



Civil Aviation and Civil Aviation Safety Amendment Regulations 2010 (No. 1)¹

Select Legislative Instrument 2010 No. 328

I, QUENTIN BRYCE, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Regulations under the *Civil Aviation Act 1988*.

Dated 8 December 2010

QUENTIN BRYCE
Governor-General

By Her Excellency's Command

ANTHONY ALBANESE
Minister for Infrastructure and Transport

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1 Name of Regulations

These Regulations are the *Civil Aviation and Civil Aviation Safety Amendment Regulations 2010 (No. 1)*.

2 Commencement

These Regulations commence as follows:

- (a) on 27 June 2011 — regulations 1 to 4 and Schedules 1 and 2;
- (b) on 27 June 2013 — Schedule 3.

3 Amendment of *Civil Aviation Safety Regulations 1998*

Schedule 1 amends the *Civil Aviation Safety Regulations 1998*.

4 Amendment of *Civil Aviation Regulations 1988*

Schedules 2 and 3 amend the *Civil Aviation Regulations 1988*.

Schedule 1 **Amendments of *Civil Aviation Safety Regulations 1998***

(regulation 3)

[1] **Table 13.375, item 4**

substitute

4	an aircraft engineer licence	Authorisation to perform maintenance certification and issue certificate of release to service
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4A	an authority mentioned in regulation 33B or 33C of CAR	Maintenance authority
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[2] **Subregulations 21.024 (2) and 21.026 (2)**

omit

pilot-owner,

insert

pilot-owner of the aircraft,

[3] **Paragraphs 21.031 (1) (e) and (2) (e)**

omit

an appropriately rated and trained pilot-owner

insert

the pilot-owner of the aircraft

[4] Regulation 21.163*substitute***21.163 Privileges for holders of production certificates —
conduct of training in particular maintenance***Primary category aircraft*

- (1) Subregulation (2) applies to:
 - (a) a person who:
 - (i) holds a production certificate for a primary category aircraft of a particular type and model; and
 - (ii) is entitled to a special certificate of airworthiness for the aircraft in the primary category under subregulation 21.184 (1); and
 - (b) a person who:
 - (i) holds a production certificate for a normal, utility or acrobatic category aircraft of a particular type and model; and
 - (ii) is entitled to a special certificate of airworthiness for the aircraft in the primary category under subregulation 21.184 (3).
- (2) Subject to subregulation (5), the person may:
 - (a) conduct training for a person in the performance of a special inspection and preventive maintenance program included as part of the aircraft's type design under subregulation 21.024 (2); and
 - (b) if the person successfully completes the training — issue a certificate of competency for that type and model of aircraft to the person.

Intermediate category aircraft

- (3) Subregulation (4) applies to a person who:
 - (a) holds a production certificate for an intermediate category aircraft of a particular type and model; and

-
- (b) is entitled to a special certificate of airworthiness for the aircraft in the intermediate category under subregulation 21.184A (1).
- (4) Subject to subregulation (5), a person who is eligible may:
- (a) conduct training for a person in the performance of a special inspection and preventive maintenance program included as part of the aircraft's type design under subregulation 21.026 (2); and
 - (b) if the person successfully completes the training — issue a certificate of competency for that type and model of aircraft to the person.

Training to be given by licensed aircraft maintenance engineer

- (5) For subregulations (2) and (4), the training must be given by a licensed aircraft maintenance engineer:
- (a) who holds a category B1 licence, within the meaning given by Part 3 of the Dictionary; and
 - (b) if the aircraft is of a type rated aircraft type, within the meaning given by Part 3 of the Dictionary — whose licence is endorsed with the rating for that aircraft type.

Source FARs section 21.163 modified.

[5] Paragraphs 21.181 (5) (a) and (6) (a)

substitute

- (a) for an aircraft to which Part 42 applies — any maintenance carried out on the aircraft is not carried out in accordance with Part 42; or
- (aa) for an aircraft to which Part 42 does not apply — any maintenance carried out on the aircraft is not carried out in accordance with Part 4A of CAR; or

[6] Paragraph 21.183 (4) (c)*substitute*

- (c) the aircraft meets the requirements mentioned in subregulation (4A); and

[7] After subregulation 21.183 (4)*insert*

(4A) For paragraph (4) (c), the requirements are that:

- (a) the aircraft is not an experimental aircraft for which a different certificate of airworthiness has previously been issued under this regulation; and
- (b) if Part 42 applies to the aircraft — an airworthiness review certificate is in force for the aircraft; and
- (c) if Part 42 does not apply to the aircraft, and the aircraft is of a particular type and model — a person who holds a certificate of approval that covers maintenance for that type and model of aircraft has certified, in the aircraft maintenance record for the aircraft, that the aircraft meets the requirements mentioned in subregulation 21.184 (4).

[8] Subregulation 21.184 (3), not including the heading*substitute*

- (3) An applicant for a special certificate of airworthiness for an aircraft in the primary category is entitled to the certificate if CASA or an authorised person is satisfied that:
- (a) the aircraft has a standard certificate of airworthiness; and
 - (b) the aircraft meets the criteria mentioned in paragraph 21.024 (1) (a); and
 - (c) the applicant has applied, under regulation 21.113, for a supplemental type certificate for the approval of the design of a major change to the aircraft; and
 - (d) the applicant meets the requirements mentioned in regulation 21.113A; and

-
- (e) if Part 42 applies to the aircraft — a certificate of release to service has been issued for the most recent maintenance carried out on the aircraft; and
 - (f) if Part 42 does not apply to the aircraft — a maintenance release is in force for the aircraft.

[9] Paragraphs 21.184 (4) (c) and 21.184A (2) (c)

substitute

- (c) if Part 42 applies to the aircraft — an airworthiness review certificate is in force for the aircraft; and
- (ca) if Part 42 does not apply to the aircraft — the aircraft maintenance record for the aircraft records the result of a maintenance release inspection (within the meaning given by subregulation 47 (6) of CAR) for the aircraft; and

[10] Subregulation 21.197 (5)

omit

[11] Paragraph 21.303 (2) (e)

substitute

- (e) standard parts.

[12] Regulation 21.305

omit

these regulations,

insert

this Part,

[13] Regulation 21.306

substitute

21.306 Use of standard parts and materials*Standard parts*

- (1) A standard part may be used in the manufacture of an aircraft, aircraft engine, propeller or appliance, or another part, if:
 - (a) the standard part is required by:
 - (i) the type design for the aircraft, aircraft engine or propeller; or
 - (ii) the approved design for the appliance or other part; and
 - (b) the standard part was supplied with a document that:
 - (i) was issued under the law of a Contracting State; and
 - (ii) contains a statement that identifies the standard part and the specification with which the standard part complies; and
 - (c) the standard part has zero time in service.

Note For the definition of *standard part*, see Part 1 of the Dictionary.

- (2) For the purposes of determining whether a standard part complies with the specification identified in the document mentioned in paragraph (1) (b) for the standard part, CASA may:
 - (a) direct the person who is using, or proposing to use, the standard part to give CASA:
 - (i) any technical data for the type design for the aircraft, aircraft engine or propeller that relates to the standard part; or
 - (ii) any technical data for the approved design for the appliance or other part that relates to the standard part; or
 - (b) inspect the standard part to determine whether it complies with the specification.

Materials

- (3) A material may be used in the manufacture of an aircraft, aircraft engine, propeller, part or appliance if:
- (a) the material is required by:
 - (i) the type design for the aircraft, aircraft engine or propeller; or
 - (ii) the approved design for the part or appliance; and
 - (b) the material complies with an established industry or Australian specification; and
 - (c) the material was supplied with a document that:
 - (i) was issued under the law of a Contracting State; and
 - (ii) contains a statement that identifies the material and the specification with which the material complies.
- (4) For the purposes of determining whether a material complies with the established industry or Australian specification identified in the document mentioned in paragraph (3) (c) for the material, CASA may:
- (a) direct the person who is using, or proposing to use, the material to give CASA:
 - (i) any technical data for the type design for the aircraft, aircraft engine or propeller that relates to the material; or
 - (ii) any technical data for the approved design for the part or appliance that relates to the material; or
 - (b) inspect the material to determine whether it complies with the specification.

Directions

- (5) A direction under paragraph (2) (a) or (4) (a) must:
- (a) be in writing; and
 - (b) specify the time within which the direction must be complied with.

- (6) If CASA gives a direction to a person under paragraph (2) (a) or (4) (a), the person must comply with the direction within the time mentioned in the direction.

Penalty: 50 penalty units.

- (7) In this regulation:
approved design, for a part or appliance, has the meaning given by subregulation 42.015 (1).
- (8) An offence against subregulation (6) is an offence of strict liability.

[14] Subregulation 21.329 (3)

substitute

- (3) For a used aircraft to which Part 42 applies, an airworthiness review certificate must be in force for the aircraft.
- (3A) For a used aircraft to which Part 42 does not apply, and that is of a particular type and model, the aircraft must have undergone a maintenance release inspection (within the meaning given by subregulation 47 (6) of CAR):
- (a) within 30 days before the date the application is made for an export airworthiness approval for the aircraft; and
- (b) that was conducted by:
- (i) a person who holds a certificate of approval that covers maintenance for that type and model of aircraft; or
- (ii) an approved maintenance organisation, within the meaning given by Part 3 of the Dictionary.

[15] Subregulation 21.329 (7), source note

substitute

Source FARs sections 21.329 and 337, modified.

[16] Regulation 21.337, including the source note*omit***[17] After Part 39***insert*

Part 42 Continuing airworthiness requirements for aircraft and aeronautical products

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Subpart 42.A Preliminary

42.005 Purpose of Part

This Part:

- (a) sets out continuing airworthiness requirements, including requirements for carrying out maintenance, for aircraft and aeronautical products to which this Part applies; and
- (b) empowers CASA to issue a Manual of Standards for this Part.

Note See Part 21 in relation to initial airworthiness requirements for aircraft and aeronautical products, and the issue of certificates of airworthiness for aircraft.

42.010 Applicability of Part

Subject to Subpart 202.BA, this Part applies to:

- (a) a registered aircraft; and
- (b) an aeronautical product for a registered aircraft.

Note 1 For the definition of **registered**, see Part 1 of the Dictionary.

Note 2 Subpart 202.BA contains regulations 202.180 to 202.194, which are application and transitional provisions for this Part.

Under regulation 202.180, from 27 June 2011 until 26 June 2013, this Part will apply 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, is of a particular type and model and the registered operator of which is a continuing airworthiness management organisation for that type and model of aircraft; and
- (b) an aeronautical product for such an aircraft; and
- (c) a Part 145 organisation that is carrying out maintenance on such an aircraft or aeronautical product; and
- (d) an independent maintainer mentioned in item 4 or 5 of table 42.300 who is carrying out maintenance on such an aircraft.

Under regulation 202.181, from 27 June 2013, this Part will apply 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) an aeronautical product for such an aircraft; and
- (c) a Part 145 organisation that is carrying out maintenance on such an aircraft or aeronautical product; and
- (d) an independent maintainer mentioned in item 4 or 5 of table 42.300 who is carrying out maintenance on such an aircraft.

42.015 Definitions for Part

- (1) In this Part:

accountable manager:

- (a) for a Subpart 42.F organisation — has the meaning given by subregulation 42.500 (1); and
- (b) for a continuing airworthiness management organisation — has the meaning given by subregulation 42.575 (1).

aircraft control system, for an aircraft, means the system of the aircraft by which the flight path, attitude or propulsive force of the aircraft is changed.

air transport AOC means an AOC issued for a purpose mentioned in paragraph 206 (1) (b) or (c) of CAR.

airworthiness review means a review carried out under Division 42.I.3.

airworthiness review certificate means a document that complies with regulation 42.860.

airworthiness review employee means an individual who is authorised by a continuing airworthiness management organisation in accordance with the Part 42 Manual of Standards to do the following on behalf of the organisation:

- (a) carry out an airworthiness review for an aircraft;
- (b) issue an airworthiness review certificate.

airworthy has the meaning given by subregulation (2).

approval certificate:

- (a) for a Subpart 42.F organisation — has the meaning given by subregulation 42.500 (1); and

- (b) for a continuing airworthiness management organisation — has the meaning given by subregulation 42.575 (1).

approval certificate reference number means:

- (a) for a Subpart 42.F organisation — the number determined by CASA under subregulation 42.520 (2); and
- (b) for a continuing airworthiness management organisation — the number determined by CASA under subregulation 42.595 (2); and
- (c) for a Part 145 organisation — the number determined by CASA under subregulation 145.035 (2).

approval rating means a rating for a kind of aircraft, aeronautical product or specialist maintenance specified in the Part 42 Manual of Standards.

approved design means:

- (a) for an aircraft, aircraft engine or propeller:
- (i) the type design for the aircraft, engine or propeller; and
- (ii) any changes to the type design made in accordance with a Part 21 approval; and
- (b) for an aeronautical product, other than an aircraft engine or propeller, that is approved in a manner mentioned in regulation 21.305 or 21.305A:
- (i) the design specifications for the product; and
- (ii) any changes to the design specifications made in accordance with a Part 21 approval.

approved maintenance program, for an aircraft, means a maintenance program for the aircraft that has been approved in accordance with Subpart 42.J, including any variations to the program that have been approved in accordance with Subpart 42.J.

approved reliability program, for an aircraft, means a reliability program for the aircraft that has been approved in accordance with Subpart 42.L, including any variations to the program that have been approved in accordance with Subpart 42.L.

certification authorisation number means:

- (a) for a certification authorisation issued by a Subpart 42.F organisation — the authorisation reference number allocated to the authorisation by the organisation in accordance with the Part 42 Manual of Standards; and
- (b) for a certification authorisation issued by a Part 145 organisation — the authorisation reference number allocated to the authorisation by the organisation in accordance with the Part 145 Manual of Standards.

competent, to carry out maintenance on an aircraft or aeronautical product, has the meaning given by subregulation 42.315 (1).

configuration deviation list, for an aircraft, means a document that:

- (a) is prepared by the aircraft's type certificate holder or foreign type certificate holder; and
- (b) is approved by the State of Design for the aircraft; and
- (c) lists each external part of the aircraft that is permitted to be missing from the aircraft, under conditions specified in the document, at the commencement of a flight by the aircraft.

continuing airworthiness management service has the meaning given by subregulation 42.575 (1).

continuing airworthiness management organisation means a person who holds an approval under regulation 42.590 that is in force.

continuing airworthiness manager, for a continuing airworthiness management organisation, has the meaning given by subregulation 42.575 (1).

continuing airworthiness record, for an aircraft, has the meaning given by subregulation (3).

continuing airworthiness records system, for an aircraft, means the system required by regulation 42.170 for the aircraft.

continuing airworthiness responsibility, for a continuing airworthiness management organisation, has the meaning given by subregulation 42.575 (1).

creation date has the meaning given by subregulation 42.260 (2).

critical control system maintenance, for an aircraft:

- (a) means maintenance carried out on the aircraft control system for the aircraft that, if not carried out correctly, may result in a failure, malfunction or defect of the system that will endanger the safe operation of the aircraft; and
- (b) does not include optional dual flight control maintenance.

EDTO has the meaning given by subsection 2.1 of Civil Aviation Order 82.0.

eligible to be fitted, for a part, has the meaning given by subregulation (4).

eligible to be used, for a material, has the meaning given by subregulation (5).

exposition:

- (a) for a Subpart 42.F organisation — has the meaning given by subregulation 42.500 (1); and
- (b) for a continuing airworthiness management organisation — has the meaning given by subregulation 42.575 (1); and
- (c) for a Part 145 organisation — has the meaning given by subregulation 145.010 (1).

independent individual, for critical control system maintenance for an aircraft, has the meaning given by regulation 42.335.

independent maintainer means an individual mentioned in item 1, 3, 4 or 5 of table 42.300.

life limit, for an aeronautical product that is fitted, or is to be fitted, to an aircraft or another aeronautical product (the **second aeronautical product**), means:

- (a) if an airworthiness directive specifies an amount of use, or an age, after which the product must not be used — that amount of use, or age; or
- (b) if paragraph (a) does not apply, and the approved design for the aircraft specifies an amount of use, or an age, after which the product must not be used — that amount of use, or age; or

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- (c) if paragraphs (a) and (b) do not apply, and the approved design for the second aeronautical product specifies an amount of use, or an age, after which the product must not be used — that amount of use, or age; or
 - (d) if none of paragraphs (a), (b) and (c) apply — the amount of use, or age, specified in the approved design for the product as the amount of use, or age, after which the product must not be used.

Note Life limit may be expressed in a number of ways, including the amount of operating time, the number of operating cycles or a calendar period.

main location, for a Part 145 organisation, has the meaning given by the Part 145 Manual of Standards.

maintenance program, for an aircraft that is authorised to operate under an AOC or a large aircraft, means the approved maintenance program for the aircraft.

maintenance program approval employee, for a continuing airworthiness management organisation, means an individual who is authorised by the organisation in accordance with the Part 42 Manual of Standards:

- (a) to approve a maintenance program for an aircraft; or
- (b) to approve a variation to a maintenance program for an aircraft.

maintenance record means:

- (a) for maintenance carried out on an aircraft — a record that contains:
 - (i) the information required under regulation 42.395; and
 - (ii) the maintenance certification for the maintenance; and
- (b) for maintenance carried out on an aeronautical product — a record required to be made under regulation 42.400.

optional dual flight control maintenance means maintenance:

- (a) that involves only the connection or disconnection of optional dual flight controls without using tools; and
- (b) that does not involve the assembly, adjustment, repair, modification or replacement of any other part of the aircraft control system.

Part 21 approval means:

- (a) for a change to the type design of an aircraft, aircraft engine or propeller:
 - (i) an approval under regulation 21.095 or 21.098; or
 - (ii) an approval in a supplemental type certificate or a foreign supplemental type certificate; or
 - (iii) a modification/repair design approval; or
 - (iv) an approval taken to have been given under regulation 21.465 or 21.470; and
- (b) for a change to the design of an aeronautical product other than an aircraft engine or propeller:
 - (i) a modification/repair design approval; or
 - (ii) an approval taken to have been given under regulation 21.465 or 21.470.

Note For the definition of *modification/repair design approval*, see Part 1 of the Dictionary.

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

person responsible for continuing airworthiness, for an aircraft, has the meaning given by regulation 42.105.

qualified individual, for a defect in an aircraft, has the meaning given by regulation 42.350.

quality manager, for a continuing airworthiness management organisation, has the meaning given by subregulation 42.575 (1).

responsibility start date, for a person and an aircraft, means the day on which the person becomes the person responsible for continuing airworthiness for the aircraft.

responsible manager:

- (a) for a Subpart 42.F organisation — has the meaning given by subregulation 42.500 (1); and
- (b) for a continuing airworthiness management organisation — has the meaning given by subregulation 42.575 (1).

serviceable, in relation to an aeronautical product, has the meaning given by subregulation (6).

significant change:

- (a) for a Subpart 42.F organisation — has the meaning given by subregulation 42.500 (1); and
- (b) for a continuing airworthiness management organisation — has the meaning given by subregulation 42.575 (1).

unapproved, in relation to a part, has the meaning given by regulation 42.470.

unsalvageable, in relation to an aeronautical product, has the meaning given by subregulation (7).

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

- (2) An aircraft is **airworthy** if it is in a state that conforms with its approved design and is in a condition for safe operation.
- (3) Each of the following is a **continuing airworthiness record** for an aircraft:
 - (a) a record made under paragraph 42.130 (3) (b) for the aircraft;
 - (b) a record made under Subdivision 42.C.3.2 for the aircraft;
 - (c) a document kept under regulation 42.215 for the aircraft;
 - (d) a record made under this Part in the flight technical log for the aircraft;
 - (e) a record made by a means, other than a flight technical log, approved by CASA under regulation 42.250;
 - (f) a record made under regulation 42.345 for the aircraft;
 - (g) a record made under regulation 42.370 for the aircraft;
 - (h) a maintenance record for maintenance carried out on the aircraft;
 - (i) a certificate of release to service for an aircraft in relation to maintenance carried out on the aircraft;
 - (j) a copy of the design of a modification or repair that is unique to the aircraft;
 - (k) if an aircraft maintenance record was kept for the aircraft in accordance with Division 10 of Part 4A of CAR, as in force immediately before 27 June 2011 — that aircraft maintenance record;

- (l) a document for the aircraft:
 - (i) that is equivalent to a document mentioned in paragraphs (a) to (k); and
 - (ii) that was issued or kept under a law of a foreign country;
- (m) a record of information for the aircraft:
 - (i) that is equivalent to a record mentioned in paragraphs (a) to (k); and
 - (ii) that was made or kept under a law of a foreign country.

Note for paragraph (d) See the notes to regulation 42.220.

- (4) A part is ***eligible to be fitted*** to an aircraft or another aeronautical product if the fitting is permitted:
 - (a) by the approved design for the aircraft or the other aeronautical product that the aeronautical product will be fitted to; or
 - (b) by an Australian Parts Manufacturer Approval; or
 - (c) by a Parts Manufacturer Approval issued by the FAA.
- (5) A material is ***eligible to be used*** in or on an aircraft or an aeronautical product if the use is permitted:
 - (a) by the approved design for the aircraft or the aeronautical product; or
 - (b) by maintenance data for maintenance to be carried out on the aircraft or aeronautical product.
- (6) An aeronautical product is ***serviceable*** if the product:
 - (a) conforms with its approved design; and
 - (b) is fit for its intended use.
- (7) An aeronautical product is ***unsalvageable*** if the product:
 - (a) is unserviceable; and
 - (b) cannot be made serviceable.

42.020 Part 42 Manual of Standards

Power to issue 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.

