GE.2—Part 145 definition of ***approval rating***

202.803 Interpretation for Division 202.GE.2—Part 145 definition of ***significant change***

202.804 Part 145 Manual of Standards—additional matters for CAR maintenance activities

Subdivision 202.GE.2.2—Part 145 organisations undertaking CAR maintenance activities—approval of organisations

202.805 Applying for approval

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202.807 Approval certificate

202.808 Privileges for Part 145 organisations

202.809 Approval subject to conditions

Subdivision 202.GE.2.3—Part 145 organisations undertaking CAR maintenance activities—offence

202.810 Undertaking CAR maintenance activities

66 Regulations 202.180 to 202.182

Repeal the regulations, substitute:

202.180 Application of Part 42

 (1) Part 42 applies to:

 (a) a registered aircraft that is authorised to operate under an AOC issued for a purpose mentioned in paragraph 206(1)(c) of CAR; and

 (b) a registered aircraft for which an election under regulation 202.181 is in force; and

 (c) an aeronautical product for an aircraft mentioned in paragraph (a) or (b).

 (2) Part 42 applies to a Part 145 organisation that is providing maintenance services for:

 (a) an aircraft mentioned in paragraph (1)(a) or (b); or

 (b) an aeronautical product for an aircraft mentioned in paragraph (1)(a) or (b).

 (3) Part 42 applies to an independent maintainer mentioned in item 4 or 5 of table 42.300 who is carrying out maintenance on an aircraft mentioned in paragraph (1)(a) or (b).

202.181 Election that Part 42 is to apply to an aircraft

 (1) This regulation applies to:

 (a) a registered aircraft that is authorised to operate under an AOC issued for a purpose mentioned in paragraph 206(1)(a) or (b) of CAR; or

 (b) a registered large aircraft that is not authorised to operate under an AOC.

 (2) The registered operator of the aircraft may, by written notice given to CASA, elect that Part 42 is to apply to the aircraft.

 (3) An election under this regulation must be in the approved form.

 (4) An election under this regulation is not revocable.

 (5) However, an election under this regulation for an aircraft ceases to be in force if there is a change of registered operator for the aircraft.

67 Regulation 202.184

Repeal the regulation.

68 Regulation 202.187 (heading)

Repeal the heading, substitute:

202.187 Defects recorded in maintenance releases (regulation 42.355)

69 Subregulation 202.187(1)

Repeal the subregulation.

70 Subregulation 202.187(2)

Repeal the subregulation, substitute:

 (2) For regulation 42.355, if a maintenance release that is in force for an aircraft immediately before Part 42 begins to apply to the aircraft is endorsed with information about a defect in the aircraft, the defect is taken to be recorded in the continuing airworthiness records system for the aircraft.

71 Regulations 202.189, 202.190 and 202.192

Repeal the regulations.

72 Subregulations 202.344(5), 202.345A(5), 202.345B(5) and 202.345C(5)

Repeal the subregulations, substitute:

 (5) This regulation, and the entry for this regulation in the Part 202 table of contents, cease to have effect at the end of 26 June 2015.

 (6) This regulation, and the entry for this regulation in the Part 202 table of contents, expire at the end of 26 June 2015 as if they had been repealed by another regulation.

73 Subregulation 202.440(1)

Omit “notified in the *Gazette*”, substitute “registered”.

74 Regulation 202.440 (note)

Repeal the note.

75 Before regulation 202.800

Insert:

Division 202.GE.1—Amendments made by the Civil Aviation and Civil Aviation Safety Amendment Regulations 2010 (No. 1)

76 At the end of Subpart 202.GE

Add:

Division 202.GE.2—Amendments made by the Civil Aviation Legislation Amendment (Maintenance and Other Matters) Regulation 2013

Subdivision 202.GE.2.1—Part 145 organisations undertaking CAR maintenance activities—general

202.801 Interpretation for Division 202.GE.2—Part 145 references to maintenance services taken to include references to CAR maintenance activities

 For this Division:

 (a) the references in paragraphs (b) and (c) of the definition of ***accountable manager*** in subregulation 145.010(1) to providing maintenance services are taken to include references to undertaking CAR maintenance activities; and

 (b) the reference in paragraph 145.010(2)(d) to the maintenance services provided by an organisation is taken to include a reference to the CAR maintenance activities undertaken by the organisation; and

 (c) the reference in paragraph 145.010(2)(f) to the maintenance services that an organisation is approved to provide is taken to include a reference to the CAR maintenance activities that the organisation is approved to undertake.

202.802 Interpretation for Division 202.GE.2—Part 145 definition of *approval rating*

 For this Division, the definition of ***approval rating*** in subregulation 145.010(1) is taken to include a rating for a kind of aircraft, aircraft component or aircraft material specified in the Part 145 Manual of Standards in relation to CAR maintenance activities.

202.803 Interpretation for Division 202.GE.2—Part 145 definition of *significant change*

 For this Division, the definition of ***significant change*** in subregulation 145.010(2) is taken to include the following:

 (a) a change to the CAR maintenance activities undertaken by the organisation, if the change would require a change to the approval ratings mentioned in the organisation’s approval certificate;

 (b) a change to the organisation’s facilities, equipment, tools, materials, procedures or employees that could adversely affect the organisation’s ability to undertake the CAR maintenance activities that it is approved to undertake;

 (c) a change to the organisation’s system of certification of completion of maintenance.

