



Civil Aviation Legislation Amendment (Airworthiness and Other Matters—2014 Measures No. 1) Regulation 2014

Select Legislative Instrument No. 166, 2014

I, General the Honourable Sir Peter Cosgrove AK MC (Ret'd),
Governor-General of the Commonwealth of Australia, acting with the
advice of the Federal Executive Council, make the following regulation.

Dated 30 October 2014

Peter Cosgrove
Governor-General

By His Excellency's Command

Warren Truss
Minister for Infrastructure and Regional Development

OPC60641 - A

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1 Name of regulation

This regulation is the *Civil Aviation Legislation Amendment (Airworthiness and Other Matters—2014 Measures No. 1) Regulation 2014*.

2 Commencement

This regulation commences on the day after it is registered.

3 Authority

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

4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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 After sub-subparagraph 42W(2)(b)(iii)(B)

Insert:

(BA) in a parts manufacturer approval issued by a national aviation authority to which subregulation (2A) applies; or

2 After subregulation 42W(2)

Insert:

(2A) For sub-subparagraph (2)(b)(iii)(BA), this subregulation applies to the national aviation authority of a Contracting State if:

- (a) Australia has an agreement (however described) with the Contracting State for the acceptance of parts manufacturer approvals; or
- (b) CASA has an agreement (however described) with the national aviation authority for the acceptance of parts manufacturer approvals.

3 Paragraph 305(1)(b)

Repeal the paragraph, substitute:

- (b) must have access at all times during working hours to:
 - (i) premises at which an activity authorised by a civil aviation authorisation is being carried out; and
 - (ii) any documents or drawings associated with the activity; and

Civil Aviation Safety Regulations 1998

4 After regulation 1.005

Insert:

1.006 Status of tables of contents

Tables of contents do not form part of these Regulations.

5 Subregulation 21.005(1A)

Omit “an approved up-to-date aircraft flight manual that contains the information mentioned in subregulations (2) and (3).”, substitute:

an aircraft flight manual that:

- (a) contains the information mentioned in subregulations (2) and (3); and
- (b) complies with subregulation (3A).

6 Subregulation 21.005(1B)

Omit “an approved up-to-date aircraft flight manual that contains the information mentioned in subregulations (2) and (3).”, substitute:

an aircraft flight manual that:

- (a) contains the information mentioned in subregulations (2) and (3); and
- (b) complies with subregulation (3A).

7 After subregulation 21.005(3)

Insert:

(3A) For paragraphs (1A)(b) and (1B)(b):

- (a) the manual must have been approved for the aircraft:
 - (i) by CASA, an authorised person or an approved design organisation under regulation 21.006; or
 - (ii) if there is an agreement (however described) between CASA and the national aviation authority of a Contracting State for the acceptance of approvals of aircraft flight manuals—by the national aviation authority or a person authorised to do so by the national aviation authority; or
 - (iii) if there is an agreement (however described) between Australia and a Contracting State for the acceptance of approvals of aircraft flight manuals—by the national aviation authority of the Contracting State, or a person authorised to do so by the national aviation authority; and
- (b) any changes to the manual made to the manual since it was approved for the aircraft must have been approved:

- (i) by CASA, an authorised person or an approved design organisation under regulation 21.006A; or
- (ii) if there is an agreement (however described) between CASA and the national aviation authority of a Contracting State for the acceptance of approvals of changes to aircraft flight manuals—by the national aviation authority or a person authorised to do so by the national aviation authority; or
- (iii) if there is an agreement (however described) between Australia and a Contracting State for the acceptance of approvals of changes to aircraft flight manuals—by the national aviation authority of the Contracting State, or a person authorised to do so by the national aviation authority.

8 Paragraph 21.009(1)(ca) (the paragraph (ca) inserted by item 22 of Schedule 1 to the *Civil Aviation Legislation Amendment (Subpart 21.J) Regulation 2013*)

Renumber as paragraph (cb).

9 After regulation 21.010A

Insert:

21.010B Definition of *recognised country*

- (1) In this Part:

recognised country means any of the following:

- (a) Canada;
 - (b) France;
 - (c) Germany;
 - (d) Netherlands;
 - (e) New Zealand;
 - (f) United Kingdom;
 - (g) United States of America.
- (2) For Subpart 21.B, a Contracting State, other than a country mentioned in subregulation (1), is a ***recognised country*** if there is an agreement (however described) between:
- (a) Australia and the Contracting State; or

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- (b) CASA and the national aviation authority of the Contracting State;
for CASA to issue type acceptance certificates in relation to foreign type certificates or equivalent documents issued by the national aviation authority of the Contracting State.
 - (3) For Subpart 21.E, a Contracting State, other than a country mentioned in subregulation (1), is a ***recognised country*** if there is an agreement (however described) between:
 - (a) Australia and the Contracting State; or
 - (b) CASA and the national aviation authority of the Contracting State;
 for the acceptance of certificates (however described) that are equivalent to supplemental type certificates.
 - (4) For Subpart 21.M, a Contracting State, other than a country mentioned in subregulation (1), is a ***recognised country*** if there is an agreement (however described) between:
 - (a) Australia and the Contracting State; or
 - (b) CASA and the national aviation authority of the Contracting State;
 for the acceptance of approvals of designs of modifications of, or repairs to, aircraft, aircraft engines, propellers or appliances.