Matters — general

- (2) In particular, a Manual of Standards may specify the following matters:
 - (a) for paragraph (b) of the definition of ***authorised release certificate*** in subclause 18 (2) of Part 2 of the Dictionary, that a specified kind of document issued under a law of a specified foreign country is equivalent to a document mentioned in paragraph (a) of that definition;
 - (b) for paragraph (d) of the definition of ***authorised release certificate*** in subclause 18 (2) of Part 2 of the Dictionary, that a specified kind of document issued under a law of a specified foreign country is equivalent to a document mentioned in paragraph (c) of that definition;
 - (c) for subparagraph (b) (ii) of the definition of ***large aircraft*** in clause 1 of Part 3 of the Dictionary, that a particular type and model of aeroplane is a large aircraft;
 - (d) for subparagraph (d) (ii) of the definition of ***large aircraft*** in clause 1 of Part 3 of the Dictionary, that a particular type and model of helicopter is a large aircraft;
 - (e) for subparagraph (b) (ii) of the definition of ***small aircraft*** in clause 1 of Part 3 of the Dictionary, that a particular type and model of aeroplane is a small aircraft;
 - (f) for subparagraph (d) (ii) of the definition of ***small aircraft*** in clause 1 of Part 3 of the Dictionary, that a particular type and model of helicopter is a small aircraft;
 - (g) maintenance for items 1 and 2 of table 42.300;
 - (h) maintenance for item 3 of table 42.300;
 - (i) maintenance for items 4 and 5 of table 42.300;
 - (j) requirements for a maintenance program;
 - (k) requirements for a reliability program;

- (l) that a document is an aviation industry standard;
- (m) the matters mentioned in subregulation (3) for Subpart 42.F;
- (n) the matters mentioned in subregulation (4) for Subpart 42.G.

Matters for Subpart 42.F

- (3) For paragraph (2) (m), the matters are the following:
 - (a) maintenance that is specialist maintenance for a Subpart 42.F organisation;
 - (b) ratings for kinds of aircraft, aeronautical products and specialist maintenance;
 - (c) the privileges that apply to an approval rating;
 - (d) requirements for a Subpart 42.F organisation's exposition;
 - (e) requirements for a Subpart 42.F organisation, including requirements in relation to the following:
 - (i) facilities;
 - (ii) managers;
 - (iii) employees;
 - (iv) employee qualifications;
 - (v) the grant of certification authorisations;
 - (vi) equipment, tools and materials;
 - (vii) maintenance data;
 - (viii) the fabrication of parts in the course of carrying out maintenance;
 - (ix) records;
 - (x) an annual review of the organisation's compliance with this Part, the Part 42 Manual of Standards and the organisation's exposition;
 - (xi) a procedure for making changes to the organisation that are not significant changes.

Matters for Subpart 42.G

- (4) For paragraph (2) (n), the matters are the following:
- (a) requirements for a continuing airworthiness management organisation's exposition;
 - (b) requirements for a continuing airworthiness management organisation, including requirements in relation to the following:
 - (i) facilities;
 - (ii) managers;
 - (iii) employees;
 - (iv) employee qualifications;
 - (v) equipment;
 - (vi) a quality management system, including auditing;
 - (vii) writing procedures for carrying out maintenance;
 - (viii) instructions for continuing airworthiness;
 - (ix) records;
 - (x) a procedure for making changes to the organisation that are not significant changes.

Subpart 42.B Requirements for registered operators

Division 42.B.1 Preliminary

42.025 Purpose of Subpart

This Subpart sets out:

- (a) requirements relating to the continuing airworthiness of an aircraft that apply to the registered operator of the aircraft; and
- (b) record-keeping requirements for the registered operator of an aircraft in relation to authorisations under regulation 42.630.

Division 42.B.2 Continuing airworthiness requirements**42.030 Continuing airworthiness requirements — all aircraft**

- (1) The registered operator of an aircraft commits an offence if:
- (a) the registered operator operates the aircraft for a flight, or permits it to be operated for a flight; and
 - (b) a requirement mentioned in subregulation (2) is not met for the aircraft before the flight commences.

Penalty: 50 penalty units.

- (2) The requirements are that:
- (a) the registered operator has ensured that the requirements mentioned in Division 42.C.2 are met for the aircraft; and
 - (b) if maintenance has been carried out on the aircraft — a certificate of release to service has been issued for the aircraft in relation to that maintenance; and
 - (c) if the aircraft is a large aircraft or an aircraft operating under an AOC:
 - (i) the requirements of regulation 42.040 for the aircraft are met; and
 - (ii) an airworthiness review certificate is in force for the aircraft; and
 - (d) each item of operational or emergency equipment that is not required by the certification basis for the aircraft, but is required by or under these Regulations for the flight, is fitted to the aircraft; and
 - (e) if there is a defect in the aircraft:
 - (i) operation of the aircraft for the flight with the defect is permitted by:
 - (A) the minimum equipment list for the aircraft; or
 - (B) the configuration deviation list for the aircraft; or
 - (C) a special flight permit for the flight; or
 - (ii) the rectification of the defect is deferred in accordance with Subdivision 42.D.6.1; or

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- (iii) the defect is in an item of operational or emergency equipment that:
- (A) is fitted to the aircraft; and
 - (B) is not required by the certification basis for the aircraft; and
 - (C) is not required by or under these Regulations for the operation of the aircraft for the flight; and
- (f) the flight technical log for the aircraft records the details of any defect in the aircraft mentioned in subparagraph (e) (i) or (iii).

Note for paragraph (b) Under subregulation 42.760 (2), a certificate of release to service for an aircraft in relation to maintenance carried out on the aircraft must be included in the flight technical log for the aircraft.

Note for subparagraph (c) (ii) For how long an airworthiness review certificate remains in force, see regulation 42.870.

Note for paragraph (d) and sub-subparagraph (e) (iii) (C) See Part 90 and the Part 90 Manual of Standards, regulation 207 of CAR and Civil Aviation Order 20.4, Civil Aviation Order 20.11 and Civil Aviation Order 20.18.

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

42.035 Condition of AOC — aircraft authorised to operate under AOCs

For paragraph 28BA (1) (b) of the Act, it is a condition of an AOC that the requirements of regulation 42.040 are met for each aircraft that is authorised to operate under the AOC.

42.040 Aircraft authorised to operate under AOCs and large aircraft must have continuing airworthiness management organisations

Aircraft authorised to operate under air transport AOC

- (1) The registered operator of an aircraft that is authorised to operate under an air transport AOC must be approved by CASA under Subpart 42.G as a continuing airworthiness management organisation for the type and model of aircraft.

Aircraft authorised to operate under AOC other than air transport AOC

- (2) The registered operator of an aircraft that is authorised to operate under an AOC, other than an air transport AOC, must:
 - (a) be approved by CASA under Subpart 42.G as a continuing airworthiness management organisation for the type and model of aircraft; or
 - (b) have a contract with a single continuing airworthiness management organisation for that organisation to ensure that all of the requirements mentioned in Divisions 42.C.2, 42.C.3 and 42.C.4 are met for the aircraft.

Large aircraft not authorised to operate under AOC

- (3) The registered operator of a large aircraft that is not authorised to operate under an AOC must:
 - (a) be approved by CASA under Subpart 42.G as a continuing airworthiness management organisation for the type and model of aircraft; or
 - (b) have a contract with a single continuing airworthiness management organisation for that organisation to ensure that all of the requirements mentioned in Divisions 42.C.2, 42.C.3 and 42.C.4 are met for the aircraft.

42.045 Small aircraft not authorised to operate under AOCs may have continuing airworthiness management organisations

- (1) The registered operator of a small aircraft that is not authorised to operate under an AOC may enter into a contract with a continuing airworthiness management organisation for the organisation to ensure that 1 or more of the requirements mentioned in Divisions 42.C.2, 42.C.3 and 42.C.4 are met for the aircraft.
- (2) The registered operator must not, at any time, have a contract mentioned in subregulation (1) with more than 1 continuing airworthiness management organisation in relation to the aircraft.

42.050 Form of continuing airworthiness management contract — all aircraft

- (1) If the registered operator of an aircraft enters into a contract with a continuing airworthiness management organisation as mentioned in regulation 42.040 or 42.045, the registered operator must ensure that the contract:
- (a) is in writing; and
 - (b) includes provisions dealing with the matters mentioned in subregulation (2).

Penalty: 50 penalty units.

- (2) For paragraph (1) (b), the matters are the following:
- (a) the details of the aircraft covered by the contract, including the registration mark, type, model, and serial number for the aircraft;
 - (b) the registered operator's name and address;
 - (c) the continuing airworthiness management organisation's name, address and approval reference number;
 - (d) the matters relating to the continuing airworthiness of the aircraft for which the registered operator is responsible, including the requirements of Subpart 42.C for which the registered operator is responsible;
 - (e) the matters relating to the continuing airworthiness of the aircraft for which the continuing airworthiness management organisation is responsible, including the requirements of Subpart 42.C for which the organisation is responsible;
 - (f) that each party will give the other party information about the continuing airworthiness of the aircraft that relates to the matters mentioned in paragraphs (d) and (e);
 - (g) details of the information to be provided by each party as mentioned in paragraph (f);
 - (h) how the information mentioned in paragraph (f) will be provided by each party;
 - (i) the date of effect of the contract.
- (3) An offence against subregulation (1) is an offence of strict liability.

42.055 Giving information in accordance with contract

If:

- (a) the registered operator of an aircraft enters into a contract with a continuing airworthiness management organisation as mentioned in regulation 42.040 or 42.045; and
- (b) the registered operator has information about the continuing airworthiness of the aircraft that relates to a matter mentioned in paragraph 42.050 (2) (e);

the registered operator must give the information to the organisation in accordance with the contract.

Penalty: 50 penalty units.

Note See regulation 42.670 for the requirement for the continuing airworthiness management organisation for an aircraft to give information to the registered operator of the aircraft.

42.060 Copy of certain provisions of contract to be given to CASA

- (1) If the registered operator of an aircraft enters into a contract with a continuing airworthiness management organisation as mentioned in regulation 42.040 or 42.045, the registered operator must give CASA a copy of the provisions of the contract dealing with the matters mentioned in subregulation 42.050 (2) within 14 days after the contract has been made.

Penalty: 50 penalty units.

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

42.065 Copy of variation of certain provisions of contract to be given to CASA

- (1) If:
 - (a) the registered operator of an aircraft enters into a contract with a continuing airworthiness management organisation as mentioned in regulation 42.040 or 42.045; and

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- (b) a provision of the contract dealing with a matter mentioned in subregulation 42.050 (2) is varied;
the registered operator must give CASA a copy of the varied provision within 14 days after the variation has been made.

Penalty: 50 penalty units.

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

42.070 Notice of termination of contract to be given to CASA

- (1) If:
- (a) the registered operator of an aircraft enters into a contract with a continuing airworthiness management organisation as mentioned in regulation 42.040 or 42.045; and
 - (b) the contract is terminated;
- the registered operator must give CASA written notice of the termination within 14 days after the contract is terminated.

Penalty: 50 penalty units.

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

42.075 Notice of contravention of Part to be given to CASA

- (1) If:
- (a) the registered operator of an aircraft enters into a contract with a continuing airworthiness management organisation as mentioned in regulation 42.040 or 42.045; and
 - (b) the registered operator has reasonable grounds to believe that the organisation has contravened a provision of this Part;

the registered operator must give CASA written notice of the contravention within 7 days after the registered operator forms the belief that the contravention has occurred.

Penalty: 50 penalty units.

(2) If the registered operator is an individual, he or she is not excused from giving a notice under subregulation (1) on the ground that the information in the notice might tend to incriminate the individual or expose the individual to a penalty.

(3) However:

- (a) the information in the notice; or
- (b) any information, document or thing obtained as a direct or indirect consequence of giving the notice;

is not admissible in evidence against the individual in criminal proceedings other than proceedings for an offence against subsections 136.1 (1) or (4), 137.1 (1) or 137.2 (1) of the *Criminal Code*.

Note 1 Subsections 136.1 (1) and (4), 137.1 (1) and 137.2 (1) of the *Criminal Code* provide for offences in relation to false or misleading statements in applications and false or misleading information or documents.

Note 2 See regulation 42.675 for the equivalent requirement for a continuing airworthiness management organisation.

42.080 Maintenance of aircraft and aeronautical products

Maintenance carried out on an aircraft

(1) The registered operator of an aircraft must ensure that maintenance carried out on the aircraft is carried out by a person who is permitted to carry out the maintenance under regulation 42.295 or 42.300.

Penalty: 50 penalty units.

(2) The registered operator of an aircraft must ensure that a person mentioned in item 4 or 5 of table 42.300 carries out maintenance on the aircraft at a place only if no approved maintenance organisation is able to carry out the maintenance at that place.

Penalty: 50 penalty units.

Maintenance carried out on an aeronautical product

- (3) The registered operator of an aircraft must ensure that maintenance carried out on an aeronautical product for the aircraft is carried out by a person who is permitted to carry out the maintenance under regulation 42.305.

Penalty: 50 penalty units.

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

Division 42.B.3 Record-keeping requirements in relation to authorisations under regulation 42.630

42.085 Application of Division

This Division applies to the registered operator of an aircraft if, under subregulation 42.660 (1), a continuing airworthiness management organisation gives the registered operator a copy of an authorisation issued under regulation 42.630.

42.090 Retaining copies of authorisations

- (1) The registered operator must retain a copy of the authorisation for at least 2 years after the authorisation ceases to be in force.

Penalty: 50 penalty units.

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

42.095 Keeping lists of authorised pilot licence holders and flight engineers

- (1) The registered operator must, at all times, keep a list, in accordance with subregulation (2), of the pilot licence holders and flight engineers who hold authorisations issued under regulation 42.630 to provide maintenance services for the registered operator's aircraft.

Penalty: 50 penalty units.

- (2) The list must include the following information for each pilot licence holder and flight engineer:
- (a) the name of the continuing airworthiness management organisation that issued the authorisation;
 - (b) the name and licence number of the pilot licence holder or flight engineer;
 - (c) the maintenance services that the pilot licence holder or flight engineer is authorised to provide;
 - (d) the period for which the authorisation is valid;
 - (e) the aircraft for which the authorisation is issued.
- (3) If there is a change to the information mentioned in subregulation (2), the registered operator must update the list within 28 days after the change occurs.
- Penalty: 50 penalty units.
- (4) An offence against subregulation (1) or (3) is an offence of strict liability.

Subpart 42.C Continuing airworthiness management — requirements for person responsible for continuing airworthiness for aircraft

Division 42.C.1 Preliminary

42.100 Purpose of Subpart

This Subpart sets out requirements relating to the continuing airworthiness of an aircraft that apply to the person responsible for continuing airworthiness for the aircraft.

42.105 **Meaning of *person responsible for continuing airworthiness* for aircraft**

- (1) If the registered operator of an aircraft has entered into a contract with a continuing airworthiness management organisation as mentioned in regulation 42.040 or 42.045, the ***person responsible for continuing airworthiness*** for the aircraft is:
- (a) for a requirement of this Subpart for which, under the contract, the registered operator is responsible — the registered operator of the aircraft; and
 - (b) for a requirement of this Subpart for which, under the contract, the organisation is responsible — the organisation.

Note 1 Under regulation 42.050, a contract between the registered operator of an aircraft and a continuing airworthiness management organisation must deal with:

- (a) the matters relating to the continuing airworthiness of the aircraft for which the registered operator is responsible, including the requirements of this Subpart for which the registered operator is responsible; and
- (b) the matters relating to the continuing airworthiness of the aircraft for which the continuing airworthiness management organisation is responsible, including the requirements of this Subpart for which the organisation is responsible.

Note 2 Under subregulation 42.040 (2), a contract between the registered operator of an aircraft that is authorised to operate under an AOC, other than an air transport AOC, and a continuing airworthiness management organisation must provide that the organisation is to ensure that all of the requirements mentioned in Divisions 42.C.2, 42.C.3 and 42.C.4 are met for the aircraft.

Note 3 Under subregulation 42.040 (3), a contract between the registered operator of a large aircraft that is not authorised to operate under an AOC and a continuing airworthiness management organisation must provide that the organisation is to ensure that all of the requirements mentioned in Divisions 42.C.2, 42.C.3 and 42.C.4 are met for the aircraft.

Note 4 Under regulation 42.045, a contract between the registered operator of a small aircraft that is not authorised to operate under an AOC may provide that the organisation is to ensure that 1 or more of the requirements mentioned in Divisions 42.C.2, 42.C.3 and 42.C.4 are met for the aircraft.

- (2) If subregulation (1) does not apply, the ***person responsible for continuing airworthiness*** for an aircraft is the registered operator of the aircraft.

Division 42.C.2 Continuing airworthiness management tasks**42.110 Complying with regulations in this Division**

- (1) The person responsible for continuing airworthiness for an aircraft must comply with each of regulations 42.115 to 42.165 in relation to the aircraft.

Penalty: 50 penalty units.

- (2) An offence against subregulation (1) in relation to any of regulations 42.120 to 42.165 is an offence of strict liability.

42.115 Rectification of defect to aircraft before flight — all aircraft

- (1) If:
- (a) the person responsible for continuing airworthiness for an aircraft becomes aware that there is a defect in the aircraft; and
 - (b) operation of the aircraft for a flight with the defect is not permitted by:
 - (i) the minimum equipment list for the aircraft; or
 - (ii) the configuration deviation list for the aircraft; or
 - (iii) a special flight permit for the flight; and
 - (c) rectification of the defect is not deferred in accordance with Subdivision 42.D.6.1;
- the person must ensure that the defect is rectified before the aircraft is next operated for flight.

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- (2) This regulation does not apply in relation to a defect in an item of operational or emergency equipment that:
- (a) is fitted to the aircraft; and
 - (b) is not required by the certification basis for the aircraft; and
 - (c) is not required by or under these Regulations for operation of the aircraft for the flight.

Note for paragraph (c) See Part 90 and the Part 90 Manual of Standards, regulation 207 of CAR and Civil Aviation Order 20.4, Civil Aviation Order 20.11 and Civil Aviation Order 20.18.

Note 1 See also Division 42.D.6 for other requirements relating to defects.

Note 2 Under regulation 42.110, failure to comply with this regulation is an offence.

42.120 Compliance with airworthiness directives — all aircraft

If:

- (a) an airworthiness directive applies to:
 - (i) an aircraft; or
 - (ii) an aeronautical product that is part of, or used in, an aircraft; and
- (b) the aircraft or aeronautical product is not excluded from the operation of the airworthiness directive under paragraph 39.004 (2) (b) or (3) (b);

the person responsible for continuing airworthiness for the aircraft must ensure that the requirements mentioned in paragraph 39.002 (b), (c) or (d) are complied with in relation to the aircraft or aeronautical product.

Note 1 Paragraph 39.002 (b) refers to the requirements of an airworthiness directive, and paragraphs 39.002 (c) and (d) refer to the requirements of a means of compliance with the airworthiness directive approved by CASA or an NAA. An airworthiness directive, and a means of compliance with the airworthiness directive approved by CASA or an NAA, will specify when the action required by the airworthiness directive or means of compliance must be carried out.

Note 2 Under regulation 42.110, failure to comply with this regulation is an offence.

42.125 Approval of design for modifications or repairs to aircraft — all aircraft

- (1) The person responsible for continuing airworthiness for an aircraft must ensure that the aircraft is not modified unless:
 - (a) there is a Part 21 approval for the design of the modification; and
 - (b) the modification is compatible with the configuration of the aircraft at the time the modification is made.
- (2) The person responsible for continuing airworthiness for an aircraft contravenes subregulation (1) if:
 - (a) the aircraft is modified; and
 - (b) either:
 - (i) there is no Part 21 approval for the design of the modification; or
 - (ii) the modification is not compatible with the configuration of the aircraft at the time the modification is made.
- (3) The person responsible for continuing airworthiness for an aircraft must ensure that a repair that involves a change to the approved design of the aircraft is not made unless:
 - (a) there is a Part 21 approval for the design of the change involved in the repair; and
 - (b) the repair is compatible with the configuration of the aircraft at the time the repair is made.
- (4) The person responsible for continuing airworthiness for an aircraft contravenes subregulation (3) if:
 - (a) the aircraft is repaired; and
 - (b) the repair involves a change to the approved design for the aircraft; and
 - (c) either:
 - (i) there is no Part 21 approval for the change involved in the repair; or
 - (ii) the repair is not compatible with the configuration of the aircraft at the time the modification is made.

Note Under regulation 42.110, failure to comply with this regulation is an offence.

42.130 Dealing with certain instructions for continuing airworthiness — aircraft authorised to operate under AOCs and large aircraft

- (1) This regulation applies to the person responsible for continuing airworthiness for an aircraft that is authorised to operate under an AOC or a large aircraft if:
 - (a) an instruction for continuing airworthiness, issued by a person mentioned in subregulation (2), applies to the aircraft, or the aircraft's engine or propeller; and
 - (b) the instruction requires maintenance to be carried out on the aircraft, aircraft engine or propeller; and
 - (c) the person is not required, by another provision of these Regulations or by an airworthiness directive, to comply with the instruction.

Example

A service bulletin that is not mentioned in an airworthiness directive.

- (2) For paragraph (1) (a), the persons are the following:
 - (a) the type certificate holder or foreign type certificate holder for the aircraft, aircraft engine or propeller;
 - (b) the supplemental type certificate holder or foreign supplemental type certificate holder for the aircraft, aircraft engine or propeller.
- (3) The person must, within the time specified in the instruction:
 - (a) ensure that the instruction is complied with; or
 - (b) record, in writing, in the continuing airworthiness records system for the aircraft:
 - (i) information identifying the instruction; and
 - (ii) the reason for not complying with the instruction.

Note Under regulation 42.110, failure to comply with this regulation is an offence.

42.135 Replacement of life limited aeronautical product — all aircraft

If:

- (a) an aeronautical product that has a life limit is fitted to an aircraft; and

- (b) the aircraft is to be operated for a flight; and
- (c) the product's life limit is reached before, or would be reached during, the flight;

the person responsible for continuing airworthiness for the aircraft must ensure that the product is replaced before the flight.

Note Under regulation 42.110, failure to comply with this regulation is an offence.

42.140 Approved maintenance program required — aircraft authorised to operate under AOCs and large aircraft

The person responsible for continuing airworthiness for an aircraft that is authorised to operate under an AOC or a large aircraft must ensure that there is an approved maintenance program for the aircraft before the aircraft is operated for its first flight on or after the responsibility start date for the person and the aircraft.