202.804 Part 145 Manual of Standards—additional matters for CAR maintenance activities

 A Manual of Standards issued under regulation 145.015 may specify the following matters in relation to CAR maintenance activities:

 (a) ratings for kinds of aircraft, aircraft components and aircraft materials;

 (b) requirements for a Part 145 organisation’s exposition;

 (c) the privileges that apply to an approval rating;

 (d) requirements for undertaking CAR maintenance activities, including requirements in relation to the following:

 (i) a system of certification of completion of maintenance;

 (ii) aircraft, aircraft components and aircraft materials;

 (iii) defects;

 (iv) writing procedures for meeting the requirements of Parts 4, 4A and 4B of CAR.

Subdivision 202.GE.2.2—Part 145 organisations undertaking CAR maintenance activities—approval of organisations

202.805 Applying for approval

 (1) An application under regulation 145.025 may cover the undertaking of CAR maintenance activities.

 (2) If the application covers the undertaking of CAR maintenance activities, the application must include the approval rating sought by the applicant for each kind of aircraft, aircraft component or aircraft material for which the applicant proposes to undertake CAR maintenance activities.

202.806 Issuing approval

 (1) If the application covers the undertaking of CAR maintenance activities, CASA must approve the applicant as a Part 145 organisation only if CASA is satisfied that:

 (a) the applicant has an exposition that complies with the requirements specified in the Part 145 Manual of Standards relating to CAR maintenance activities; and

 (b) the applicant has facilities, equipment, materials, approved maintenance data and tools that are suitable for undertaking CAR maintenance activities for the kinds of aircraft, aircraft components and aircraft materials for which the applicant proposes to undertake CAR maintenance activities; and

 (c) the facilities, equipment, materials, approved maintenance data and tools mentioned in paragraph (b) comply with the requirements specified in the Part 145 Manual of Standards.

 (2) If CASA decides to approve the applicant as a Part 145 organisation, CASA must determine:

 (a) the approval rating for each kind of aircraft, aircraft component or aircraft material for which the applicant is approved to undertake CAR maintenance activities; and

 (b) any limitations applying to an approval rating mentioned in paragraph (a).

202.807 Approval certificate

 If CASA approves the applicant as a Part 145 organisation, the certificate issued under regulation 145.035 must include the approval rating for each kind of aircraft, aircraft component or aircraft material for which the applicant is approved to undertake CAR maintenance activities.

202.808 Privileges for Part 145 organisations

 A Part 145 organisation may undertake the CAR maintenance activities that it is approved to undertake.

202.809 Approval subject to conditions

 It is a condition of approval of a Part 145 organisation that is approved to undertake CAR maintenance activities that:

 (a) the organisation must, at all times, comply with the requirements of the following in relation to CAR maintenance activities it undertakes:

 (i) its exposition;

 (ii) the approval rating for each kind of aircraft, aircraft component or aircraft material for which the organisation is approved to undertake CAR maintenance activities;

 (iii) any limitations applying to an approval rating mentioned in subparagraph (ii);

 (iv) Parts 4, 4A and 4B of CAR; and

 (b) the organisation must ensure that, at all times, its employees comply with the requirements mentioned in paragraph (a) in relation to CAR maintenance activities the organisation undertakes.

Subdivision 202.GE.2.3—Part 145 organisations undertaking CAR maintenance activities—offence

202.810 Undertaking CAR maintenance activities

 (1) A Part 145 organisation commits an offence if it undertakes CAR maintenance activities in contravention of any of the following:

 (a) its exposition;

 (b) the approval rating for each kind of aircraft, aircraft component or aircraft material for which the organisation is approved to undertake CAR maintenance activities;

 (c) any limitations applying to an approval rating mentioned in paragraph (b);

 (d) the privileges that apply to the approval rating under the Part 145 Manual of Standards.

Penalty: 50 penalty units.

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

77 Subclause 18(2) of Part 2 of the Dictionary (notes)

Repeal the notes, substitute:

Note 1: For paragraph (a), Part 21 permits the manufacture of aeronautical products in a number of ways, including under APMAs, ATSO authorisations, type certificates and production certificates.

Note 2: For paragraph (c):

(a) a certificate of release to service for an aeronautical product in relation to maintenance carried out on an aeronautical product that is not in‑house maintenance must be in the approved form: see subregulation 42.810(1); and

(b) a certificate of release to service for an aeronautical product in relation to in‑house maintenance carried out on an aeronautical product must either be in the approved form or be in the form of an in‑house release document: see subregulation 42.810(2).

78 Clause 1 of Part 3 of the Dictionary

Insert:

***CAR maintenance activities*** means the following activities conducted under Part 4A of CAR:

 (a) carrying out maintenance on a registered aircraft to which Part 42 does not apply, or on an aircraft component or aircraft material for an aircraft of that kind;

 (b) certifying the completion of maintenance carried out on an aircraft or aircraft component;

(c) issuing a maintenance release for an aircraft;

 (d) endorsing a maintenance release for an aircraft;

 (e) issuing an authorised release certificate for an aircraft component.

***CAR maintenance activities subcontractor***, for an approved maintenance organisation: see clause 21.

79 Clause 1 of Part 3 of the Dictionary (definition of *employee*)

Omit “includes a maintenance services subcontractor”, substitute:

includes:

 (a) a maintenance services subcontractor; and

 (b) a CAR maintenance activities subcontractor

80 Subclause 20(2) of Part 3 of the Dictionary

Omit “subregulation”, substitute “subclause”.

81 After clause 20 of Part 3 of the Dictionary

Insert:

21 Meaning of *CAR maintenance activities subcontractor*

 (1) A person is a ***CAR maintenance activities subcontractor*** in relation to an approved maintenance organisation if the person is a party to a written contract with the organisation to undertake CAR maintenance activities on behalf of the organisation.

 (2) An employee of a CAR maintenance activities subcontractor under subclause (1) is also a ***CAR maintenance activities subcontractor***.