21.010C References to countries with which Australia has agreements

- (1) In this Part, a reference to a country with which Australia has an agreement for the acceptance of aircraft includes a reference to a country with the national aviation authority of which CASA has an agreement for the acceptance of aircraft.
- (2) In this Part, a reference to a country with which Australia has an agreement for the acceptance of aircraft engines, propellers, materials, parts or appliances includes a reference to a country with the national aviation authority of which CASA has an agreement for the acceptance of aircraft engines, propellers, materials, parts or appliances.

10 Regulation 21.012

Repeal the regulation.

11 Regulation 21.233 (before paragraph (a) of the definition of approval activity)

Insert:

- (aa) approving an aircraft flight manual under regulation 21.006;

12 Regulation 21.255 (heading)

Repeal the heading, substitute:

21.255 Application for approval of change to design assurance system

13 Subregulation 21.255(1)

Omit “manual”.

14 After paragraph 21.255(2)(b)

Insert:

- (ba) be accompanied by a copy of the part of the organisation’s design assurance system manual affected by the proposed change, clearly identifying the proposed change; and

15 Subregulation 21.255(3)

Omit “manual”.

16 Subregulation 21.255(4)

Repeal the subregulation, substitute:

- (4) If CASA approves the change, CASA is taken to have also approved:
 - (a) the change to the organisation’s design assurance system manual covered by the application; and
 - (b) the change to the organisation’s exposition covered by the application.

17 Paragraph 21.303(1)(a)

Repeal the paragraph, substitute:

- (a) the person produces a modification or replacement part for sale for installation on a type certificated aircraft, aircraft engine or propeller; and

18 Paragraph 21.470(d)

Repeal the paragraph, substitute:

- (d) accepted by CASA under an agreement (however described) regarding approvals of designs for modifications and repairs between:
 - (i) CASA and the national aviation authority of a Contracting State; or
 - (ii) Australia and a Contracting State.

19 Part 31

Repeal the Part, substitute:

Part 31—Airworthiness standards for manned free balloons

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31.001 Airworthiness standards

- (1) For these Regulations, subject to subregulation (2), the airworthiness standards for a manned free balloon are as follows:
 - (a) the airworthiness standards set out in Part 31 of the FARs, as in force from time to time, with the changes provided under this Part;
 - (b) the airworthiness standards set out in EASA CS-31HB, as in force from time to time, with the changes provided under this Part;
 - (c) the airworthiness standards set out in EASA CS-31GB, as in force from time to time, with the changes provided under this Part.

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- (2) A manned free balloon meets the airworthiness standards for these Regulations if the balloon meets:
- (a) the standards mentioned in paragraph (1)(a); or
 - (b) the standards mentioned in paragraph (1)(b); or
 - (c) the standards mentioned in paragraph (1)(c).

31.002 Incidental provisions

For these Regulations:

- (a) the incidental provisions of Part 31 of the FARs, as in force from time to time, apply to the operation of the airworthiness standards in that Part, with the changes provided under this Part; and
- (b) the incidental provisions of EASA CS-31HB, as in force from time to time, apply to the operation of the airworthiness standards in that instrument, with the changes provided under this Part; and
- (c) the incidental provisions of EASA CS-31GB, as in force from time to time, apply to the operation of the airworthiness standards in that instrument, with the changes provided under this Part.

31.003 Changes to Part 31 of the FARs

For this Part, a reference in Part 31 of the FARs to the FAA or to the Administrator is taken to be a reference to CASA.

31.004 Changes to EASA CS-31HB

For this Part, a reference in EASA CS-31HB to the Agency is taken to be a reference to CASA.

31.005 Changes to EASA CS-31GB

For this Part, a reference in EASA CS-31GB to the Agency is taken to be a reference to CASA.

31.006 Approvals under Part 31 of the FARs

For the application of Part 31 of the FARs under this Part:

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- (a) an approval (however described) mentioned in Part 31 of the FARs may be given by CASA; and
 - (b) CASA may suspend or cancel an approval under paragraph (a), if it is necessary in the interests of aviation safety; and
 - (c) an approval (however described) given by or for the FAA or the Administrator under Part 31 of the FARs is taken to have been given by CASA under these Regulations; and
 - (d) for these Regulations, CASA may suspend or cancel an approval given by or for the FAA or the Administrator under Part 31 of the FARs, as if it had been given by CASA, if it is necessary in the interests of aviation safety.