Note 1 For the requirements for approval of maintenance programs, including compliance with the requirements specified in the Part 42 Manual of Standards, see Subpart 42.J.

Note 2 Under regulation 42.110, failure to comply with this regulation is an offence.

42.145 Compliance with maintenance program required — all aircraft

The person responsible for continuing airworthiness for an aircraft must ensure that maintenance is carried out on the aircraft as required by the maintenance program for the aircraft.

Note Under regulation 42.110, failure to comply with this regulation is an offence.

42.150 Updating approved maintenance program following change to instructions for continuing airworthiness

- (1) This regulation applies to the person responsible for continuing airworthiness for an aircraft if:
 - (a) there is an approved maintenance program for the aircraft; and

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- (b) there is a change to the requirements in the instructions for continuing airworthiness for the aircraft, or an aeronautical product fitted to the aircraft, that relate to maintenance that is required by the instructions to be carried out on a regular basis; and
 - (c) as a result of the change, the program no longer complies with the requirements.
- (2) The person must, within 90 days after the occurrence of the change:
- (a) vary the program so that it complies with the requirements; and
 - (b) either:
 - (i) approve the variation in accordance with Division 42.J.4; or
 - (ii) apply for approval of the variation in accordance with Division 42.J.5.

Note Under regulation 42.110, failure to comply with this regulation is an offence.

42.155 Ensuring effectiveness of approved maintenance program using approved reliability programs — certain aircraft

- (1) The person responsible for continuing airworthiness for an aircraft mentioned in subregulation (2) must ensure that there is an approved reliability program for the aircraft before the aircraft is operated for its first flight on or after the responsibility start date for the person and the aircraft.
- (2) The aircraft are the following:
 - (a) a large aircraft, if the approved maintenance program for the aircraft:
 - (i) requires the carrying out of maintenance that was developed using the specification, known as ‘ATA MSG-3’, published by the Air Transport Association of America, as in force from time to time; or
 - (ii) requires condition monitoring of an aeronautical product or a system of the aircraft;

- (b) an aircraft for which an EDTO approval issued under Civil Aviation Order 82.0 is in force;
- (c) an aircraft, if the instructions for continuing airworthiness for the aircraft require the use of a reliability program for the aircraft.

Note 1 The purpose of a reliability program for an aircraft is to ensure the effectiveness of the approved maintenance program for the aircraft in ensuring the continuing airworthiness of the aircraft.

Note 2 For the requirements for approval of reliability programs, including compliance with the requirements specified in the Part 42 Manual of Standards, see Subpart 42.L.

Note 3 Under regulation 42.110, failure to comply with this regulation is an offence.

42.160 Ensuring effectiveness of approved maintenance program — other aircraft authorised to operate under AOCs and large aircraft

- (1) This regulation applies to the person responsible for continuing airworthiness for:
 - (a) a large aircraft to which regulation 42.155 does not apply; or
 - (b) an aircraft:
 - (i) that is authorised to operate under an AOC; and
 - (ii) to which regulation 42.155 does not apply.
- (2) The person must, at least once every 12 months:
 - (a) analyse the effectiveness of the approved maintenance program for the aircraft in ensuring the continuing airworthiness of the aircraft; and
 - (b) record in writing:
 - (i) the results of the analysis; and
 - (ii) information that substantiates the results of the analysis.
- (3) If the results of the analysis indicate that the approved maintenance program should be varied, the person must, within 30 days after completing the analysis:
 - (a) approve the variation in accordance with Division 42.J.4; or

(b) apply for approval of the variation in accordance with Division 42.J.5.

- (4) The person must retain a record mentioned in paragraph (2) (b) for 2 years after the record is made.

Note Under regulation 42.110, failure to comply with this regulation is an offence.

42.165 Removal of aeronautical products fitted as permitted by regulation 42.440

If an aeronautical product is fitted to an aircraft as permitted by regulation 42.440, the person responsible for continuing airworthiness for the aircraft must, within 36 flight hours after it is fitted:

- (a) obtain an authorised release certificate for the product; or
(b) ensure that the product is removed from the aircraft.

Note Under regulation 42.110, failure to comply with this regulation is an offence.

Division 42.C.3 Continuing airworthiness records — all aircraft

Subdivision 42.C.3.1 Continuing airworthiness records system

42.170 Continuing airworthiness records system

The person responsible for continuing airworthiness for an aircraft must, at all times, have a system:

- (a) that is capable of containing the continuing airworthiness records for the aircraft; and
(b) that identifies the aircraft by:
(i) its make; and
(ii) its type and model designation; and
(iii) its registration mark; and
(iv) its serial number.

Penalty: 50 penalty units.

Note For how long records must be retained, see regulation 42.260.

*Subdivision 42.C.3.2 Information about aircraft***42.175 Requirement to record information**

- (1) The person responsible for continuing airworthiness for an aircraft must comply with each of regulations 42.180 to 42.210 in relation to the aircraft.

Penalty: 50 penalty units.

- (2) If, under any of regulations 42.180 to 42.210, the person is required to ensure that information in relation to the aircraft is recorded, the person must ensure that the information is recorded in writing in the continuing airworthiness records system for the aircraft.

Penalty: 50 penalty units.

- (3) If, under any of regulations 42.180 to 42.210, the person is required to ensure that a record of information in relation to the aircraft is updated, the person must ensure that the record is updated in writing in the continuing airworthiness records system for the aircraft.

Penalty: 50 penalty units.

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

Note See regulation 42.1085 for requirements relating to records.

42.180 Information about aircraft engines and propellers*Required information*

- (1) For this regulation, the following information is the ***required information*** for an aircraft engine or propeller:
- (a) its make;
 - (b) its type and model designation;
 - (c) its serial number.

Required information to be recorded before first flight

- (2) The person responsible for continuing airworthiness for an aircraft must ensure that the required information for each of the aircraft's engines and propellers is recorded before the aircraft is operated for its first flight on or after the responsibility start date for the person and the aircraft.

Required information to be recorded if engine or propeller replaced

- (3) If, on or after the responsibility start date, an aircraft engine or propeller is replaced, the person must ensure that the required information for the replacement aircraft engine or propeller is recorded before the time mentioned in subregulation (4).
- (4) The time is the end of 30 days after the date the certificate of release to service is issued for the aircraft in relation to the maintenance that included the replacement of the engine or propeller.

Note 1 Under subregulation 42.175 (1), failure to comply with this regulation is an offence.

Note 2 Under subregulations 42.175 (2), information recorded under this regulation must be recorded in writing in the continuing airworthiness records system for the aircraft.

42.185 Information about empty weight of aircraft

Required information

- (1) For this regulation, the following information is the **required information** for an aircraft:
- (a) the empty weight of the aircraft, determined in accordance with the method set out in Civil Aviation Order 100.7;
 - (b) the position of the centre of gravity on the aircraft when the aircraft is in its empty weight configuration, determined in accordance with the method set out in Civil Aviation Order 100.7.

Required information to be recorded before first flight

- (2) The person responsible for continuing airworthiness for an aircraft must ensure that:
- (a) the required information for the aircraft is recorded; and
 - (b) the record of that information is up to date;
- before the aircraft is operated for its first flight on or after the responsibility start date for the person and the aircraft (the ***first flight***).

Updating record of required information

- (3) If, after the aircraft is operated for its first flight, there is a change to:
- (a) the empty weight of the aircraft; or
 - (b) the position of the centre of gravity on the aircraft when the aircraft is in its empty weight configuration;
- the person must ensure that the record of the required information is updated before the aircraft is next operated for flight.

Note 1 Under subregulation 42.175 (1), failure to comply with this regulation is an offence.

Note 2 Under subregulations 42.175 (2) and (3), information recorded or updated under this regulation must be recorded and updated in writing in the continuing airworthiness records system for the aircraft.

42.190 Information about utilisation of aircraft

Required information

- (1) For this regulation, the ***required information*** for an aircraft is information about the utilisation of the aircraft, or of an aeronautical product fitted to the aircraft, that:
- (a) the person responsible for continuing airworthiness for the aircraft uses in ensuring that a requirement mentioned in regulation 42.120, 42.130, 42.135 or 42.145 is met; and
 - (b) includes the total time-in-service of:
 - (i) the aircraft; and
 - (ii) each of the aircraft's engines; and

- (iii) each of the aircraft's propellers.

Example for paragraph (a) for an aircraft

The total number of landings the aircraft has carried out.

Example for paragraph (a) for an aeronautical product fitted to an aircraft

For an aircraft engine, the total number of engine cycles the engine has performed.

Required information to be recorded before first flight

- (2) The person responsible for continuing airworthiness for an aircraft must ensure that:
- (a) the required information for the aircraft is recorded; and
 - (b) the record of that information is up to date;
- before the aircraft is operated for its first flight on or after the responsibility start date for the person and the aircraft.

Updating record of required information

- (3) If, on or after the responsibility start date, the aircraft is operated for flight, the person must ensure that the record of the required information for the aircraft is updated before the earlier of the following:
- (a) when a requirement mentioned in regulation 42.120, 42.130, 42.135 or 42.145 is due to be met;
 - (b) the end of 3 days after the completion of the flight.

Note 1 Under subregulation 42.175 (1), failure to comply with this regulation is an offence.

Note 2 Under subregulations 42.175 (2) and (3), information recorded or updated under this regulation must be recorded and updated in writing in the continuing airworthiness records system for the aircraft.

42.195 Information about compliance with airworthiness directives

Required information

- (1) For this regulation, the following information is the **required information** for an airworthiness directive that applies to an aircraft, or to an aeronautical product fitted to the aircraft:
 - (a) information identifying the airworthiness directive;
 - (b) if action is required to meet the requirements mentioned in paragraph 39.002 (b), (c) or (d) for the airworthiness directive — when the action is due, or next due, to be carried out;
 - (c) if the requirements mentioned in paragraph 39.002 (b), (c) or (d) have been met for the airworthiness directive in relation to the aircraft or aeronautical product:
 - (i) when the requirements were last met; and
 - (ii) if the requirements of a means of compliance with the airworthiness directive mentioned in paragraph 39.002 (c) or (d) have been met — information identifying that means of compliance; and
 - (iii) if the airworthiness directive applies to an aeronautical product — the part and serial number (if any) for the product.

Required information to be recorded before first flight — applicable airworthiness directives

- (2) The person responsible for continuing airworthiness for an aircraft must ensure that the information mentioned in subregulation (3) is recorded before the aircraft is operated for its first flight on or after the responsibility start date for the person and the aircraft.
- (3) The information is the required information for each airworthiness directive that, immediately before the responsibility start date, applied to the aircraft or an aeronautical product fitted to the aircraft.

Required information to be recorded — airworthiness directives that become applicable

- (4) If, on or after the responsibility start date, an airworthiness directive becomes applicable to the aircraft, or to an aeronautical product fitted to the aircraft, the person must ensure that the required information for the airworthiness directive is recorded before the earlier of the following:
- (a) when action is due to be carried out to meet the requirements mentioned in paragraph 39.002 (b), (c) or (d) for the airworthiness directive;
 - (b) the end of 30 days after the airworthiness directive becomes applicable to the aircraft or the aeronautical product.

Updating record of required information

- (5) If, on or after the responsibility start date, action is carried out to meet the requirements mentioned in paragraph 39.002 (b), (c) or (d) for an airworthiness directive that applies to the aircraft, or to an aeronautical product fitted to the aircraft, the person must comply with subregulation (6).
- (6) The person must ensure that the record of the required information for the airworthiness directive is updated before the earlier of the following:
- (a) when action is next due to be carried out to meet the requirements mentioned in paragraph 39.002 (b), (c) or (d) for the airworthiness directive (if applicable);
 - (b) the end of 30 days after the date the action is carried out.

Note 1 Under subregulation 42.175 (1), failure to comply with this regulation is an offence.

Note 2 Under subregulations 42.175 (2) and (3), information recorded or updated under this regulation must be recorded and updated in writing in the continuing airworthiness records system for the aircraft.

42.200 Information about compliance with maintenance program

Required information

- (1) For this regulation, the following information is the **required information** for maintenance that is required by the aircraft's maintenance program to be carried out on the aircraft or on an aeronautical product fitted to the aircraft:
 - (a) information identifying the maintenance;
 - (b) the interval at which the maintenance is required by the aircraft's maintenance program to be carried out;
 - (c) if the maintenance relates to an aeronautical product — the part and serial number (if any) for the product;
 - (d) if the maintenance has been carried out — when the maintenance was carried out;
 - (e) when the maintenance is next due to be carried out.
- (2) However, the **required information** mentioned in subregulation (1) does not include information mentioned in subregulation 42.195 (1).

Required information to be recorded before first flight

- (3) The person responsible for continuing airworthiness for an aircraft must ensure that:
 - (a) the required information for the maintenance is recorded; and
 - (b) the record of that information is up to date; before the aircraft is operated for its first flight on or after the responsibility start date for the person and the aircraft (the **first flight**).

Required information to be updated if maintenance carried out

- (4) If, after the aircraft is operated for its first flight, the maintenance is carried out on the aircraft or on the aeronautical product, the person must ensure that the record is updated before the earlier of the following:
- (a) when maintenance is next due to be carried out on the aircraft, or on an aeronautical product fitted to the aircraft, to comply with regulation 42.145;
 - (b) the end of 30 days after the certificate of release to service is issued for the aircraft or aeronautical product in relation to the maintenance.

Required information to be updated if maintenance program changed

- (5) If, after the aircraft is operated for its first flight, there is a change to the aircraft's maintenance program in relation to the maintenance, the person must ensure that the record of the required information for the maintenance is updated before the earlier of the following:
- (a) when maintenance is due to be carried out on the aircraft, or on an aeronautical product fitted to the aircraft, to comply with regulation 42.145;
 - (b) the end of 30 days after the change is made.

Required information to be updated if aeronautical product fitted

- (6) If:
- (a) the maintenance relates to an aeronautical product; and
 - (b) after the aircraft is operated for its first flight, the aeronautical product is fitted to the aircraft;
- the person must ensure that the record is updated before the time mentioned in subregulation (7).

- (7) The time is the earlier of the following:
- (a) when maintenance is due to be carried out on the aircraft, or on an aeronautical product fitted to the aircraft, to comply with regulation 42.145;
 - (b) the end of 30 days after the certificate of release to service is issued for the aircraft in relation to the maintenance that included the fitting of the aeronautical product.

Note 1 Under subregulation 42.175 (1), failure to comply with this regulation is an offence.

Note 2 Under subregulations 42.175 (2) and (3), information recorded or updated under this regulation must be recorded and updated in writing in the continuing airworthiness records system for the aircraft.

42.205 Information about modifications

Required information

- (1) For this regulation, the following information is the ***required information*** for a modification made to an aircraft or to an aeronautical product fitted to the aircraft:
- (a) a description of the modification;
 - (b) a reference to the design data used for the modification;
 - (c) when the modification is made;
 - (d) if the modification relates to an aeronautical product — the part and serial number (if any) for the product.

Required information to be recorded before first flight

- (2) The person responsible for continuing airworthiness for an aircraft must ensure that the information mentioned in subregulation (3) is recorded before the aircraft is operated for its first flight on or after the responsibility start date for the person and the aircraft.
- (3) The information is the required information for each modification that was made, before the responsibility start date, to the aircraft or an aeronautical product fitted to the aircraft.

Required information to be recorded for subsequent modifications

- (4) If, on or after the responsibility start date, a modification is made to the aircraft or to an aeronautical product fitted to the aircraft, the person must ensure that the required information for the modification is recorded before the time mentioned in subregulation (5).
- (5) The time is the end of 30 days after the certificate of release to service is issued for the aircraft in relation to the maintenance that included the modification.

Note 1 Under subregulation 42.175 (1), failure to comply with this regulation is an offence.

Note 2 Under subregulation 42.175 (2), information recorded under this regulation must be recorded in writing in the continuing airworthiness records system for the aircraft.

42.210 Information about aeronautical products with life limit

Required information

- (1) For this regulation, the following information is the **required information** for an aeronautical product that is fitted to an aircraft and that has a life limit:
 - (a) details that identify the aeronautical product, including its part and serial number (if any);
 - (b) the life limit for the aeronautical product;
 - (c) when the aeronautical product is due to be removed from the aircraft.

Required information to be recorded before first flight

- (2) The person responsible for continuing airworthiness for an aircraft must ensure that the information mentioned in subregulation (3) is recorded before the aircraft is operated for its first flight on or after the responsibility start date for the person and the aircraft.

- (3) The information is the required information for an aeronautical product that, immediately before the responsibility start date:
- (a) was fitted to the aircraft; and
 - (b) had a life limit.

Required information to be recorded for aeronautical products fitted on or after responsibility start date

- (4) If, on or after the responsibility start date, an aeronautical product that has a life limit is fitted to the aircraft, the person must ensure that the required information for the product is recorded before the earlier of the following:
- (a) the time that the product reaches its life limit;
 - (b) the end of 30 days after the certificate of release to service is issued for the aircraft in relation to the maintenance that included the fitting of the product to the aircraft.

Required information to be recorded if life limit becomes applicable on or after responsibility start date

- (5) If, on or after the responsibility start date, a life limit becomes applicable to an aeronautical product fitted to the aircraft, the person must ensure that the required information for the product is recorded before the earlier of the following:
- (a) the time that the product reaches its life limit;
 - (b) the end of 30 days after the life limit becomes applicable to the product.

Updating record of required information

- (6) If, on or after the responsibility start date, there is a change to the life limit for an aeronautical product fitted to the aircraft, the person must ensure that the record of the required information for the product is updated before the earlier of the following:
- (a) the time that the product reaches its life limit;
 - (b) the end of 30 days after the change is made.

Note 1 Under subregulation 42.175 (1), failure to comply with this regulation is an offence.

Note 2 Under subregulations 42.175 (2) and (3), information recorded or updated under this regulation must be recorded and updated in writing in the continuing airworthiness records system for the aircraft.

Subdivision 42.C.3.3 Substantiating documents

42.215 Substantiating documents

- (1) The person responsible for continuing airworthiness for an aircraft must keep documents that substantiate the information recorded under regulations 42.180, 42.185, 42.190, 42.195, 42.200, 42.205 and 42.210 for the aircraft.

Penalty: 50 penalty units.

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

Note For how long substantiating documents must be retained, see regulation 42.260.

Subdivision 42.C.3.4 Flight technical log

42.220 Flight technical log

- (1) The person responsible for continuing airworthiness for an aircraft must, at all times, have a log for the aircraft that:
 - (a) includes details identifying the aircraft, including the type, model, serial number and registration mark for the aircraft; and
 - (b) is capable of containing the documents and information for the aircraft that, under this Part, are required to be included in the log.

Penalty: 50 penalty units.

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

Note 1 Under paragraph 42.030 (2) (e), before an aircraft undertakes a flight, the flight technical log for an aircraft must record the details of any item of operational or emergency equipment that is fitted to the aircraft and is unserviceable.

Note 2 Under regulation 42.230, if the person responsible for continuing airworthiness for an aircraft is not a continuing airworthiness management organisation, and CASA has not, under regulation 42.235, approved another means of recording the required information for the aircraft (within the meaning given by subregulation 42.230 (2)), the person must ensure that that information is recorded and updated in the flight technical log for the aircraft.

Note 3 Under regulation 42.370, a qualified individual must enter information relating to the deferral of the rectification of a defect in an aircraft in the flight technical log for the aircraft if the defect affects the operation of the aircraft.

Note 4 Under paragraph 42.440 (g) an entry mentioned in that paragraph must be made in the flight technical log for an aircraft if a part is fitted to the aircraft as permitted by regulation 42.440.

Note 5 Under subregulation 42.760 (2), a certificate of release to service for an aircraft in relation to maintenance carried out on the aircraft must be included in the flight technical log for the aircraft.

Note 6 Under subregulation 42.1075 (1), the pilot in command of an aircraft for a flight must ensure that the information mentioned in that subregulation for the flight is recorded in the flight technical log for the aircraft.

Note 7 Under regulation 42.245, the person responsible for continuing airworthiness for the aircraft must ensure that the aircraft's flight technical log is capable of containing the information mentioned in regulation 42.190 for each flight for the aircraft if CASA has not, under regulation 42.250, approved another means of recording the information.

Note 8 Under subregulation 42.1075 (2), the pilot in command of an aircraft for a flight must record the information mentioned in regulation 42.190 for the flight in the aircraft's flight technical log if the log is capable of containing the information.

42.225 Availability of flight technical log

- (1) The person responsible for continuing airworthiness for an aircraft must ensure that the flight technical log for the aircraft is available to a person who is the pilot in command of the aircraft while the person is the pilot in command of the aircraft.

Penalty: 50 penalty units.

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- (2) The person must ensure that the flight technical log for the aircraft is available to a person who is carrying out maintenance on the aircraft while the person is carrying out the maintenance.

Penalty: 50 penalty units.

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

Subdivision 42.C.3.5 Recording next maintenance due to be carried out

42.230 Recording details of next maintenance due to be carried out in flight technical log

When this regulation applies

- (1) This regulation applies if:
- (a) the person responsible for continuing airworthiness for an aircraft is not a continuing airworthiness management organisation; and
 - (b) CASA has not, under regulation 42.235, approved another means of recording the required information for the aircraft.

Note If the person responsible for continuing airworthiness for an aircraft is a continuing airworthiness management organisation, the person is required to record the required information for the aircraft in the continuing airworthiness records for the aircraft — see regulation 42.200.

Required information

- (2) For this regulation, the **required information** for an aircraft at a particular time is:
- (a) information identifying the next maintenance that is due to be carried out on the aircraft in accordance with the aircraft's maintenance program; and
 - (b) when the maintenance is due to be carried out.

Information to be recorded before first flight

- (3) The person must ensure that the required information for the aircraft is recorded in the aircraft's flight technical log before the aircraft is operated for its first flight on or after the responsibility start date for the person and the aircraft (the *first flight*).

Penalty: 50 penalty units.

Updating record of required information

- (4) If, after the first flight, maintenance is carried out on the aircraft in accordance with the aircraft's maintenance program, the person must ensure that the record of the required information for the aircraft is updated in the aircraft's flight technical log before the aircraft is next operated for flight.

Penalty: 50 penalty units.

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

42.235 Approval of another means of recording next maintenance due to be carried out

- (1) If the person responsible for continuing airworthiness for an aircraft is not a continuing airworthiness management organisation, the person may apply, in writing, to CASA for approval of:
- (a) a means, other than a flight technical log, of recording the required information for the aircraft (within the meaning given by subregulation 42.230 (2)) for the purpose of informing the aircraft's flight crew of the required information; and
 - (b) the time within which the required information must be recorded by the other means.

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- (2) Subject to regulation 11.055, CASA must approve the means if CASA is satisfied that the means is at least as reliable a means of recording the required information for the aircraft as the use of the flight technical log.

Note 1 See Part 11 for other matters relating to applications and decisions.

Note 2 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, an approval; or
- (b) a decision imposing a condition on an approval.

42.240 Recording details of next maintenance due to be carried out by approved other means

- (1) If:
- (a) the person responsible for continuing airworthiness for an aircraft is not a continuing airworthiness management organisation; and
 - (b) CASA has, under regulation 42.235, approved:
 - (i) another means of recording the required information for the aircraft (within the meaning given by subregulation 42.230 (2)); and
 - (ii) the time within which the required information must be recorded by the other means;

the person must ensure that the required information for the aircraft is recorded in accordance with the approval.

Penalty: 50 penalty units.

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

*Subdivision 42.C.3.6 Recording utilisation information***42.245 Ensuring flight technical log can contain utilisation information mentioned in regulation 42.190 for each flight if another means not approved**

- (1) If CASA has not, under regulation 42.250, approved:
- (a) another means of recording the information mentioned in regulation 42.190 for each flight for an aircraft; and
 - (b) the time within which the information must be recorded by the other means;

the person responsible for continuing airworthiness for the aircraft must ensure that the aircraft's flight technical log is capable of containing the information.

Penalty: 50 penalty units.

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

Note Under subregulation 42.1075 (2), the pilot in command of an aircraft for a flight must record the information mentioned in regulation 42.190 for the flight in the aircraft's flight technical log if the log is capable of containing the information.

42.250 Approval of another means of recording utilisation information mentioned in regulation 42.190 for each flight

- (1) The person responsible for continuing airworthiness for an aircraft may apply, in writing, to CASA for approval of:
- (a) a means, other than a flight technical log, for recording the information mentioned in regulation 42.190 for each flight for the aircraft; and
 - (b) the time within which the information must be recorded by the other means.
- (2) Subject to regulation 11.055, CASA must approve the means if CASA is satisfied that the means is at least as reliable a means of recording the information as the use of the flight technical log.

Note 1 See Part 11 for other matters relating to applications and decisions.

Note 2 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, an approval; or
- (b) a decision imposing a condition on an approval.

42.255 Recording utilisation information mentioned in regulation 42.190 for each flight by approved other means

- (1) If CASA has, under regulation 42.250, approved:
 - (a) another means of recording the information mentioned in regulation 42.190 for each flight for an aircraft; and
 - (b) the time within which the information must be recorded by the other means;the person responsible for continuing airworthiness for the aircraft must ensure that the information is recorded in accordance with the approval.

Penalty: 50 penalty units.

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

Subdivision 42.C.3.7 Retention and transfer of records

42.260 Retention of continuing airworthiness records

- (1) The person responsible for continuing airworthiness for an aircraft must retain a record or document mentioned in an item of the following table for the period:
 - (a) starting on:
 - (i) if the person created the record or document, and is the person responsible for continuing airworthiness for the aircraft on the creation date for the record or document — the creation date for the record or document; or

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- (ii) if the person did not create the record or document, and is the person responsible for continuing airworthiness for the aircraft on the creation date for the record or document — the date that the person receives the record or document; or
 - (iii) if the person is not the person responsible for continuing airworthiness for the aircraft on the creation date for the record or document — the date the person receives the continuing airworthiness records for the aircraft under regulation 42.265; and
- (b) ending on the first-occurring of the following:
- (i) the end date (if any) mentioned in the item;
 - (ii) the date the person gives the records to the person who becomes the person responsible for continuing airworthiness for the aircraft under regulation 42.265.

Item	Record or document	End date
1	A document kept under regulation 42.215 for the aircraft	The date that the information substantiated by the document is superseded by other information
2	A copy of a maintenance record, that is not covered by item 1, for maintenance carried out on the aircraft	1 year after the creation date for the maintenance record
3	A copy of a document that: <ul style="list-style-type: none"> (a) is equivalent to a maintenance record for maintenance carried out on the aircraft; and (b) is issued under a law of a foreign country; and (c) is not covered by item 1 	1 year after the creation date for the document

Item	Record or document	End date
4	A certificate of release to service for the aircraft in relation to maintenance carried out on the aircraft	The later of the following: <ul style="list-style-type: none"> (a) 1 year after the date of issue of the certificate; (b) the date a certificate of release to service is next issued for the aircraft in relation to maintenance carried out on the aircraft
5	A record of information: <ul style="list-style-type: none"> (a) that is made in the flight technical log for an aircraft in accordance with this Part; and (b) that is not covered by item 1, 2 or 4 	1 year after the creation date for the record
6	A copy of the design of a modification or repair that is unique to the aircraft	—

Penalty: 50 penalty units.

Examples for item 1

1 An authorised release certificate for an aeronautical product that is fitted to an aircraft must be kept until the date the aeronautical product is removed from the aircraft.

2 An in-house release document for an aeronautical product that is fitted to an aircraft must be kept until the date the aeronautical product is removed from the aircraft.

3 A document mentioned in paragraph 42.440 (e) for an aeronautical product fitted to an aircraft as permitted by regulation 42.440 must be kept until the date the aeronautical product is removed from the aircraft.

4 A document that substantiates the empty weight of the aircraft and the centre of gravity position on the aircraft at its empty weight configuration must be kept until the date that the aircraft is next weighed and its empty weight, and its centre of gravity in its empty weight configuration, is determined.

Note for item 5 See the notes to regulation 42.220.

- (2) In this regulation:
creation date means:
- (a) for a record of information — the date the record is made;
and
 - (b) for a document — the date the document is created.
- (3) An offence against subregulation (1) is an offence of strict liability.

42.265 Transfer of continuing airworthiness records for aircraft

- (1) This regulation applies if:
- (a) a person (the *first person*) ceases to be the person responsible for continuing airworthiness for an aircraft;
and
 - (b) another person (the *second person*) becomes the person responsible for continuing airworthiness for the aircraft.
- (2) Within 30 days after the first person ceases to be the person responsible for continuing airworthiness for the aircraft, the first person must give the continuing airworthiness records for the aircraft to the second person.
- Penalty: 50 penalty units.
- (3) An offence against subregulation (2) is an offence of strict liability.

Division 42.C.4 Major defects — reporting and investigating

42.270 Reporting major defects — all aircraft

- (1) If the person responsible for continuing airworthiness for an aircraft becomes aware of a major defect in the aircraft, the person must, within 2 days after becoming aware of the defect, report the defect, in accordance with subregulation (2), to:
- (a) CASA; and

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- (b) if the defect does not relate to a modification mentioned in paragraph (c), (d), (e) or (f) — the type certificate holder or foreign type certificate holder for the aircraft; and
 - (c) if the defect relates to a modification made to the aircraft that is covered by a supplemental type certificate for the aircraft — the supplemental type certificate holder or foreign supplemental type certificate holder for the aircraft; and
 - (d) if the defect relates to a part produced in accordance with an Australian Parts Manufacturer Approval — the holder of the Australian Parts Manufacturer Approval; and
 - (e) if the defect relates to a part produced in accordance with a Parts Manufacturer Approval issued by the FAA — the holder of the Parts Manufacturer Approval; and
 - (f) if the defect relates to a modification made in accordance with a design for which there is a modification/repair design approval — the holder of the approval.

Penalty: 50 penalty units.

- (2) The report must be made:
 - (a) in writing; and
 - (b) in the approved form.

Note 1 Under regulation 11.018, a report in the approved form is not complete unless it contains all of the information required by the form.

Note 2 See also Division 42.D.6 for other requirements relating to defects.

42.275 Investigating major defects — large aircraft and aircraft authorised to operate under AOC

If the person responsible for continuing airworthiness for a large aircraft or an aircraft that is authorised to operate under an AOC becomes aware of a major defect in the aircraft, the person must:

- (a) investigate the cause of the defect; and

- (b) give CASA a report containing the findings of the investigation within 14 days after completing the investigation.

Penalty: 50 penalty units.

Note See also Division 42.D.6 for other requirements relating to defects.

42.280 Action by CASA following report of major defect

- (1) If CASA receives a report about a major defect under regulation 42.270, CASA may, by notice in writing, require the person who made the report:
 - (a) to give CASA further information in relation to the major defect within a period specified in the notice; or
 - (b) to keep the aircraft, or the part of the aircraft that is defective, in a state that will allow CASA to investigate the defect.
- (2) The person must comply with the notice.

Penalty: 50 penalty units.

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

42.285 Action by certificate holder or approval holder following report of major defect

- (1) If a person mentioned in paragraph 42.270 (1) (b), (c), (d), (e) or (f) (the *first person*) receives a report about a major defect under regulation 42.270, the first person may, by notice in writing, require the person who made the report (the *second person*) to give the first person further information in relation to the major defect.
- (2) The notice must specify the period within which the further information must be provided.
- (3) The period specified in the notice must be at least 14 days from the date of the request.
- (4) The second person must comply with the notice.

Penalty: 50 penalty units.

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

Subpart 42.D Maintenance

Division 42.D.1 Preliminary

42.290 Purpose of Subpart

This Subpart sets out:

- (a) who is permitted to carry out maintenance; and
- (b) requirements for carrying out maintenance on an aircraft or an aeronautical product; and
- (c) requirements for critical control system maintenance; and
- (d) requirements for dealing with defects; and
- (e) requirements for making and keeping records for an approved maintenance organisation or independent maintainer who carries out maintenance on an aircraft or aeronautical product.

Division 42.D.2 Permissions for section 20AB of Act — aircraft

42.295 Who is permitted to carry out maintenance on aircraft — approved maintenance organisations

For subsection 20AB (2) of the Act, a person mentioned in column 2 of an item in the following table is permitted to carry out maintenance on an Australian aircraft:

- (a) to which this Part applies; and
- (b) that is mentioned in column 3 of the item.

Item	Person	Aircraft
1	A Part 145 organisation	An aircraft of a kind for which the Part 145 organisation is approved to provide maintenance services

Item	Person	Aircraft
2	An individual carrying out maintenance on behalf of a Part 145 organisation	An aircraft for which the Part 145 organisation is providing maintenance services
3	A Subpart 42.F organisation	A small aircraft: <ul style="list-style-type: none"> (a) that is not authorised to operate under an air transport AOC; and (b) that is of a kind for which the Subpart 42.F organisation is approved to provide maintenance services
4	An individual carrying out maintenance on behalf of a Subpart 42.F organisation	An aircraft for which the Subpart 42.F organisation is providing maintenance services

Note 1 The kinds of aircraft for which a Part 145 organisation is approved to provide maintenance services are determined by CASA — see regulation 145.030.

Note 2 The kinds of aircraft for which a Subpart 42.F organisation is approved to provide maintenance services are determined by CASA — see regulation 42.515.

42.300 Who is permitted to carry out maintenance on aircraft — individuals not working for approved maintenance organisations

- (1) For subsection 20AB (2) of the Act:
 - (a) an individual mentioned in column 2 of an item in table 42.300 is permitted to carry out maintenance on an Australian aircraft:
 - (i) to which this Part applies; and
 - (ii) that is mentioned in column 3 of the item; and
 - (b) the individual is permitted to carry out the maintenance subject to the conditions mentioned in column 4 of the item.
- (2) However, an individual mentioned in item 2, 3, 4 or 5 of table 42.300 is not permitted to supervise the carrying out of maintenance by another individual.

Table 42.300 **Individuals, not working for approved maintenance organisations, permitted to carry out maintenance on aircraft**

Item	Individual	Aircraft	Conditions
1	A licensed aircraft maintenance engineer	An aircraft: <ul style="list-style-type: none"> (a) that is a small aircraft; and (b) that is not authorised to operate under an AOC 	The conditions are that: <ul style="list-style-type: none"> (a) the person's aircraft engineer licence permits him or her to perform maintenance certification for the maintenance; and (b) the maintenance is not specified in the Part 42 Manual of Standards for this item
2	An individual who is carrying out maintenance under the supervision of an individual mentioned in item 1	An aircraft for which the individual mentioned in item 1 is providing maintenance services	
3	A pilot licence holder who is carrying out maintenance other than under an authorisation issued under regulation 42.630 that is in force	An aircraft: <ul style="list-style-type: none"> (a) that is a small aircraft; and (b) that is not authorised to operate under an AOC; and (c) that the pilot licence holder is authorised, under Part 5 of CAR, to fly 	The conditions are that: <ul style="list-style-type: none"> (a) the maintenance is specified in the Part 42 Manual of Standards for this item; and (b) either: <ul style="list-style-type: none"> (i) the pilot licence holder is the registered operator of the aircraft; or (ii) the registered operator of the aircraft has given the pilot licence holder permission to carry out the maintenance

Item	Individual	Aircraft	Conditions
4	A pilot licence holder who is carrying out maintenance under an authorisation issued under regulation 42.630 that is in force	An aircraft: <ul style="list-style-type: none"> (a) that is a large aircraft, or is authorised to operate under an AOC; and (b) that the pilot licence holder is authorised, under Part 5 of CAR, to fly 	The conditions are that: <ul style="list-style-type: none"> (a) the pilot licence holder is a member of the aircraft's flight crew; and (b) the maintenance is specified in the Part 42 Manual of Standards for this item
5	A flight engineer who is carrying out maintenance under an authorisation issued under regulation 42.630 that is in force	An aircraft: <ul style="list-style-type: none"> (a) that is a large aircraft, or is authorised to operate under an AOC; and (b) in relation to which the flight engineer is authorised, under Part 5 of CAR, to perform the duties of flight engineer 	The conditions are that: <ul style="list-style-type: none"> (a) the flight engineer is a member of the aircraft's flight crew; and (b) the maintenance is specified in the Part 42 Manual of Standards for this item

Note for item 2 Under regulation 42.320, an independent maintainer who is supervising the carrying out of maintenance by another individual must not instruct or permit the individual to carry out maintenance that the independent maintainer is not permitted to carry out.

Note 1 for items 4 and 5 Under subregulation 42.080 (2), the registered operator of an aircraft must ensure that a person mentioned in item 4 or 5 carries out maintenance on the aircraft at a place only if no approved maintenance organisation is able to carry out the maintenance at that place

Note 2 for items 4 and 5 An authorisation under regulation 42.630 must include the maintenance services that the pilot licence holder or flight engineer is authorised to provide — see paragraph 42.630 (3) (c).

**Division 42.D.3 Permissions for section 20AB of Act —
aeronautical products**

**42.305 Who is permitted to carry out maintenance on
aeronautical products**

For subsection 20AB (2) of the Act, a person mentioned in column 2 of an item in the following table is permitted to carry out maintenance on:

- (a) an aeronautical product in Australian territory:
 - (i) to which this Part applies; and
 - (ii) that is of the kind mentioned in column 3 of the item; and
- (b) an aeronautical product for an Australian aircraft:
 - (i) to which this Part applies; and
 - (ii) that is of the kind mentioned in column 3 of the item.

Item	Person	Aeronautical product
1	A Part 145 organisation	An aeronautical product of a kind for which the Part 145 organisation is approved to provide maintenance services
2	An individual carrying out maintenance on behalf of a Part 145 organisation	An aeronautical product for which the Part 145 organisation is providing maintenance services
3	A Subpart 42.F organisation	An aeronautical product of a kind for which the Subpart 42.F organisation is approved to provide maintenance services
4	An individual carrying out maintenance on behalf of a Subpart 42.F organisation	An aeronautical product for which the Subpart 42.F organisation is providing maintenance services

Note 1 The kinds of aeronautical products for which a Part 145 organisation is approved to provide maintenance services are determined by CASA — see regulation 145.030.

Note 2 The kinds of aeronautical products for which a Subpart 42.F organisation is approved to provide maintenance services are determined by CASA — see regulation 42.515.

Division 42.D.4 Requirements for carrying out maintenance**42.310 General requirements for carrying out maintenance***Obligation*

- (1) If an individual carries out maintenance on an aircraft or on an aeronautical product, the individual must:
 - (a) carry out the maintenance:
 - (i) in accordance with current maintenance data for the maintenance; and
 - (ii) using facilities that are appropriate for carrying out maintenance of the kind that is being carried out; and
 - (b) if tools, equipment or materials are mentioned in the maintenance data for the maintenance — use those tools, equipment or materials; and
 - (c) if using measuring or testing equipment — ensure that the accuracy of the equipment:
 - (i) is appropriate for the maintenance; and
 - (ii) has been verified, at appropriate intervals, by a means that is traceable to a standard that is nationally or internationally recognised.

Example for subparagraph (c) (ii) of a standard that is nationally recognised

A standard maintained by the National Measurement Institute — see <http://www.measurement.gov.au>.

Offence — approved maintenance organisation

- (2) An approved maintenance organisation must ensure that an individual who carries out maintenance on its behalf complies with subregulation (1).

Penalty: 50 penalty units.

Offences — independent maintainer

- (3) An independent maintainer must comply with subregulation (1) when carrying out maintenance on an aircraft.

Penalty: 50 penalty units.

- (4) If an independent maintainer is supervising the carrying out of maintenance on an aircraft by another individual, the independent maintainer must ensure that the individual complies with subregulation (1).

Penalty: 50 penalty units.

Note A person mentioned in item 1 of table 42.300 is the only independent maintainer who is permitted to supervise the carrying out of maintenance by another individual — see subregulation 42.300 (2).

42.315 Ensuring individuals are competent to carry out maintenance

Meaning of competent

- (1) An individual is **competent** to carry out maintenance on an aircraft or aeronautical product if he or she has the skills and knowledge to carry out the maintenance to the standard required by the maintenance data for the maintenance.

Obligation for approved maintenance organisation

- (2) An approved maintenance organisation must ensure that an individual does not carry out maintenance on an aircraft or aeronautical product on behalf of the organisation unless:
- (a) the organisation has assessed the individual as being competent to carry out the maintenance; or
 - (b) if the organisation has not assessed the individual as being competent to carry out the maintenance — the carrying out of the maintenance by the individual is supervised by an individual that the organisation has assessed as being competent to carry out the maintenance.

Offences for breach of obligation

- (3) An approved maintenance organisation commits an offence if:
- (a) an individual carries out maintenance on an aircraft or aeronautical product on behalf of the organisation; and
 - (b) before the maintenance is carried out, the organisation has not assessed the individual as being competent to carry out the maintenance; and
 - (c) the carrying out of the maintenance by the individual is not supervised.

Penalty: 50 penalty units.

- (4) An approved maintenance organisation commits an offence if:
- (a) an individual carries out maintenance on an aircraft or aeronautical product on behalf of the organisation; and
 - (b) before the maintenance is carried out, the organisation has not assessed the individual as being competent to carry out the maintenance; and
 - (c) the carrying out of the maintenance by the individual is supervised; and
 - (d) before the maintenance is carried out, the organisation has not assessed the individual who supervised the carrying out of the maintenance as being competent to carry out the maintenance.

Penalty: 50 penalty units.

Obligation for certain independent maintainers

- (5) An independent maintainer mentioned in item 1 or 3 of table 42.300 must not carry out maintenance on an aircraft unless the independent maintainer is competent to carry out the maintenance.

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- (6) An independent maintainer must not supervise the carrying out of maintenance on an aircraft by another individual unless the independent maintainer is competent to carry out the maintenance.

Note 1 The competence of an independent maintainer mentioned in item 4 or 5 of table 42.300 to carry out maintenance is dealt with by a continuing airworthiness management organisation — see paragraph 42.630 (2) (e).

Note 2 A person mentioned in item 1 of table 42.300 is the only independent maintainer who is permitted to supervise the carrying out of maintenance by another individual — see subregulation 42.300 (2).

Offences for breach of obligation

- (7) An independent maintainer mentioned in item 1 or 3 of table 42.300 commits an offence if:
- (a) he or she carries out maintenance on an aircraft; and
 - (b) he or she is not competent to carry out the maintenance.

Penalty: 50 penalty units.

- (8) An independent maintainer commits an offence if:
- (a) the independent maintainer supervises the carrying out of maintenance on an aircraft by another individual; and
 - (b) the independent maintainer is not competent to carry out the maintenance.

Penalty: 50 penalty units.

42.320 Restriction on maintenance that independent maintainers may instruct or permit supervised individuals to carry out

- (1) An independent maintainer who is supervising the carrying out of maintenance by another individual must not instruct or permit the individual to carry out maintenance that the independent maintainer is not permitted to carry out.

Penalty: 50 penalty units.

Note A person mentioned in item 1 of table 42.300 is the only independent maintainer who is permitted to supervise the carrying out of maintenance by another individual — see subregulation 42.300 (2).

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

42.325 Maintenance involving modifications and certain repairs

Obligation

- (1) This regulation applies if an individual carries out maintenance on an aircraft or aeronautical product that involves:
- (a) making a modification to the aircraft or aeronautical product; or
 - (b) a repair of the aircraft or aeronautical product that involves a change to the approved design for the aircraft or aeronautical product.
- (2) Before a certificate of release to service is issued for the aircraft or aeronautical product in relation to the maintenance, the individual must ensure that:
- (a) there is a Part 21 approval for the design of the modification or repair; and
 - (b) the modification or repair complies with the design.

Note For who issues a certificate of release to service for an aircraft, see Subdivision 42.H.3.2. For who issues a certificate of release to service for an aeronautical product, see Subdivision 42.H.4.2.

Offence — approved maintenance organisation

- (3) An approved maintenance organisation must ensure that an individual who carries out maintenance on its behalf complies with subregulation (2).

Penalty: 50 penalty units.