31.007 Approvals under EASA CS-31HB

For the application of EASA CS-31HB under this Part:

- (a) an approval (however described) mentioned in EASA CS-31HB may be given by CASA; and
- (b) CASA may suspend or cancel an approval given under paragraph (a) if it is necessary in the interests of aviation safety; and
- (c) an approval (however described) given by or for EASA under EASA CS-31HB is taken to have been given by CASA under these Regulations; and
- (d) for these Regulations, CASA may suspend or cancel an approval given by or for EASA under EASA CS-31HB, as if it had been given by CASA, if it is necessary in the interests of aviation safety.

31.008 Approvals under EASA CS-31GB

For the application of EASA CS-31GB under this Part:

- (a) an approval (however described) mentioned in EASA CS-31GB may be given by CASA; and
- (b) CASA may suspend or cancel an approval given under paragraph (a) if it is necessary in the interests of aviation safety; and
- (c) an approval (however described) given by or for EASA under EASA CS-31GB is taken to have been given by CASA under these Regulations; and

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- (d) for these Regulations, CASA may suspend or cancel an approval given by or for EASA under EASA CS-31GB, as if it had been given by CASA, if it is necessary in the interests of aviation safety.

20 At the end of subregulation 42.015(4)

Add:

- ; or (d) by a parts manufacturer approval issued by a national aviation authority to which subregulation (4A) applies.

21 After subregulation 42.015(4)

Insert:

- (4A) For paragraph (4)(d), this subregulation applies to the national aviation authority of a Contracting State if:
 - (a) Australia has an agreement (however described) with the Contracting State for the acceptance of parts manufacturer approvals; or
 - (b) CASA has an agreement (however described) with the national aviation authority for the acceptance of parts manufacturer approvals.

22 After paragraph 42.270(1)(e)

Insert:

- (ea) if the defect relates to a part produced in accordance with a parts manufacturer approval issued by a national aviation authority to which subregulation (1A) applies—the holder of the approval; and

23 After subregulation 42.270(1)

Insert:

- (1A) For paragraph (1)(ea), this subregulation applies to the national aviation authority of a Contracting State if:
 - (a) Australia has an agreement (however described) with the Contracting State for the acceptance of parts manufacturer approvals; or
 - (b) CASA has an agreement (however described) with the national aviation authority for the acceptance of parts manufacturer approvals.

24 Paragraph 42.301(1)(c)

Repeal the paragraph, substitute:

- (c) there is an arrangement (the *NAA arrangement*) between CASA and the national aviation authority, or Australia and the foreign country, that permits the organisation to carry out the maintenance.

25 Paragraphs 42.430(2)(a) and (b)

Repeal the paragraphs, substitute:

- (a) the part was removed from a registered aircraft (the *first aircraft*) by a person who was, at the time the part was removed, permitted under these Regulations to carry out the maintenance that comprises removing the part from the aircraft; and
- (b) maintenance has not been carried out on the part after its removal from the first aircraft; and

26 Part 1 of the Dictionary (at the end of the definition of *national aviation authority*)

Add:

- ; and (iii) for China, for matters relating to Hong Kong—the Civil Aviation Department of Hong Kong.

27 Part 1 of the Dictionary (definition of *recognised country*)

Repeal the definition, substitute:

recognised country—see regulation 21.010B.

28 Part 2 of the Dictionary (clause 37)

Before “A reference”, insert “(1)”.

29 Part 2 of the Dictionary (subparagraph 37(b)(i))

Omit “or an authorised person”, substitute “, an authorised person or an approved design organisation”.

30 Part 2 of the Dictionary (after subparagraph 37(b)(i))

Insert:

- (ia) is approved by a person mentioned in subclause (2); or

31 Part 2 of the Dictionary (subparagraph 37(c)(i))

Omit “or an authorised person”, substitute “, an authorised person or an approved design organisation”.

32 Part 2 of the Dictionary (after subparagraph 37(c)(i))

Insert:

(ia) is approved by a person mentioned in subclause (2); or

33 Part 2 of the Dictionary (at the end of clause 37)

Add:

- (2) For subparagraphs (1)(b)(ia) and (1)(c)(ia), the persons are the following:
- (a) if there is an agreement (however described) between Australia and a Contracting State for the acceptance of approvals of changes to aircraft flight manuals—the national aviation authority of the Contracting State, or a person authorised to do so by the national aviation authority;
 - (b) if there is an agreement (however described) between CASA and the national aviation authority of a Contracting State for the acceptance of approvals of changes to aircraft flight manuals—the national aviation authority or a person authorised to do so by the national aviation authority.