Offences — independent maintainer

- (4) An independent maintainer must comply with subregulation (1):
- (a) when carrying out maintenance on an aircraft; and

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- (b) when supervising the carrying out of maintenance on an aircraft by another individual.

Penalty: 50 penalty units.

Note A person mentioned in item 1 of table 42.300 is the only independent maintainer who is permitted to supervise the carrying out of maintenance by another individual — see subregulation 42.300 (2).

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

42.330 Removal of tools etc after carrying out maintenance

Obligation

- (1) If an individual carries out maintenance on an aircraft or aeronautical product, the individual must remove from the aircraft or aeronautical product any tools, equipment or other things extraneous to the aircraft or the aeronautical product before a certificate of release to service is issued for the aircraft or aeronautical product in relation to the maintenance.

Note For who issues a certificate of release to service for an aircraft, see Subdivision 42.H.3.2. For who issues a certificate of release to service for an aeronautical product, see Subdivision 42.H.4.2.

Offence — approved maintenance organisation

- (2) An approved maintenance organisation must ensure that an individual who carries out maintenance on its behalf complies with subregulation (1).

Penalty: 50 penalty units.

Offences — independent maintainer

- (3) An independent maintainer must comply with subregulation (1) when carrying out maintenance on an aircraft.

Penalty: 50 penalty units.

- (4) An independent maintainer who is supervising the carrying out of maintenance on an aircraft by another individual must ensure that the individual complies with subregulation (1).

Penalty: 50 penalty units.

Note A person mentioned in item 1 of table 42.300 is the only independent maintainer who is permitted to supervise the carrying out of maintenance by another individual — see subregulation 42.300 (2).

Division 42.D.5 Requirements for independent inspection of critical control system maintenance

42.335 Meaning of *independent individual*

An *independent individual*, for critical control system maintenance carried out on an aircraft, means an individual who:

- (a) did not perform maintenance certification for the maintenance; and
- (b) if the maintenance is carried out by a Part 145 organisation — is a certifying employee of that organisation authorised to perform maintenance certification:
 - (i) for the maintenance; or
 - (ii) for similar maintenance carried out on another aircraft that has an aircraft control system of similar technology and construction; and
- (c) if the maintenance is not carried out by a Part 145 organisation — is 1 of the following:
 - (i) a licensed aircraft maintenance engineer whose aircraft engineer licence permits the individual to perform maintenance certification for the maintenance, or for similar maintenance carried out on another aircraft that has an aircraft control system of similar technology and construction;
 - (ii) a pilot licence holder who is authorised under Part 5 of CAR to fly the aircraft.

42.340 Requirement for verification and record for critical control system maintenance

Offence — approved maintenance organisation

- (1) If an individual carries out critical control system maintenance on an aircraft on behalf of an approved maintenance organisation, the organisation must ensure that an independent individual has:
- (a) verified the matters mentioned in subregulation 42.345 (1); and
 - (b) made a record, in writing, in accordance with regulation 42.345;

before the organisation issues a certificate of release to service for the aircraft in relation to the maintenance.

Penalty: 50 penalty units.

Offence — independent maintainer

- (2) If an independent maintainer carries out critical control system maintenance on an aircraft, or supervises the carrying out of critical control system maintenance on an aircraft by another individual, the independent maintainer must ensure that an independent individual has:
- (a) verified the matters mentioned in subregulation 42.345 (1); and
 - (b) made a record, in writing, in accordance with regulation 42.345;

before the independent maintainer issues a certificate of release to service for the aircraft in relation to the maintenance.

Penalty: 50 penalty units.

Note A person mentioned in item 1 of table 42.300 is the only independent maintainer who is permitted to supervise the carrying out of maintenance by another individual — see subregulation 42.300 (2).

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

42.345 Verification and record for critical control system maintenance

- (1) An independent individual may record the information mentioned in subregulation (3) in the continuing airworthiness records system for an aircraft in relation to critical control system maintenance carried out on the aircraft only if he or she has verified that:
 - (a) the part of the aircraft control system on which the maintenance was carried out is assembled and configured in accordance with the maintenance data for the maintenance; and
 - (b) the aircraft control system is functioning correctly.
- (2) An independent individual commits an offence if:
 - (a) he or she records the information mentioned in subregulation (3) in the continuing airworthiness records system for an aircraft in relation to critical control system maintenance carried out on the aircraft; and
 - (b) the recording of the information is not permitted under subregulation (1).

Penalty: 50 penalty units.
- (3) The information is the following:
 - (a) that the individual has verified the matters mentioned in subregulation (1);
 - (b) information identifying the critical control system maintenance to which the verification related;
 - (c) the individual's name, signature and licence or certification authorisation number;
 - (d) the date the verification was performed.

Division 42.D.6 Requirements for dealing with defects*Subdivision 42.D.6.1 Dealing with defects***42.350 Meaning of *qualified individual***

- (1) For a defect in an aircraft that is authorised to operate under an air transport AOC or a large aircraft, *qualified individual* means a certifying employee of a Part 145 organisation who is authorised to perform maintenance certification for the maintenance that would be necessary to rectify the defect.
- (2) For a defect in an aircraft, other than an aircraft mentioned in subregulation (1), *qualified individual* means a licensed aircraft maintenance engineer whose aircraft engineer licence permits the holder to perform maintenance certification for the maintenance that would be necessary to rectify the defect.

42.355 Recording defects

If an individual:

- (a) is carrying out maintenance on an aircraft; and
- (b) is, or becomes, aware of a defect in the aircraft;

the individual must ensure that the defect is recorded in the continuing airworthiness records system for the aircraft before a certificate of release to service is issued for the aircraft in relation to the maintenance.

Penalty: 50 penalty units.

Note For who issues a certificate of release to service for an aircraft, see Subdivision 42.H.3.2.

42.360 When qualified individual may defer rectification of defect

- (1) A qualified individual may defer the rectification of a defect in an aircraft only if the deferral is permitted by subregulation (3).
- (2) The qualified individual commits an offence if:
 - (a) he or she defers the rectification of the defect; and

(b) the deferral is not permitted by subregulation (3).

Penalty: 50 penalty units.

- (3) Deferral of the rectification of the defect is permitted only if:
- (a) the defect does not adversely affect the airworthiness of the aircraft; or
 - (b) the operation of the aircraft for a flight with the defect is permitted by any of the following:
 - (i) the instructions for continuing airworthiness for the aircraft;
 - (ii) the minimum equipment list for the aircraft;
 - (iii) the configuration deviation list for the aircraft;
 - (iv) an airworthiness directive; or
 - (c) the defect consists of, or is caused by, damage to the aircraft that is approved as a permissible unserviceability under regulation 21.007; or
 - (d) the defect is in an item of operational or emergency equipment that:
 - (i) is fitted to the aircraft; and
 - (ii) is not required by the certification basis for the aircraft; and
 - (iii) is not required by or under these Regulations for the operation of the aircraft for a flight.

Note for subparagraph (d) (iii) See Part 90 and the Part 90 Manual of Standards, regulation 207 of CAR and Civil Aviation Order 20.4, Civil Aviation Order 20.11 and Civil Aviation Order 20.18.

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

42.365 How rectification of defect is deferred

To defer the rectification of a defect in an aircraft under regulation 42.360, the qualified individual must:

- (a) make a record that complies with regulation 42.370; and
- (b) sign the record; and

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- (c) record, in that record:
 - (i) his or her aircraft engineer licence number or certification authorisation number; and
 - (ii) the date of the deferral.

42.370 Record for deferral of rectification of defect

- (1) A record of the deferral of the rectification of a defect must be made in:
 - (a) the flight technical log for the aircraft, if:
 - (i) the defect affects the operation of the aircraft; or
 - (ii) the deferral was permitted by subparagraph 42.360 (3) (b) (ii) or (iii); or
 - (b) the continuing airworthiness records system for the aircraft, in any other case.
- (2) The record must contain:
 - (a) a description of the defect; and
 - (b) a statement of the reasons for the qualified individual's decision to defer the rectification of the defect; and
 - (c) any limitations or conditions mentioned in a document mentioned in paragraph 42.360 (3) (b) in relation to the deferral of the rectification of the defect and the operation of the aircraft.
- (3) A qualified individual commits an offence if:
 - (a) he or she makes a record of the deferral of the rectification of a defect; and
 - (b) the record does not comply with this regulation.

Penalty: 50 penalty units.

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

*Subdivision 42.D.6.2 Reporting defects***42.375 Major defect reporting — independent maintainer carrying out maintenance on aircraft**

If:

- (a) an independent maintainer is carrying out maintenance on an aircraft, or is supervising the carrying out of maintenance on an aircraft by another individual; and
- (b) the independent maintainer becomes aware of a major defect in the aircraft;

the independent maintainer must report the defect to the person responsible for continuing airworthiness for the aircraft.

Penalty: 50 penalty units.

Note 1 See also regulations 42.110, 42.115 and 42.270 for other requirements relating to defects.

Note 2 See regulation 42.390 for the requirements for making a report.

Note 3 A person mentioned in item 1 of table 42.300 is the only independent maintainer who is permitted to supervise the carrying out of maintenance by another individual — see subregulation 42.300 (2).

42.380 Major defect reporting — approved maintenance organisation carrying out maintenance on aircraft

If:

- (a) an approved maintenance organisation is carrying out maintenance on an aircraft; and
- (b) the organisation becomes aware of a major defect in the aircraft;

the organisation must report the defect to the person responsible for continuing airworthiness for the aircraft.

Penalty: 50 penalty units.

Note 1 See regulation 42.390 for the requirements for making a report.

Note 2 See also regulations 42.110, 42.115 and 42.270 for other requirements relating to defects.

42.385 Major defect reporting — approved maintenance organisation carrying out maintenance on aeronautical product

If:

- (a) an approved maintenance organisation is carrying out maintenance on an aeronautical product; and
- (b) the organisation becomes aware of a major defect in the aeronautical product;

the organisation must report the defect to CASA.

Penalty: 50 penalty units.

Note 1 See regulation 42.390 for the requirements for making a report.

Note 2 See also regulations 42.110, 42.115 and 42.270 for other requirements relating to defects.

42.390 Reporting requirements

A person who is required to make a report under regulation 42.375, 42.380 or 42.385 must:

- (a) make the report in the approved form; and
- (b) make the report within 2 days after the person becomes aware of the major defect to which the report relates.

Penalty: 50 penalty units.

Note 1 See also regulations 42.110, 42.115 and 42.270 for other requirements relating to defects.

Note 2 Under regulation 11.018, a report in the approved form is not complete unless it contains all of the information required by the form.

**Division 42.D.7 Requirements for recording
 maintenance for aircraft or aeronautical
 products**

42.395 Recording maintenance information for aircraft

Offence — approved maintenance organisation

- (1) If an individual carries out maintenance on an aircraft on behalf of an approved maintenance organisation, the organisation must ensure that the information mentioned in subregulation (3) is recorded in writing before the organisation issues a certificate of release to service for the aircraft in relation to the maintenance.

Penalty: 50 penalty units.

Offence — independent maintainer

- (2) If an independent maintainer:
- (a) carries out maintenance on an aircraft; or
 - (b) supervises the carrying out of maintenance on an aircraft by another individual;
- the independent maintainer must record the information mentioned in subregulation (3) in writing before the independent maintainer issues a certificate of release to service for the aircraft in relation to the maintenance.

Penalty: 50 penalty units.

Information to be recorded

- (3) The information is the following:
- (a) information that identifies the aircraft, including the registration mark and serial number for the aircraft;
 - (b) the date on which the maintenance was completed;
 - (c) a description of the maintenance;
 - (d) information identifying the maintenance data for the maintenance;

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- (e) if the maintenance is a modification or repair involving a change to the approved design for the aircraft — information identifying the design of the modification or repair;
 - (f) if a part was fitted to the aircraft when the maintenance was carried out — a description of the part, including:
 - (i) the part number for the part; and
 - (ii) the serial number for the part (if any); and
 - (iii) if the part is not a standard part — the information mentioned in subregulation (4).
- (4) For subparagraph (3) (f) (iii), the information is:
- (a) if the fitting of the part was permitted by subparagraph 42.420 (5) (a) (i) or (b) (i) — the number of the authorised release certificate mentioned in that subparagraph for the part, or information that enables the identification of that authorised release certificate; and
 - (b) if the fitting of the part was permitted by subparagraph 42.420 (5) (b) (ii) — information that enables the identification of the in-house release document mentioned in that subparagraph for the part; and
 - (c) if the fitting of the part is permitted under regulation 42.430 — information identifying the aircraft from which the part was removed; and
 - (d) if the fitting of the part is permitted under regulation 42.435 — a statement that the part is a product fabricated by an approved maintenance organisation; and
 - (e) if the fitting of the part is permitted under regulation 42.440 — information that enables the identification of the document mentioned in paragraph 42.440 (e) that accompanied the part.

Note 1 The information required under this regulation about maintenance, and the maintenance certification for the maintenance, together constitute the maintenance record for the maintenance — see the definition of ***maintenance record*** in regulation 42.015. For maintenance certification, see regulation 42.715.

Note 2 A person mentioned in item 1 of table 42.300 is the only independent maintainer who is permitted to supervise the carrying out of maintenance by another individual — see subregulation 42.300 (2).

Note 3 See Division 42.H.3 in relation to the issue of a certificate of release to service for an aircraft in relation to maintenance carried out on the aircraft.

42.400 Making maintenance record for aeronautical products

- (1) If an individual carries out maintenance on an aeronautical product (the *first aeronautical product*) on behalf of an approved maintenance organisation, the organisation must ensure that the information mentioned in this regulation (the *maintenance record*) is recorded:
 - (a) in writing; and
 - (b) before the organisation issues a certificate of release to service for the aeronautical product in relation to the maintenance.

Penalty: 50 penalty units.

- (2) The information is:
 - (a) information that identifies the first aeronautical product, including:
 - (i) the part number for the product; and
 - (ii) the serial number for the product (if any); and
 - (b) the date on which the maintenance was completed; and
 - (c) a description of the maintenance; and
 - (d) information identifying the maintenance data for the maintenance; and
 - (e) if the maintenance is a modification or repair involving a change to the approved design of the aeronautical product — information identifying the design of the modification or repair.
- (3) If an aeronautical product (the *second aeronautical product*) was fitted to the first aeronautical product when the maintenance was carried out, the information must include a description of the second aeronautical product, including:
 - (a) the part number for the product; and
 - (b) the serial number for the product (if any); and

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- (c) if the product is not a standard part — the information mentioned in subregulation (4).
 - (4) For paragraph (3) (c), the information is:
 - (a) if the fitting of the second aeronautical product was permitted by subparagraph 42.420 (5) (a) (i) or (b) (i):
 - (i) the number of the authorised release certificate mentioned in that subparagraph for the product; or
 - (ii) information that enables the identification of that authorised release certificate; or
 - (b) if the fitting of the second aeronautical product was permitted by subparagraph 42.420 (5) (b) (ii) — information that enables the identification of the in-house release document mentioned in that subparagraph for the product.
 - (5) An offence against subregulation (1) is an offence of strict liability.

42.405 Provision of maintenance record and other documents to registered operator

Offence — approved maintenance organisation

- (1) If an individual carries out maintenance on an aircraft on behalf of an approved maintenance organisation, the organisation must comply with subregulation (2).

Penalty: 50 penalty units.

- (2) The organisation must ensure that the maintenance record for the maintenance is given to the person responsible for continuing airworthiness for the aircraft within 30 days after the organisation issues a certificate of release to service for the aircraft in relation to the maintenance.

Offence — independent maintainer

- (3) If an independent maintainer:
 - (a) carries out maintenance on an aircraft; or

- (b) supervises the carrying out of maintenance on an aircraft by another individual;

the independent maintainer must give the maintenance record for the maintenance to the person responsible for continuing airworthiness for the aircraft within 30 days after the independent maintainer issues a certificate of release to service for the aircraft in relation to the maintenance.

Penalty: 50 penalty units.

Note A person mentioned in item 1 of table 42.300 is the only independent maintainer who is permitted to supervise the carrying out of maintenance by another individual — see subregulation 42.300 (2).

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

42.410 Retention of copy of maintenance record by approved maintenance organisations

- (1) If a maintenance record is made for maintenance carried out on an aircraft or an aeronautical product by an individual on behalf of an approved maintenance organisation, the organisation must keep a copy of the record for the period mentioned in subregulation (2).

Penalty: 50 penalty units.

- (2) The records must be kept for 2 years beginning on the date when the organisation issued the certificate of release to service for the aircraft or aeronautical product in relation to the maintenance.
- (3) An offence against subregulation (1) is an offence of strict liability.

Subpart 42.E Aeronautical products

Division 42.E.1 Preliminary

42.415 Purpose of Subpart

This Subpart sets out requirements for:

- (a) fitting parts to, and using materials in, aircraft and aeronautical products; and
- (b) the control of unserviceable and unsalvageable parts; and
- (c) the control of unapproved parts.

Division 42.E.2 Requirements for fitting parts and using materials

42.420 Fitting parts other than standard parts

- (1) If an individual is carrying out maintenance on an aircraft or aeronautical product, the individual must not fit a part that is not a standard part to the aircraft or aeronautical product unless the fitting of the part is permitted under:
 - (a) regulation 42.450; or
 - (b) subregulation (2).
- (2) For paragraph (1) (b), the part may be fitted if:
 - (a) either:
 - (i) the part is serviceable; or
 - (ii) if the part is unserviceable because of a defect in the part — the fitting of the part is permitted under subregulation (3); and
 - (b) the part is eligible to be fitted to the aircraft or the aeronautical product; and
 - (c) if the manufacturer of the part has specified a storage life for the part — the storage life for the part has not expired; and
 - (d) the fitting of the part is permitted under subregulation (5).

Note For the definition of *eligible to be fitted*, see regulation 42.015.

- (3) For subparagraph (2) (a) (ii), the part may be fitted if:
- (a) the operation of the aircraft for a flight with the defect is permitted by the minimum equipment list for the aircraft; and
 - (b) subregulation (4) does not apply to the part.
- (4) This regulation applies to a part if:
- (a) before the proposed fitting of the part, the part was fitted to an aircraft; and
 - (b) the aircraft to which the part was most recently fitted was operated for a flight with the defect; and
 - (c) the operation of the aircraft for the flight with the defect was permitted by the minimum equipment list for that aircraft.
- (5) For paragraph (2) (d), the part may be fitted if:
- (a) for a part on which maintenance has not been carried out since its manufacture, and that has not been used in an aircraft since its manufacture:
 - (i) an authorised release certificate has been issued for the part by its manufacturer; or
 - (ii) the fitting of the part is permitted under regulation 42.435 or 42.440; or
 - (b) for a part on which maintenance has been carried out, and that has not been used in an aircraft since the maintenance was carried out:
 - (i) an authorised release certificate has been issued for the part in relation to the maintenance; or
 - (ii) if the maintenance was in-house maintenance — an in-house release document has been issued for the part in relation to the maintenance; or
 - (iii) the fitting of the part is permitted under regulation 42.440; or
 - (c) the fitting of the part is permitted under regulation 42.430.

42.425 Obligations and offences for fitting parts other than standard parts*Obligation for approved maintenance organisation*

- (1) An approved maintenance organisation must ensure that an individual who carries out maintenance on its behalf complies with subregulation 42.420 (1).

Offence for breach of obligation

- (2) An approved maintenance organisation commits an offence if:
- (a) an individual is carrying out maintenance on an aircraft or aeronautical product on behalf of the organisation; and
 - (b) the individual fits a part that is not a standard part to the aircraft or aeronautical product; and
 - (c) the fitting of the part is not permitted by subregulation 42.420 (1).

Penalty: 50 penalty units.

Obligation for independent maintainer

- (3) An independent maintainer must:
- (a) comply with subregulation 42.420 (1) when carrying out maintenance on an aircraft; and
 - (b) if the independent maintainer is supervising the carrying out of maintenance on an aircraft by another individual — ensure that the individual complies with subregulation 42.420 (1).

Note A person mentioned in item 1 of table 42.300 is the only independent maintainer who is permitted to supervise the carrying out of maintenance by another individual — see subregulation 42.300 (2).

Offences for breach of obligation

- (4) An independent maintainer commits an offence if:
- (a) he or she is carrying out maintenance on an aircraft; and
 - (b) he or she fits a part that is not a standard part to the aircraft; and

- (c) the fitting of the part is not permitted by subregulation 42.420 (1).

Penalty: 50 penalty units.

- (5) An independent maintainer commits an offence if:
 - (a) he or she is supervising the carrying out of maintenance on an aircraft by another individual; and
 - (b) the individual fits a part that is not a standard part to the aircraft; and
 - (c) the fitting of the part is not permitted by subregulation 42.420 (1).

Penalty: 50 penalty units.

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

42.430 Fitting parts removed from aircraft — permission for paragraph 42.420 (5) (c)

- (1) For paragraph 42.420 (5) (c), the part may be fitted if:
 - (a) the part is removed from a place on an aircraft; and
 - (b) maintenance is not carried out on the part after its removal from the aircraft; and
 - (c) the part is to be fitted in a different place on the aircraft.
- (2) For paragraph 42.420 (5) (c), the part may be fitted if:
 - (a) the part is removed from a registered aircraft (the *first aircraft*) by a person who is permitted under regulation 42.295 or 42.300 to carry out the maintenance that comprises removing the part from the aircraft; and
 - (b) maintenance is not carried out on the part after its removal from the first aircraft; and
 - (c) for a part that has been stored — the storage was in accordance with the instructions (if any) issued by the manufacturer of the part in relation to storage; and
 - (d) the part is to be fitted to another aircraft (the *second aircraft*); and

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- (e) the part has not been subjected to:
 - (i) immersion; or
 - (ii) extremes of stress or temperature; and
 - (f) the person responsible for continuing airworthiness for the second aircraft agrees to the fitting of the part to the second aircraft.

Note for paragraph (a) For the definition of *registered*, see Part 1 of the Dictionary.

42.435 Fitting parts fabricated by approved maintenance organisations — permission for subparagraph 42.420 (5) (a) (ii)

For subparagraph 42.420 (5) (a) (ii), the part may be fitted if:

- (a) the part has been fabricated by an approved maintenance organisation; and
- (b) the part is to be fitted to an aircraft on which the organisation is carrying out maintenance.

42.440 Fitting parts for which there is no authorised release certificate — permission for subparagraphs 42.420 (5) (a) (ii) and (b) (iii)

For subparagraphs 42.420 (5) (a) (ii) and (b) (iii), a part of a particular kind may be fitted to an aircraft if:

- (a) the part is to be fitted by an individual carrying out maintenance on behalf of a Part 145 organisation; and
- (b) the aircraft is grounded at a location that is not the organisation's main location; and
- (c) the aircraft is grounded because of a defect in the aircraft that cannot be rectified without fitting a part of that kind; and
- (d) a part of that kind in respect of which there is an authorised release certificate is not available at that location; and
- (e) the part is accompanied by a document that:
 - (i) states that the part is serviceable; and

- (ii) identifies the organisation that issued the document; and
- (iii) includes details of the NAA under whose authority the document was issued; and
- (f) the person responsible for continuing airworthiness for the aircraft agrees to the fitting of the part to the aircraft; and
- (g) an entry is made in the aircraft's flight technical log that, within 36 flight hours after it is fitted:
 - (i) the person responsible for continuing airworthiness for the aircraft must obtain an authorised release certificate for the part; or
 - (ii) the part must be removed.

Note Under regulation 42.165, if an aeronautical product is fitted to an aircraft as permitted by this regulation, the person responsible for continuing airworthiness for the aircraft must, within 36 flight hours after it is fitted, obtain an authorised release certificate for the product or ensure that the product is removed from the aircraft.

42.445 Fitting standard parts

- (1) An individual who is carrying out maintenance on an aircraft or aeronautical product must not fit a standard part to the aircraft or aeronautical product unless the fitting of the part is permitted under:
 - (a) regulation 42.450; or
 - (b) subregulation (2).
- (2) For paragraph (1) (b), the standard part may be fitted if:
 - (a) the standard part is serviceable; and
 - (b) the standard part is accompanied by:
 - (i) information that identifies the specification with which the part complies; and
 - (ii) information that allows the part to be traced to its manufacturer; and
 - (c) the standard part is accompanied by evidence that the standard part complies with the specification; and
 - (d) the standard part is eligible to be fitted to the aircraft or the aeronautical product; and

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- (e) if the manufacturer of the standard part has specified a storage life for the part — the storage life for the part has not expired.

Obligation for approved maintenance organisation

- (3) An approved maintenance organisation must ensure that an individual who carries out maintenance on its behalf complies with subregulation (1).

Offence for breach of obligation

- (4) An approved maintenance organisation commits an offence if:
 - (a) an individual is carrying out maintenance on an aircraft or aeronautical product on behalf of the organisation; and
 - (b) the individual fits a standard part to the aircraft or aeronautical product; and
 - (c) the fitting of the standard part is not permitted by subregulation (1).

Penalty: 50 penalty units.

Obligation for independent maintainer

- (5) An independent maintainer must:
 - (a) comply with subregulation (1) when carrying out maintenance on an aircraft; and
 - (b) if the independent maintainer is supervising the carrying out of maintenance on an aircraft by another individual — ensure that the individual complies with subregulation (1).

Note A person mentioned in item 1 of table 42.300 is the only independent maintainer who is permitted to supervise the carrying out of maintenance by another individual — see subregulation 42.300 (2).

Offences for breach of obligation

- (6) An independent maintainer commits an offence if:
 - (a) he or she is carrying out maintenance on an aircraft; and
 - (b) he or she fits a standard part to the aircraft; and

- (c) the fitting of the standard part is not permitted by subregulation (1).

Penalty: 50 penalty units.

- (7) An independent maintainer commits an offence if:
 - (a) he or she is supervising the carrying out of maintenance on an aircraft by another individual; and
 - (b) the individual fits a standard part to the aircraft; and
 - (c) the fitting of the standard part is not permitted by subregulation (1).

Penalty: 50 penalty units.

- (8) An offence against subregulation (4), (6) or (7) is an offence of strict liability.

42.450 Fitting parts removed from same place on aircraft — permission for paragraphs 42.420 (1) (a) and 42.445 (1) (a)

For paragraphs 42.420 (1) (a) and 42.445 (1) (a), a part may be fitted to a place on an aircraft or aeronautical product if:

- (a) the part was removed from that place on the aircraft or aeronautical product; and
- (b) maintenance is not carried out on the part between the removal of the part and its fitting to the aircraft or aeronautical product.

42.455 Using materials

- (1) An individual who is carrying out maintenance must not use a material in or on an aircraft or aeronautical product unless:
 - (a) the material is accompanied by:
 - (i) information that identifies the specification with which the material complies; and
 - (ii) information that allows the material to be traced to its manufacturer; and
 - (iii) evidence that the material complies with the specification; and

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- (b) the material is eligible to be used in or on the aircraft or aeronautical product; and
 - (c) the material appears to be in a satisfactory condition; and
 - (d) if the manufacturer of the material has specified a storage life for the material — the storage life for the material has not expired.

Note For the definition of *eligible to be used*, see regulation 42.015.

Obligation for approved maintenance organisation

- (2) An approved maintenance organisation must ensure that an individual who carries out maintenance on its behalf complies with subregulation (1).

Offence for breach of obligation

- (3) An approved maintenance organisation commits an offence if:
 - (a) an individual is carrying out maintenance on an aircraft or aeronautical product on behalf of the organisation; and
 - (b) the individual uses a material in the aircraft or aeronautical product; and
 - (c) the use of the material is not permitted by subregulation (1).

Penalty: 50 penalty units.

Obligation for independent maintainer

- (4) An independent maintainer must:
 - (a) comply with subregulation (1) when carrying out maintenance on an aircraft; and
 - (b) if the independent maintainer is supervising the carrying out of maintenance on an aircraft by another individual — ensure that the individual complies with subregulation (1).

Note A person mentioned in item 1 of table 42.300 is the only independent maintainer who is permitted to supervise the carrying out of maintenance by another individual — see subregulation 42.300 (2).

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- (3) The steps are:
- (a) applying a label, or attaching a tag, to the part recording the following:
 - (i) sufficient information to identify the part, including the part's name, part number and serial number (if any);
 - (ii) that the part is unserviceable;
 - (iii) the origin of the part, including information about the aircraft or aeronautical product from which the part has been removed, if relevant and if known to the independent maintainer or organisation;
 - (iv) the reason that the part is unserviceable; and
 - (b) if the independent maintainer or organisation keeps the part — storing the part separately from serviceable aeronautical products and in a secure location.

42.465 Control of unsalvageable parts

- (1) If an approved maintenance organisation knows that a part that is not fitted to an aircraft is unsalvageable, the organisation must ensure that the steps mentioned in subregulation (3) are taken within 2 days after the organisation first knew that the part was unsalvageable.

Penalty: 50 penalty units.

- (2) If an independent maintainer knows that a part that is not fitted to an aircraft is unsalvageable, the independent maintainer must take the steps mentioned in subregulation (3) within 2 days after the independent maintainer first knew that the part was unsalvageable.

Penalty: 50 penalty units.

- (3) The steps are:
- (a) applying a label, or attaching a tag, to the part recording the following:
 - (i) sufficient information to identify the part, including the part's name, part number and serial number (if any);
 - (ii) that the part is unsalvageable;

- (iii) the origin of the part, including any information about the aircraft or aeronautical product from which the part has been removed, if relevant and if known to the independent maintainer or organisation;
 - (iv) the reason that the part is unsalvageable; and
 - (b) doing 1 of the following:
 - (i) storing the part separately from serviceable aeronautical products and in a secure location;
 - (ii) if the organisation or independent maintainer is not the owner of the part — giving the part to the owner of the part;
 - (iii) mutilating the part, or arranging for the part to be mutilated, in a manner that ensures that the part cannot be used in aviation.
- (4) If the owner of a part receives the part under subparagraph (3) (b) (ii), the owner must, within 3 days of receiving the part:
 - (a) store the part separately from serviceable aeronautical products and in a secure location; or
 - (b) mutilate the part, or arrange for the part to be mutilated, in a manner that ensures that the part cannot be used in aviation.

Penalty: 50 penalty units.

Division 42.E.4 Requirements for controlling unapproved parts

42.470 Meaning of *unapproved* for parts

A part is *unapproved* if:

- (a) the part is counterfeit; or
- (b) the part has not been approved in a manner mentioned in paragraph 21.305 (a), (b), (c) or (e) or regulation 21.305A; or
- (c) the part:
 - (i) is not a standard part; and

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- (ii) has been produced other than under an authorisation (however described) granted by CASA or an NAA; or
 - (d) maintenance has been carried out on the part other than in accordance with an authorisation (however described) granted by CASA or an NAA; or
 - (e) the part has been modified other than in accordance with a design for which there is a Part 21 approval; or
 - (f) the part:
 - (i) is unserviceable or unsalvageable; and
 - (ii) has been fraudulently represented as serviceable; or
 - (g) the part is accompanied by a fraudulent document.

42.475 Control of unapproved parts

- (1) If a person becomes aware that a part is unapproved, the person must ensure that the steps mentioned in subregulation (2) are taken within 2 days after the person first became aware that the part was unapproved.

Penalty: 50 penalty units.

- (2) The steps are:
 - (a) applying a label, or attaching a tag, to the part recording the following:
 - (i) sufficient information to identify the part, including the part's name, part number and serial number (if any);
 - (ii) that the part is unapproved;
 - (iii) the origin of the part, including any information about the aircraft or aeronautical product from which the part has been removed, if relevant and if known to the person;
 - (iv) the reason that the part is unapproved; and
 - (b) storing the part, and any documents that accompanied the part, separately from serviceable aeronautical products and in a secure location; and
 - (c) making a report about the part in accordance with regulation 42.480.

42.480 Reporting unapproved parts

- (1) For paragraph 42.475 (2) (c), the person must give a report about the part to:
 - (a) CASA; and
 - (b) if the person knows that the part was fitted to an aircraft or aeronautical product — the type certificate holder or foreign type certificate holder for the aircraft or aeronautical product; and
 - (c) if the person knows that the part was fitted to an aircraft — the person responsible for continuing airworthiness for the aircraft.
- (2) The report must be made in the approved form.

Note Under regulation 11.018, a report in the approved form is not complete unless it contains all of the information required by the form.

42.485 Action by CASA following report of unapproved parts

- (1) If CASA receives a report about a part under regulation 42.480, CASA may, by notice in writing:
 - (a) require the person who made the report to give CASA further information in relation to the part within a period specified in the notice; or
 - (b) tell the person who made the report that the part does not have to be kept.
- (2) The person must comply with a notice under paragraph (1) (a).

Penalty: 50 penalty units.
- (3) An offence against subregulation (2) is an offence of strict liability.

42.490 Action required if parts not required to be kept

- (1) If CASA has given a person a notice under paragraph 42.485 (1) (b) in relation to a part, the person must, within 2 days after receiving the notice:
 - (a) if the person is not the owner of the part — give the part to the owner of the part; or

42.500 Definitions for Subpart

(1) In this Subpart:

accountable manager, for a Subpart 42.F organisation, means the individual, appointed by the organisation, who is responsible for:

- (a) ensuring that the organisation complies with its exposition, each approval rating that it holds, and these Regulations; and
- (b) ensuring that the organisation is able to finance the provision of the maintenance services set out in its exposition; and
- (c) ensuring that the organisation has adequate resources available to enable the organisation to provide maintenance services in accordance with its exposition.

approval certificate means a certificate issued under regulation 42.520.

exposition, for a Subpart 42.F organisation, means the document that is approved by CASA under regulation 42.515 in relation to the organisation, including:

- (a) if a change to the document is approved by CASA under regulation 42.540 — that change; and
- (b) if the document is updated and the organisation gives CASA a copy of the updated part of the document under regulation 42.545 — the updated part of the document; and
- (c) if the organisation makes a change to the document in accordance with a direction given by CASA under regulation 42.550 — that change.

responsible manager, for a Subpart 42.F organisation, means an individual appointed by the organisation to be responsible to the accountable manager for ensuring that the organisation complies with its exposition and these Regulations in relation to a particular matter.

significant change, in relation to a Subpart 42.F organisation, has the meaning given by subregulation (2).

Note See regulation 42.015 and the Dictionary for definitions of other terms used in this Subpart.

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- (2) A *significant change*, in relation to a Subpart 42.F organisation, means any of the following changes:
- (a) a change to the organisation's name;
 - (b) a change to the location of the organisation's maintenance facility, including the addition of a new maintenance facility;
 - (c) a change in the personnel holding:
 - (i) the position of accountable manager in the organisation; or
 - (ii) any of the positions of responsible manager in the organisation;
 - (d) a change to the maintenance services provided by the organisation, if the change would require a change to the approval ratings mentioned in the organisation's approval certificate;
 - (e) a change to the organisation's facilities, equipment, tools, materials, procedures or certifying employees that could adversely affect the organisation's ability to provide maintenance services that it is approved to provide.

42.505 Regulations 11.070 to 11.075 do not apply in relation to certain matters

Regulations 11.070 to 11.075 do not apply to:

- (a) a significant change to a Subpart 42.F organisation that is approved by CASA under regulation 42.540; or
- (b) a change to a Subpart 42.F organisation of which CASA is notified under regulation 42.545; or
- (c) a change to a Subpart 42.F organisation that is made as a consequence of a change made to the organisation's exposition in accordance with a direction given by CASA under regulation 42.550.

Division 42.F.2 Approval of Subpart 42.F organisations**42.510 Applying for approval**

- (1) A person (the *applicant*) may apply to CASA for approval as a Subpart 42.F organisation.
- (2) The application must:
 - (a) be in writing; and
 - (b) be signed by a person who is, or who proposes to be, the applicant's accountable manager.
- (3) The application must include the following:
 - (a) a copy of the applicant's proposed exposition;
 - (b) the approval rating sought by the applicant for:
 - (i) each kind of aircraft or aeronautical product for which the applicant proposes to provide maintenance services; and
 - (ii) each kind of specialist maintenance the applicant proposes to provide.

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.

42.515 Issuing approval

- (1) Subject to regulation 11.055, CASA must approve an applicant as a Subpart 42.F organisation if CASA is satisfied that:
 - (a) the applicant has an exposition that complies with the requirements specified in the Part 42 Manual of Standards; and
 - (b) the applicant has facilities, equipment, materials, maintenance data and tools that are suitable for:
 - (i) providing maintenance services for the kinds of aircraft or aeronautical product for which the applicant proposes to provide maintenance services; and
 - (ii) providing the specialist maintenance that the applicant proposes to provide; and

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- (c) the facilities, equipment, materials, maintenance data and tools mentioned in paragraph (b) comply with the requirements specified in the Part 42 Manual of Standards; and
 - (d) the applicant has nominated an individual for the position of accountable manager in the organisation; and
 - (e) the applicant has nominated an individual for each position of responsible manager in the organisation; and
 - (f) each individual nominated for a position mentioned in paragraph (d) or (e) is appropriately qualified to hold the position.

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, an approval; or
 - (b) a decision imposing a condition on an approval.
- (2) If CASA decides to approve an applicant as a Subpart 42.F organisation, CASA must determine:
- (a) the approval rating for each kind of aircraft or aeronautical product for which the applicant is approved to provide maintenance services; and
 - (b) the approval rating for each kind of specialist maintenance that the applicant is approved to provide; and
 - (c) any limitations applying to an approval rating mentioned in paragraph (a) or (b).
- (3) In approving the applicant, CASA also approves the applicant's proposed exposition.

42.520 Approval certificate

- (1) If CASA approves an applicant as a Subpart 42.F organisation, CASA must issue a certificate setting out the matters mentioned in subregulation 42.515 (2).
- (2) The certificate issued by CASA must include an approval certificate reference number determined by CASA.

- (3) If CASA approves a significant change to a Subpart 42.F organisation under regulation 42.540, CASA may issue a new approval certificate to the organisation.

42.525 Privileges for Subpart 42.F organisations

A Subpart 42.F organisation may provide maintenance services that it is approved to provide.

42.530 Approval subject to conditions

It is a condition of approval of a Subpart 42.F organisation that:

- (a) the organisation must, at all times, comply with the requirements of:
- (i) its exposition; and
 - (ii) the approval rating for each kind of aircraft or aeronautical product for which the organisation is approved to provide maintenance services; and
 - (iii) the approval rating for each kind of specialist maintenance that the organisation is approved to provide; and
 - (iv) any limitations applying to an approval rating mentioned in subparagraph (ii) or (iii); and
 - (v) the Part 42 Manual of Standards; and
 - (vi) this Part; and
- (b) the organisation must ensure that, at all times, its employees comply with the requirements mentioned in paragraph (a).

Note 1 The approval is also subject to the conditions set out in Part 11.

Note 2 Subpart 11.G empowers CASA to issue directions.

Division 42.F.3 Changes to Subpart 42.F organisations

42.535 Application for approval of significant changes to Subpart 42.F organisations

- (1) If a Subpart 42.F organisation proposes to make a significant change, the organisation must apply to CASA for approval of the change.

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- (2) The application must:
- (a) be in writing; and
 - (b) set out the proposed change; and
 - (c) include a copy of the part of the exposition consequentially affected by the change, showing the proposed change.
- (3) Subject to subregulation (4), the application must be made before the change is made.
- (4) If:
- (a) the change is of the kind mentioned in paragraph 42.500 (2) (c); and
 - (b) the organisation does not apply, in accordance with subregulation (2), before making the change;
- the organisation must apply in accordance with subregulation (2) within 7 days after making the change.

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.

Note 3 Making a significant change without applying for approval in accordance with this regulation will be a breach of condition of an approval — see regulation 42.530.

42.540 Approval of significant changes

- (1) Subject to regulation 11.055, CASA must approve a significant change to a Subpart 42.F organisation if CASA is satisfied that, after making the change, the requirements mentioned in subregulation 42.515 (1) will continue to be met.
- 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, an approval; or
 - (b) a decision imposing a condition on an approval.
- (2) In approving the significant change, CASA also approves the consequential changes to the applicant's exposition.

42.545 Changes to Subpart 42.F organisations that are not significant changes

- (1) A change that is not a significant change to a Subpart 42.F organisation must be made in accordance with the procedure set out in the organisation's exposition for making changes to the organisation that are not significant changes.
- (2) If such a change is made, the organisation must, within 28 days after making the change:
 - (a) update its exposition; and
 - (b) give CASA written notice of the change and a copy of the updated part of the exposition.

42.550 CASA may direct Subpart 42.F organisations to change expositions

- (1) CASA may direct a Subpart 42.F organisation to change its exposition:
 - (a) to remove particular information from the exposition; or
 - (b) to include particular information in the exposition; or
 - (c) to revise or vary the information in the exposition.
- (2) CASA may give a direction under this regulation only if CASA is satisfied that it is necessary to do so to ensure that the exposition complies with the requirements specified in the Part 42 Manual of Standards.
- (3) A direction under this regulation must:
 - (a) be in writing; and
 - (b) specify the time within which the direction must be complied with.

Note The Subpart 42.F organisation must comply with the direction — see regulation 42.565.

**Division 42.F.4 Requirements and offences for
Subpart 42.F organisations****42.555 Provision of maintenance services**

- (1) If a Subpart 42.F organisation provides maintenance services, it must provide the services only in accordance with:
 - (a) its exposition; and
 - (b) the approval rating for each kind of aircraft or aeronautical product for which the organisation is approved to provide maintenance services; and
 - (c) the approval rating for each kind of specialist maintenance that the organisation is approved to provide; and
 - (d) any limitations applying to an approval rating mentioned in paragraph (b) or (c); and
 - (e) the privileges that apply to the approval rating under the Part 42 Manual of Standards.

Penalty: 50 penalty units.

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

42.560 Providing employees with exposition

- (1) If a Subpart 42.F organisation's exposition relates to the duties of an employee of the organisation, the organisation must make the part of the organisation's exposition that relates to those duties available to the employee before the employee begins carrying out the duties.

Penalty: 50 penalty units.

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

42.565 Complying with directions

- (1) If CASA gives a direction to a Subpart 42.F organisation under regulation 42.550, the organisation must comply with the direction within the time mentioned in the direction.

Penalty: 50 penalty units.

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

Subpart 42.G Continuing airworthiness management organisations**Division 42.G.1 General****42.570 Purpose of Subpart**

This Subpart sets out matters relating to continuing airworthiness management organisations, including:

- (a) requirements for approval as a continuing airworthiness management organisation; and
- (b) requirements that apply to continuing airworthiness management organisations.

Note For other matters relating to a continuing airworthiness management organisation, see the Part 42 Manual of Standards.

42.575 Definitions for Subpart

- (1) In this Subpart:

accountable manager, for a continuing airworthiness management organisation, means the individual, appointed by the organisation, who is responsible for:

- (a) ensuring that the organisation complies with its exposition, its approval and these Regulations; and
- (b) ensuring that the organisation is able to finance the provision of the continuing airworthiness management services set out in its exposition; and

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- (c) ensuring that the organisation has adequate resources available to enable the organisation to provide continuing airworthiness management services in accordance with its exposition.

approval certificate means a certificate issued under regulation 42.595.

continuing airworthiness management service means any of the following services for an aircraft:

- (a) ensuring that the requirements mentioned in Divisions 42.C.2, 42.C.3 and 42.C.4 are met;
- (b) the issue of an airworthiness review certificate under Division 42.I.2;
- (c) the extension of an airworthiness review certificate under Division 42.I.3;
- (d) the carrying out of an airworthiness review under Division 42.I.4;
- (e) the approval of:
- (i) a maintenance program under Division 42.J.2; or
 - (ii) a variation of a maintenance program under Division 42.J.4.

continuing airworthiness manager, for a continuing airworthiness management organisation that is required by the Part 42 Manual of Standards to have a continuing airworthiness manager, means the individual, appointed by the organisation, who has continuing airworthiness responsibility for the organisation.

continuing airworthiness responsibility, for a continuing airworthiness management organisation, means responsibility to the accountable manager for ensuring that the organisation complies with its exposition and these Regulations in relation to providing continuing airworthiness management services.

exposition, for a continuing airworthiness management organisation, means the document that is approved by CASA under regulation 42.590 in relation to the organisation, including:

- (a) if a change to the document is approved by CASA under regulation 42.615 — that change; and

- (b) if the document is updated and the organisation gives CASA a copy of the updated part of the document under regulation 42.620 — the updated part of the document; and
- (c) if the organisation makes a change to the document in accordance with a direction given by CASA under regulation 42.625 — that change.

quality manager, for a continuing airworthiness management organisation that is required by the Part 42 Manual of Standards to have a quality management system, means the individual, appointed by the organisation, who is responsible for the organisation's quality management system.

responsible manager, for a continuing airworthiness management organisation, means an individual appointed by the organisation to be responsible for ensuring that the organisation complies with its exposition and these Regulations in relation to a particular matter.

significant change, in relation to a continuing airworthiness management organisation, has the meaning given by subregulation (2).

Note See regulation 42.015 and the Dictionary for definitions of other terms used in this Subpart.

- (2) A **significant change**, in relation to a continuing airworthiness management organisation, means any of the following changes:
 - (a) a change to the organisation's name;
 - (b) a change to the location of the organisation's continuing airworthiness management facility, including the addition of a new facility;
 - (c) a change in the personnel holding:
 - (i) the position of accountable manager in the organisation; or
 - (ii) any of the positions of responsible manager in the organisation; or
 - (iii) the position of continuing airworthiness manager (if any) in the organisation; or
 - (iv) the position of quality manager (if any) in the organisation;

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- (d) a change to:
 - (i) the aircraft types and models for which the organisation provides continuing airworthiness management services; or
 - (ii) the kinds of continuing airworthiness management services that the organisation provides for each aircraft type and model;
 - (e) a change to the organisation's facilities, equipment, procedures or personnel that could adversely affect the organisation's ability to provide the continuing airworthiness management services that it is approved to provide.

42.580 Regulations 11.070 to 11.075 do not apply in relation to certain matters

Regulations 11.070 to 11.075 do not apply to:

- (a) a significant change to a continuing airworthiness management organisation that is approved by CASA under regulation 42.615; or
- (b) a change to a continuing airworthiness management organisation of which CASA is notified under regulation 42.620; or
- (c) a change to a continuing airworthiness management organisation that is made as a consequence of a change made to the organisation's exposition in accordance with a direction given by CASA under regulation 42.625.

Division 42.G.2 Approval of continuing airworthiness management organisations

42.585 Applying for approval

- (1) A person (the *applicant*) may apply to CASA for approval as a continuing airworthiness management organisation.
- (2) The application must:
 - (a) be in writing; and

- (b) be signed by a person who is, or who proposes to be, the applicant's accountable manager.
- (3) The application must include the following:
- (a) a copy of the applicant's proposed exposition;
 - (b) information showing that each individual nominated for a position of accountable manager or responsible manager in the organisation has the qualifications specified for the position in the Part 42 Manual of Standards;
 - (c) if the organisation is required by the Part 42 Manual of Standards to have a continuing airworthiness manager — information showing that the individual nominated for the position of continuing airworthiness manager in the organisation has the qualifications specified for the position in the Part 42 Manual of Standards;
 - (d) if the organisation is required by the Part 42 Manual of Standards to have a quality management system — information showing that the individual nominated for the position of quality manager in the organisation has the qualifications specified for the position in the Part 42 Manual of Standards;
 - (e) the aircraft types and models for which the applicant proposes to provide continuing airworthiness management services;
 - (f) the kinds of continuing airworthiness management services that the applicant proposes to provide for each aircraft type and model.

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.

42.590 Issuing approval

- (1) Subject to regulation 11.055, CASA must approve an applicant as a continuing airworthiness management organisation if CASA is satisfied that:
 - (a) the applicant has an exposition that complies with the requirements specified in the Part 42 Manual of Standards; and

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- (b) the applicant has facilities, equipment, personnel and instructions for continuing airworthiness:
 - (i) that are suitable for the continuing airworthiness management services that the applicant proposes to provide; and
 - (ii) that comply with the requirements specified in the Part 42 Manual of Standards; and
 - (c) the applicant has nominated an individual for the position of accountable manager in the organisation; and
 - (d) the applicant has nominated an individual for each position of responsible manager in the organisation; and
 - (e) if the applicant is required by the Part 42 Manual of Standards to have a continuing airworthiness manager — the applicant has nominated an individual for the position of continuing airworthiness manager in the organisation; and
 - (f) if the applicant is required by the Part 42 Manual of Standards to have a quality management system:
 - (i) the applicant has a quality management system that complies with the requirements specified in the Part 42 Manual of Standards; and
 - (ii) the applicant has nominated an individual for the position of quality manager in the organisation; and
 - (iii) the individual nominated for the position of quality manager is not also nominated for the position of accountable manager, continuing airworthiness manager (if any) or responsible manager; and
 - (g) each individual nominated for a position mentioned in paragraph (c), (d) or (e) or subparagraph (f) (ii) holds the qualifications specified for the position in the Part 42 Manual of Standards.

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, an approval; or
- (b) a decision imposing a condition on an approval.

- (2) If CASA decides to approve an applicant as a continuing airworthiness management organisation, CASA must determine:
 - (a) the aircraft types and models for which the applicant is approved to provide continuing airworthiness management services; and
 - (b) the kinds of continuing airworthiness management services that the applicant is approved to provide for each permitted aircraft type and model; and
 - (c) any limitations applying to the approval.
- (3) In approving the applicant, CASA also approves the applicant's proposed exposition.

42.595 Approval certificate

- (1) If CASA approves an applicant as a continuing airworthiness management organisation, CASA must issue a certificate setting out the matters mentioned in subregulation 42.590 (2).
- (2) The certificate issued by CASA must include an approval certificate reference number determined by CASA.
- (3) If CASA approves a significant change to a continuing airworthiness management organisation under regulation 42.615, CASA may issue a new approval certificate to the organisation.

42.600 Privileges for continuing airworthiness management organisations

A continuing airworthiness management organisation may provide continuing airworthiness management services that it is approved to provide.

42.605 Approval subject to conditions

It is a condition of approval of a continuing airworthiness management organisation that:

- (a) the organisation must, at all times, comply with the requirements of:
 - (i) its exposition; and
 - (ii) its approval, including any limitations applying to the approval; and
 - (iii) the Part 42 Manual of Standards; and
 - (iv) this Part; and
- (b) the organisation must ensure that, at all times, its employees comply with the requirements mentioned in paragraph (a).

Note 1 The approval is also subject to the conditions set out in Part 11.

Note 2 Subpart 11.G empowers CASA to issue directions.

Division 42.G.3 Changes to continuing airworthiness management organisations**42.610 Application for approval of significant changes to continuing airworthiness management organisations**

- (1) If a continuing airworthiness management organisation proposes to make a significant change, the organisation must apply to CASA for approval of the change.
- (2) The application must:
 - (a) be in writing; and
 - (b) set out the proposed change; and
 - (c) include a copy of the part of the exposition consequentially affected by the change, showing the proposed change.
- (3) Subject to subregulation (4), the application must be made before the change is made.

- (4) If:
- (a) the change is of the kind mentioned in paragraph 42.575 (2) (c); and
 - (b) the organisation does not apply, in accordance with subregulation (2), before making the change;
- the organisation must apply in accordance with subregulation (2) within 7 days after making the change.

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.

Note 3 Making a significant change without applying for approval in accordance with this regulation will be a breach of condition of an approval — see regulation 42.605.

42.615 Approval of significant changes

- (1) Subject to regulation 11.055, CASA must approve a significant change to a continuing airworthiness management organisation if CASA is satisfied that, after making the change, the requirements mentioned in subregulation 42.590 (1) will continue to be met.

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, an approval; or
 - (b) a decision imposing a condition on an approval.
- (2) In approving the significant change, CASA also approves the consequential changes to the applicant's exposition.

42.620 Changes to continuing airworthiness management organisations that are not significant changes

- (1) A change that is not a significant change to a continuing airworthiness management organisation must be made in accordance with the procedure set out in the organisation's exposition for making changes to the organisation that are not significant changes.

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- (2) If such a change is made, the organisation must, within 28 days after making the change:
- (a) update its exposition; and
 - (b) give CASA written notice of the change and a copy of the updated part of the exposition.

42.625 CASA may direct continuing airworthiness management organisations to change expositions

- (1) CASA may direct a continuing airworthiness management organisation to change its exposition:
- (a) to remove particular information from the exposition; or
 - (b) to include particular information in the exposition; or
 - (c) to revise or vary the information in the exposition.
- (2) CASA may give a direction under this regulation only if CASA is satisfied that it is necessary to do so to ensure that the exposition complies with the requirements specified in the Part 42 Manual of Standards.
- (3) A direction under this regulation must:
- (a) be in writing; and
 - (b) specify the time within which the direction must be complied with.

Note The continuing airworthiness management organisation must comply with the direction — see regulation 42.665.

**Division 42.G.4 Authorisation of pilot licence holders
and flight engineers to provide
maintenance services**

**42.630 When pilot licence holders and flight engineers may
be authorised**

- (1) A continuing airworthiness management organisation may issue an authorisation to provide specified maintenance services for a large aircraft or an aircraft that is authorised to operate under an AOC to a pilot licence holder or a flight engineer if:
 - (a) for an aircraft for which the continuing airworthiness management organisation is not the registered operator — the registered operator of the aircraft asks the organisation to issue the authorisation; and
 - (b) the organisation is responsible for providing continuing airworthiness management services for the aircraft; and
 - (c) the requirements mentioned in subregulation (2) are met.
- (2) The requirements are that:
 - (a) the maintenance to be carried out by the pilot licence holder or flight engineer under the authorisation is specified in the Part 42 Manual of Standards for items 4 and 5 of table 42.300; and
 - (b) the pilot licence holder or flight engineer is at least 21; and
 - (c) the authorisation is for a type and model of aircraft:
 - (i) that the pilot licence holder is authorised, under Part 5 of CAR, to fly; or
 - (ii) in relation to which the flight engineer is authorised, under Part 5 of CAR, to perform the duties of flight engineer; and
 - (d) the pilot licence holder or flight engineer has a written statement from a Part 145 organisation or a maintenance training organisation to the effect that:
 - (i) the pilot licence holder or flight engineer has been trained and assessed in the maintenance mentioned in paragraph (a); and

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- (ii) the pilot licence holder or flight engineer is competent to carry out the maintenance; and
 - (e) at the time the organisation issues the authorisation, the organisation is satisfied that the pilot licence holder or flight engineer:
 - (i) is competent to carry out the maintenance mentioned in paragraph (a); and
 - (ii) has comprehensive knowledge of the requirements of Subparts 42.D, 42.E and 42.H; and
 - (iii) has comprehensive knowledge of the continuing airworthiness records system for the aircraft in relation to performing maintenance certification and issuing certificates of release to service.
- (3) The authorisation must:
- (a) be in writing; and
 - (b) be signed by the responsible manager in the organisation who is responsible for ensuring that the organisation complies with its exposition and these Regulations in relation to authorisations under this regulation; and
 - (c) include the following information:
 - (i) the name of the continuing airworthiness management organisation;
 - (ii) the name and licence number of the pilot licence holder or flight engineer being authorised;
 - (iii) the maintenance services that the pilot licence holder or flight engineer is authorised to provide;
 - (iv) the date that the authorisation is issued;
 - (v) the period for which the authorisation is in force;
 - (vi) the aircraft for which the authorisation is issued;
 - (vii) the name of the registered operator of the aircraft.
- (4) The period for which the authorisation is in force:
- (a) must not exceed 2 years; and
 - (b) must not include a period before the date that the authorisation is issued.

42.635 Ceasing of authorisation if organisation ceases to be responsible for providing continuing airworthiness management services for aircraft

- (1) This regulation applies if:
 - (a) a continuing airworthiness management organisation has issued an authorisation under regulation 42.630 to a pilot licence holder or a flight engineer to provide maintenance services for an aircraft; and
 - (b) the organisation ceases to be responsible for providing continuing airworthiness management services for the aircraft.
- (2) The authorisation ceases to be in force at the time the organisation ceases to be responsible for providing continuing airworthiness management services for the aircraft.

42.640 Directions in relation to authorisations

- (1) If CASA is satisfied that, when an authorisation was issued under regulation 42.630, a requirement mentioned in subregulation 42.630 (1) or (2) was not met, CASA may give the continuing airworthiness management organisation that issued the authorisation a direction:
 - (a) to make a change to the authorisation; or
 - (b) to cancel the authorisation.
- (2) A direction under this regulation must:
 - (a) be in writing; and
 - (b) specify the time within which the direction must be complied with.

Note The continuing airworthiness management organisation must comply with the direction — see regulation 42.665.

42.645 Notice of cancellation of authorisation

- (1) If a continuing airworthiness management organisation cancels an authorisation issued under regulation 42.630, the organisation must give the holder of the authorisation notice in writing of the cancellation, including the date on which the cancellation takes effect.

Penalty: 50 penalty units.

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

Division 42.G.5 Requirements and offences for continuing airworthiness management organisations**42.650 Provision of continuing airworthiness management services**

- (1) If a continuing airworthiness management organisation provides continuing airworthiness management services it must provide the services only in accordance with:

- (a) its exposition; and
(b) its approval, including any limitations applying to the approval.

Penalty: 50 penalty units.

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

42.655 Providing employees with exposition

- (1) If a continuing airworthiness management organisation's exposition relates to the duties of an employee of the organisation, the organisation must make the part of the organisation's exposition that relates to those duties available to the employee before the employee begins carrying out the duties.

Penalty: 50 penalty units.

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

42.660 Copies of authorisations and records

- (1) If a continuing airworthiness management organisation issues an authorisation under regulation 42.630 in relation to an aircraft, the organisation must, within 14 days after issuing the authorisation, give a copy of the authorisation to the registered operator of the aircraft.

Penalty: 50 penalty units.

- (2) The continuing airworthiness management organisation must retain a copy of the authorisation for at least 2 years after the authorisation ceases to be in force.

Penalty: 50 penalty units.

- (3) The organisation must keep any record evidencing the matters mentioned in paragraph 42.630 (2) (e) in relation to an authorisation under regulation 42.630 for at least 2 years after the authorisation ceases to be in force.

Penalty: 50 penalty units.

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

42.665 Complying with directions

- (1) If CASA gives a direction to a continuing airworthiness management organisation under regulation 42.625 or 42.640, the organisation must comply with the direction within the time mentioned in the direction.

Penalty: 50 penalty units.

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

42.670 Giving information in accordance with contract

If:

- (a) a continuing airworthiness management organisation enters into a contract with the registered operator of an aircraft as mentioned in regulation 42.040 or 42.045; and
- (b) the organisation has information about the continuing airworthiness of the aircraft that relates to a matter mentioned in paragraph 42.050 (2) (d);

the organisation must give the information to the registered operator in accordance with the contract.

Penalty: 50 penalty units.

Note See regulation 42.055 for the requirement for the registered operator of an aircraft to give information to the continuing airworthiness management organisation for the aircraft.

42.675 Notice of contravention of Part to be given to CASA

(1) If:

- (a) a continuing airworthiness management organisation enters into a contract with the registered operator of an aircraft as mentioned in regulation 42.040 or 42.045; and
- (b) the organisation has reasonable grounds to believe that the registered operator has contravened a provision of this Part;

the organisation must give CASA written notice of the contravention within 7 days after the organisation forms the belief that the contravention has occurred.

Penalty: 50 penalty units.

- (2) If the organisation is an individual, he or she is not excused from giving a notice under subregulation (1) on the ground that the information in the notice might tend to incriminate the individual or expose the individual to a penalty.

(3) However:

- (a) the information in the notice; or

(b) any information, document or thing obtained as a direct or indirect consequence of giving the notice;

is not admissible in evidence against the individual in criminal proceedings other than proceedings for an offence against subsections 136.1 (1) or (4), 137.1 (1) or 137.2 (1) of the *Criminal Code*.

Note 1 Subsections 136.1 (1) and (4), 137.1 (1) and 137.2 (1) of the *Criminal Code* provide for offences in relation to false or misleading statements in applications and false or misleading information or documents.

Note 2 See regulation 42.075 for the equivalent requirement for a registered operator.

Subpart 42.H Maintenance certification and certificate of release to service

Division 42.H.1 General

42.680 Purpose of Subpart

This Subpart sets out requirements for the performance of maintenance certification and the issue of certificates of release to service when maintenance has been carried out.

Division 42.H.2 Maintenance certification for maintenance carried out on aircraft

Subdivision 42.H.2.1 Application of Division

42.685 Application of Division

This Division applies if an individual carries out maintenance on an aircraft.

Subdivision 42.H.2.2 Who must perform maintenance certification

42.690 Approved maintenance organisations

- (1) If the maintenance is carried out by an individual on behalf of an approved maintenance organisation, the organisation must ensure that maintenance certification for the maintenance is performed on behalf of the organisation:
 - (a) by an individual mentioned in subregulation (2); and
 - (b) before the organisation issues a certificate of release to service for the aircraft in relation to the maintenance.

Penalty: 50 penalty units.

- (2) For paragraph (1) (a), the individual must be a certifying employee of the organisation:
 - (a) whose certification authorisation permits him or her to perform maintenance certification for the maintenance; and
 - (b) who carried out the maintenance, or supervised the carrying out of the maintenance by another individual.
- (3) An offence against subregulation (1) is an offence of strict liability.

42.695 Individuals performing maintenance certification on behalf of approved maintenance organisations

Obligation

- (1) An individual must not perform maintenance certification for the maintenance on behalf of an approved maintenance organisation unless:
 - (a) he or she is a certifying employee of the organisation whose certification authorisation permits him or her to perform maintenance certification for the maintenance; and
 - (b) he or she carried out the maintenance, or supervised the carrying out of the maintenance by another individual.

Offence for breach of obligation

- (2) An individual commits an offence if:
- (a) he or she performs maintenance certification for the maintenance on behalf of an approved maintenance organisation; and
 - (b) either:
 - (i) at the time of performing the maintenance certification, he or she is not a certifying employee of the organisation whose certification authorisation permits him or her to perform the maintenance certification; or
 - (ii) he or she did not carry out the maintenance, or supervise the carrying out of the maintenance by another individual.

Penalty: 50 penalty units.

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

42.700 Independent maintainers

- (1) If the maintenance is carried out by an independent maintainer, the independent maintainer must perform maintenance certification for the maintenance before the independent maintainer issues a certificate of release to service for the aircraft in relation to the maintenance.

Penalty: 50 penalty units.

- (2) If the maintenance is carried out by an individual mentioned in item 2 of table 42.300, the independent maintainer who supervised the carrying out of the maintenance must perform maintenance certification for the maintenance before the independent maintainer issues a certificate of release to service for the aircraft in relation to the maintenance.

Penalty: 50 penalty units.

Note A person mentioned in item 1 of table 42.300 is the only independent maintainer who is permitted to supervise the carrying out of maintenance by another individual — see subregulation 42.300 (2).

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

Subdivision 42.H.2.3 Requirements for performing maintenance certification

42.705 Requirements to be met by individuals before performing maintenance certification

Obligation

- (1) An individual must not perform maintenance certification for the maintenance unless he or she has ensured that:
- (a) the maintenance has been carried out in accordance with:
 - (i) this Part; and
 - (ii) Part 145, if applicable; and
 - (b) the information required by regulation 42.395 for the maintenance has been recorded.

Offence for breach of obligation

- (2) An individual commits an offence if:
- (a) he or she performs maintenance certification; and
 - (b) he or she did not comply with subregulation (1) before performing the maintenance certification.

Penalty: 50 penalty units.

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

42.710 Requirements to be met by organisations before performing maintenance certification

Obligation

- (1) An approved maintenance organisation must ensure that an individual who performs maintenance certification on its behalf complies with subregulation 42.705 (1).

Offence for breach of obligation

- (2) An approved maintenance organisation commits an offence if:
- (a) an individual performs maintenance certification on its behalf; and
 - (b) the individual did not comply with subregulation 42.705 (1) before performing the maintenance certification.

Penalty: 50 penalty units.

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

*Subdivision 42.H.2.4 Performance of maintenance certification***42.715 How maintenance certification is performed**

To perform maintenance certification for the maintenance, an individual must:

- (a) sign the record that contains the information required by regulation 42.395 for the maintenance; and
- (b) record, in that record:
 - (i) the date of the maintenance certification; and
 - (ii) if he or she carried out the maintenance on behalf of an approved maintenance organisation — his or her certification authorisation number; and
 - (iii) if he or she did not carry out the maintenance on behalf of an approved maintenance organisation — his or her aircraft engineer licence number, pilot licence number or flight engineer licence number.

Note The information required under regulation 42.395 about maintenance, and the maintenance certification for the maintenance, together constitute the maintenance record for the maintenance — see the definition of *maintenance record* in regulation 42.015.

**Division 42.H.3 Certificate of release to service —
aircraft***Subdivision 42.H.3.1 Preliminary***42.720 Application of Division**

This Division applies if an individual carries out maintenance on an aircraft.

42.725 Requirement not to release aircraft without certificate of release to service*Obligation — approved maintenance organisation*

- (1) If an individual carries out maintenance on an aircraft on behalf of an approved maintenance organisation, the organisation must not release the aircraft to another person unless the organisation has issued a certificate of release to service for the aircraft in relation to the maintenance.

Offence for breach of obligation

- (2) An approved maintenance organisation commits an offence if:
- (a) an individual carries out maintenance on an aircraft on behalf of the organisation; and
 - (b) the organisation has not issued a certificate of release to service for the aircraft in relation to the maintenance; and
 - (c) the organisation releases the aircraft to another person.

Penalty: 50 penalty units.

Obligation — independent maintainer

- (3) If an independent maintainer carries out maintenance on an aircraft, or supervises the carrying out of maintenance on an aircraft by another individual, the independent maintainer must not release the aircraft to another person unless the independent maintainer has issued a certificate of release to service for the aircraft in relation to the maintenance.

Note A person mentioned in item 1 of table 42.300 is the only independent maintainer who is permitted to supervise the carrying out of maintenance by another individual — see subregulation 42.300 (2).

Offence for breach of obligation

- (4) An independent maintainer commits an offence if:
- (a) the independent maintainer carries out maintenance on an aircraft, or supervises the carrying out of maintenance on an aircraft by another individual; and
 - (b) the independent maintainer has not issued a certificate of release to service for the aircraft in relation to the maintenance; and
 - (c) the independent maintainer releases the aircraft to another person.

Penalty: 50 penalty units.

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

*Subdivision 42.H.3.2 Who may issue certificate of release to service***42.730 Approved maintenance organisations**

- (1) If maintenance was carried out on an aircraft on behalf of an approved maintenance organisation, the organisation may issue a certificate of release to service for the aircraft in relation to the maintenance.

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- (2) If an approved maintenance organisation issues a certificate of release to service for the aircraft in relation to the maintenance, the organisation must ensure that the certificate is issued on behalf of the organisation by an individual:
- (a) who is a certifying employee of the organisation; and
 - (b) whose certification authorisation permits him or her to issue the certificate for the aircraft in relation to the maintenance.

Penalty: 50 penalty units.

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

42.735 Individuals issuing certificates of release to service on behalf of approved maintenance organisations

Obligation

- (1) An individual must not issue a certificate of release to service on behalf of an approved maintenance organisation for an aircraft in relation to maintenance carried out on the aircraft unless:
- (a) he or she is a certifying employee of the organisation; and
 - (b) his or her certification authorisation permits him or her to issue the certificate for the aircraft in relation to the maintenance.

Offence for breach of obligation

- (2) An individual commits an offence if:
- (a) he or she issues a certificate of release to service on behalf of an approved maintenance organisation for an aircraft in relation to maintenance carried out on the aircraft; and
 - (b) at the time of issuing the certificate:
 - (i) he or she is not a certifying employee of the organisation; or

- (ii) he or she is a certifying employee of the organisation, but his or her certification authorisation does not permit him or her to issue the certificate for the aircraft in relation to the maintenance.

Penalty: 50 penalty units.

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

42.740 Independent maintainers

- (1) If an independent maintainer carries out maintenance on an aircraft, the independent maintainer may issue a certificate of release to service for the aircraft in relation to the maintenance.
- (2) If an individual mentioned in item 2 of table 42.300 carries out maintenance on an aircraft, the independent maintainer who supervised the carrying out of the maintenance may issue a certificate of release to service for the aircraft in relation to the maintenance.

Note A person mentioned in item 1 of table 42.300 is the only independent maintainer who is permitted to supervise the carrying out of maintenance by another individual — see subregulation 42.300 (2).

- (3) An independent maintainer commits an offence if:
 - (a) the independent maintainer issues a certificate of release to service for an aircraft in relation to maintenance carried out on the aircraft; and
 - (b) the issuing of the certificate by the independent maintainer is not permitted by subregulation (1) or (2).

Penalty: 50 penalty units.

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

Subdivision 42.H.3.3 Requirements for issuing certificate of release to service

42.745 Requirements to be met before certificate of release to service may be issued

The following are the requirements for the issue of a certificate of release to service for an aircraft in relation to maintenance carried out on the aircraft:

- (a) the certificate complies with regulation 42.760;
- (b) the information entered into the certificate is correct;
- (c) maintenance certification has been performed for all of the maintenance;
- (d) if the maintenance included critical control system maintenance — the information mentioned in subregulation 42.345 (3) has been recorded in the continuing airworthiness records system for the aircraft in relation to the critical control system maintenance;
- (e) in respect of the maintenance, the aircraft is airworthy;
- (f) if there is a defect in the aircraft, and the rectification of the defect has not been deferred in accordance with Subdivision 42.D.6.1:
 - (i) the certificate includes details of the defect; and
 - (ii) the person responsible for continuing airworthiness for the aircraft has been notified that:
 - (A) the certificate is to be issued; and
 - (B) there is a defect in the aircraft, and the rectification of the defect has not been deferred in accordance with Subdivision 42.D.6.1;
- (g) if maintenance requested for the aircraft (other than the rectification of a defect mentioned in paragraph (f)) has not been carried out:
 - (i) the certificate includes details of the maintenance that has not been carried out; and
 - (ii) the person responsible for continuing airworthiness for the aircraft has been notified that:
 - (A) the certificate is to be issued; and

- (B) maintenance requested for the aircraft (other than the rectification of a defect mentioned in paragraph (f)) has not been carried out.

42.750 Requirements to be met by approved maintenance organisations before issuing certificate of release to service

Obligation

- (1) An approved maintenance organisation must ensure that an individual does not issue a certificate of release to service on its behalf for an aircraft in relation to maintenance carried out on the aircraft unless the requirements mentioned in regulation 42.745 are met.

Offence for breach of obligation

- (2) An approved maintenance organisation commits an offence if:
- (a) an individual issues a certificate of release to service on its behalf for an aircraft in relation to maintenance carried out on the aircraft; and
 - (b) a requirement mentioned in regulation 42.745 is not met in relation to the issuing of the certificate.

Penalty: 50 penalty units.

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

42.755 Requirements to be met by individuals before issuing certificate of release to service

Obligation

- (1) An individual must not issue a certificate of release to service for an aircraft in relation to maintenance carried out on the aircraft unless the requirements mentioned in regulation 42.745 are met.

Offence for breach of obligation

- (2) An individual commits an offence if:
- (a) he or she issues a certificate of release to service for an aircraft in relation to maintenance carried out on the aircraft; and
 - (b) a requirement mentioned in regulation 42.745 is not met in relation to the issuing of the certificate.

Penalty: 50 penalty units.

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

Subdivision 42.H.3.4 Form, content and issue of certificate of release to service

42.760 Form and content of certificate of release to service

- (1) A document is a certificate of release to service for an aircraft in relation to maintenance carried out on the aircraft only if it includes the following information:
- (a) information identifying the certificate as a certificate of release to service;
 - (b) information identifying the aircraft, including its registration mark and serial number;
 - (c) if the maintenance was carried out by an approved maintenance organisation — the organisation's approval certificate reference number and the certification authorisation number of the employee issuing the certificate;
 - (d) if the maintenance was not carried out by an approved maintenance organisation — the name and aircraft engineer licence number, pilot licence number or flight engineer licence number of the individual issuing the certificate.
- (2) The certificate must be included in the flight technical log for the aircraft on which the maintenance was carried out.

42.765 How certificate of release to service is issued

To issue a certificate of release to service for an aircraft in relation to maintenance carried out on the aircraft, an individual must:

- (a) sign the certificate; and
- (b) record the date and time of issue on the certificate.

*Subdivision 42.H.3.5 Record-keeping***42.770 Retaining copy of certificate of release to service**

- (1) If a certificate of release to service for an aircraft in relation to maintenance carried out on the aircraft is issued on behalf of an approved maintenance organisation, the organisation must ensure that a copy of the certificate is retained for 1 year beginning on the date the certificate is issued.

Penalty: 50 penalty units.

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

**Division 42.H.4 Certificate of release to service —
aeronautical products***Subdivision 42.H.4.1 Preliminary***42.775 Application of Division**

This Division applies if an individual carries out maintenance on an aeronautical product on behalf of an approved maintenance organisation.

Note 1 Maintenance certification is not required for maintenance carried out on aeronautical products.

Note 2 Under regulation 42.305, only approved maintenance organisations and individuals carrying out maintenance on behalf of approved maintenance organisations are permitted to carry out maintenance on aeronautical products.

42.780 Requirement not to release aeronautical product without certificate of release to service*Obligation*

- (1) If an individual carries out maintenance on an aeronautical product on behalf of an approved maintenance organisation, the organisation must not release the product for use in an aircraft or another aeronautical product unless the organisation has issued a certificate of release to service for the aeronautical product in relation to the maintenance.

Offence for breach of obligation

- (2) An approved maintenance organisation commits an offence if:
 - (a) an individual carries out maintenance on an aeronautical product on behalf of the organisation; and
 - (b) the organisation has not issued a certificate of release to service for the aeronautical product in relation to the maintenance; and
 - (c) the organisation releases the product for use in an aircraft or another aeronautical product.

Penalty: 50 penalty units.

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

*Subdivision 42.H.4.2 Who may issue certificate of release to service***42.785 Approved maintenance organisations**

- (1) If maintenance was carried out on an aeronautical product on behalf of an approved maintenance organisation, the organisation may issue a certificate of release to service for the aeronautical product in relation to the maintenance.

- (2) If an approved maintenance organisation issues a certificate of release to service for the product in relation to the maintenance, the organisation must ensure that the certificate is issued on behalf of the organisation by an individual:
- (a) who is a certifying employee of the organisation; and
 - (b) whose certification authorisation permits him or her to issue the certificate for the product in relation to the maintenance.
- Penalty: 50 penalty units.
- (3) An offence against subregulation (2) is an offence of strict liability.

42.790 Individuals issuing certificates of release to service on behalf of approved maintenance organisations

Obligation

- (1) An individual must not issue a certificate of release to service on behalf of an approved maintenance organisation for an aeronautical product in relation to maintenance carried out on the product unless:
- (a) he or she is a certifying employee of the organisation; and
 - (b) his or her certification authorisation permits him or her to issue the certificate for the product in relation to the maintenance.

Offence for breach of obligation

- (2) An individual commits an offence if:
- (a) he or she issues a certificate of release to service on behalf of an approved maintenance organisation for an aeronautical product in relation to maintenance carried out on the product; and
 - (b) at the time of issuing the certificate:
 - (i) he or she is not a certifying employee of the organisation; or

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- (ii) he or she is a certifying employee of the organisation, but his or her certification authorisation does not permit him or her to issue the certificate for the product in relation to the maintenance.

Penalty: 50 penalty units.

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

Subdivision 42.H.4.3 Requirements for issuing certificate of release to service

42.795 Requirements to be met before certificate of release to service may be issued

The following are the requirements for the issue of a certificate of release to service for an aeronautical product in relation to maintenance carried out on the product:

- (a) the information entered into the certificate for the maintenance is correct;
- (b) the maintenance is complete;
- (c) the maintenance was carried out in accordance with:
 - (i) this Part; and
 - (ii) Part 145, if applicable;
- (d) in respect of the maintenance, the product is serviceable.

42.800 Requirements to be met by approved maintenance organisations before issuing certificate of release to service

Obligation

- (1) An approved maintenance organisation must ensure that an individual does not issue a certificate of release to service on its behalf for an aeronautical product in relation to maintenance carried out on the product unless the requirements mentioned in regulation 42.795 are met.

Offence for breach of obligation

- (2) An approved maintenance organisation commits an offence if:
- (a) an individual issues a certificate of release to service on its behalf for an aeronautical product in relation to maintenance carried out on the product; and
 - (b) a requirement mentioned in regulation 42.795 is not met in relation to the issuing of the certificate.

Penalty: 50 penalty units.

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

42.805 Requirements to be met by individuals before issuing certificate of release to service*Obligation*

- (1) An individual must not issue a certificate of release to service on behalf of an approved maintenance organisation for an aeronautical product in relation to maintenance carried out on the product unless the requirements mentioned in regulation 42.795 are met.

Offence for breach of obligation

- (2) An individual commits an offence if:
- (a) he or she issues a certificate of release to service on behalf of an approved maintenance organisation for an aeronautical product in relation to maintenance carried out on the product; and
 - (b) a requirement mentioned in regulation 42.795 is not met in relation to the issuing of the certificate.

Penalty: 50 penalty units.

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

Subdivision 42.H.4.4 Form and issue of certificate of release to service

42.810 Form of certificate of release to service

Maintenance that is not in-house maintenance

- (1) A document is a certificate of release to service for an aeronautical product in relation to maintenance:
- (a) that is carried out on the product; and
 - (b) that is not in-house maintenance;
- only if the document is in the approved form.

Note Under regulation 11.018, a certificate of release to service in the approved form is not complete unless it contains all of the information required by the form.

In-house maintenance

- (2) A document is a certificate of release to service for an aeronautical product in relation to in-house maintenance carried out on the aeronautical product only if the document is:
- (a) in the approved form; or
 - (b) in the form of an in-house release document.

Note 1 Under regulation 11.018, a certificate of release to service in the approved form is not complete unless it contains all of the information required by the form.

Note 2 For the definition of *in-house release document*, see Part 1 of the Dictionary.

42.815 How certificate of release to service is issued

To issue a certificate of release to service on behalf of an approved maintenance organisation for an aeronautical product in relation to maintenance carried out on the product, an individual must:

- (a) sign the certificate; and
- (b) record the date and time of issue on the certificate.

Subdivision 42.H.4.5 Record-keeping and dealing with certificate of release to service

42.820 Additional record for certificate of release to service issued as in-house release document

- (1) This regulation applies if a certificate of release to service for an aeronautical product in relation to in-house maintenance carried out on the product is issued in the form of an in-house release document.
- (2) The Part 145 organisation that carried out the in-house maintenance must:
 - (a) ensure that a record is made that contains the information that, if the certificate was issued in the approved form, would have been recorded on the approved form; and
 - (b) retain the record until the end of 2 years after the date the organisation fits the aeronautical product to an aircraft or another aeronautical product.

Penalty: 50 penalty units.

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

Note For the definition of *in-house release document*, see Part 1 of the Dictionary.

42.825 Dealing with certificate of release to service

- (1) If an approved maintenance organisation issues a certificate of release to service for an aeronautical product in relation to maintenance carried out on the product, the organisation must:
 - (a) give the certificate to the person to whom the product is released for use in an aircraft or another aeronautical product; and
 - (b) retain a copy of the certificate for 2 years beginning on the date the certificate is issued.

Penalty: 50 penalty units.

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

Subpart 42.I Airworthiness reviews and airworthiness review certificates

Division 42.I.1 General

42.830 Application of Subpart

This Subpart applies to an aircraft:

- (a) that is authorised to operate under an AOC; or
- (b) that is a large aircraft.

42.835 Purpose of Subpart

This Subpart sets out:

- (a) requirements in relation to airworthiness review certificates and airworthiness reviews for aircraft operating under an AOC and large aircraft; and
- (b) the relationship between an airworthiness review certificate and a certificate of airworthiness.

Division 42.I.2 Issue of airworthiness review certificates

42.840 Who may issue airworthiness review certificate

- (1) The continuing airworthiness management organisation for an aircraft may issue an airworthiness review certificate for the aircraft.
- (2) If a continuing airworthiness management organisation issues an airworthiness review certificate for the aircraft, the organisation must ensure that the certificate is issued on behalf of the organisation by an individual:
 - (a) who is an airworthiness review employee of the organisation; and

- (b) whose authorisation as an airworthiness review employee permits the employee to issue an airworthiness review certificate for the aircraft.

Penalty: 50 penalty units.

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

42.845 Requirements to be met for issue of airworthiness review certificate

The following are the requirements for the issue of an airworthiness review certificate for an aircraft:

- (a) the information entered into the certificate is correct;
- (b) an airworthiness review employee of the continuing airworthiness management organisation for the aircraft has carried out an airworthiness review for the aircraft in accordance with regulation 42.900;
- (c) a record of the findings of the review has been made in accordance with regulation 42.905;
- (d) any corrective action that was necessary to ensure that the requirements of subregulations 42.900 (2) and (3) are met for the aircraft has been taken;
- (e) a record of action mentioned in paragraph (d) has been made in accordance with regulation 42.910;
- (f) the aircraft is airworthy.

42.850 Requirements to be met by continuing airworthiness management organisations before issuing airworthiness review certificate

Obligation

- (1) A continuing airworthiness management organisation must ensure that an individual does not issue an airworthiness review certificate on its behalf for an aircraft unless the requirements mentioned in regulation 42.845 are met.

Offence for breach of obligation

- (2) A continuing airworthiness management organisation commits an offence if:
- (a) an individual issues an airworthiness review certificate on its behalf for an aircraft; and
 - (b) a requirement mentioned in regulation 42.845 is not met in relation to the issuing of the certificate.

Penalty: 50 penalty units.

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

42.855 Requirements to be met by individuals before issuing airworthiness review certificate

Obligation

- (1) An individual must not issue an airworthiness review certificate for an aircraft unless the requirements mentioned in regulation 42.845 are met.

Offence for breach of obligation

- (2) An individual commits an offence if:
- (a) he or she issues an airworthiness review certificate for an aircraft; and
 - (b) a requirement mentioned in regulation 42.845 is not met in relation to the issuing of the certificate.

Penalty: 50 penalty units.

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

42.860 Form of airworthiness review certificate

A document is an airworthiness review certificate only if it is in the approved form.

Note Under regulation 11.018, an airworthiness review certificate in the approved form is not complete unless it contains all of the information required by the form.

42.865 How airworthiness review certificate is issued

To issue an airworthiness review certificate for an aircraft, an individual must:

- (a) sign the certificate; and
- (b) record the date of issue and date of expiry on the certificate.

42.870 How long airworthiness review certificate remains in force

An airworthiness review certificate remains in force:

- (a) for 1 year beginning on the day it is issued; and
- (b) if the time for which it is in force is extended under Division 42.I.3 — until the end of the time for which it is in force is extended.

Division 42.I.3 Extension of airworthiness review certificates**42.875 Who may extend airworthiness review certificate**

- (1) The continuing airworthiness management organisation for an aircraft may extend the time for which an airworthiness review certificate for the aircraft is in force if the organisation:
 - (a) issued the certificate; and
 - (b) has been the continuing airworthiness management organisation for the aircraft since the date of issue of the certificate.

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- (2) A continuing airworthiness management organisation commits an offence if:
- (a) it extends the time for which an airworthiness review certificate is in force; and
 - (b) the extension is not permitted by subregulation (1).

Penalty: 50 penalty units.

- (3) If a continuing airworthiness management organisation extends the time for which an airworthiness review certificate is in force, the organisation must ensure that the time for which the certificate is in force is extended on behalf of the organisation by an individual:
- (a) who is an airworthiness review employee of the organisation; and
 - (b) whose authorisation as an airworthiness review employee permits the employee to issue an airworthiness review certificate for the aircraft.

Penalty: 50 penalty units.

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

42.880 Requirements to be met for extension of airworthiness review certificate

- (1) This regulation sets out the requirements for extending the time for which an airworthiness review certificate for an aircraft is in force.
- (2) The time for which the certificate is in force may be extended only within the period of 90 days before the certificate is due to expire.
- (3) The time for which the certificate is in force is to be extended must be no more than 1 year starting immediately after the certificate is due to expire.
- (4) The time for which the certificate is in force may be extended no more than twice.
- (5) The aircraft must be airworthy.

42.885 Requirements to be met by continuing airworthiness management organisations before extension of airworthiness review certificate*Obligation*

- (1) A continuing airworthiness management organisation must ensure that an individual does not extend an airworthiness review certificate on its behalf for an aircraft unless the requirements mentioned in regulation 42.880 are met.

Offence for breach of obligation

- (2) A continuing airworthiness management organisation commits an offence if:
 - (a) an individual extends an airworthiness review certificate on its behalf for an aircraft; and
 - (b) a requirement mentioned in regulation 42.880 is not met in relation to the issuing of the certificate.

Penalty: 50 penalty units.

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

42.890 Requirements to be met by individuals before extending airworthiness review certificate*Obligation*

- (1) An individual must not extend an airworthiness review certificate for an aircraft unless the requirements mentioned in regulation 42.880 are met.

Offence for breach of obligation

- (2) An individual commits an offence if:
 - (a) he or she extends an airworthiness review certificate for an aircraft; and

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- (b) a requirement mentioned in regulation 42.880 is not met in relation to the issuing of the certificate.

Penalty: 50 penalty units.

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

42.895 How airworthiness review certificate is extended

To extend the time for which an airworthiness review certificate is in force, an individual must:

- (a) sign the certificate; and
- (b) record on the certificate the date of the extension and the new date of expiry of the certificate.

Division 42.I.4 Airworthiness review procedure

42.900 Airworthiness review procedure

- (1) This regulation sets out the procedure for carrying out an airworthiness review for an aircraft.
- (2) An airworthiness review employee of the continuing airworthiness management organisation for the aircraft must examine the continuing airworthiness records for the aircraft to determine whether the following requirements are met:
 - (a) the details of the utilisation of the airframe, engine and propeller of the aircraft have been recorded in accordance with regulation 42.190;
 - (b) maintenance required by the maintenance program for the aircraft has been carried out in accordance with the maintenance program;
 - (c) critical control system maintenance recorded in the records has been dealt with in accordance with Division 42.D.5;
 - (d) defects in the aircraft have been rectified in accordance with regulation 42.115;

- (e) if the rectification of defects in the aircraft have been deferred — the deferral was in accordance with Subdivision 42.D.6.1;
- (f) the requirements mentioned in paragraph 39.002 (b), (c) or (d) have been complied with for each airworthiness directive:
 - (i) that applies to the aircraft or an aeronautical product fitted to the aircraft; and
 - (ii) from the operation of which the aircraft or aeronautical product is not excluded under paragraph 39.004 (2) (b) or (3) (b);
- (g) if a modification has been made to the aircraft — there is a Part 21 approval for the design of the modification;
- (h) for each aeronautical product that is fitted to the aircraft and has a life limit, the records:
 - (i) correctly identify the aeronautical product; and
 - (ii) show that the aeronautical product has not exceeded its life limit at the time the airworthiness review is carried out;
- (i) for maintenance carried out on the aircraft:
 - (i) maintenance certification has been performed; and
 - (ii) a certificate of release to service has been issued for the aircraft in relation to the maintenance;
- (j) the following information for the aircraft is recorded in the records and is up to date:
 - (i) the empty weight of the aircraft;
 - (ii) the position of the centre of gravity on the aircraft when the aircraft is in its empty weight configuration;
- (k) the aircraft complies with its approved design.

Note for paragraph (j) The empty weight of the aircraft, and the position of the centre of gravity on the aircraft when the aircraft is in its empty weight configuration, must be determined in accordance with the method set out in Civil Aviation Order 100.7 — see regulation 42.185.

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- (3) The airworthiness review employee must carry out a survey of the aircraft to determine whether the following requirements are met:
- (a) markings that are required, by or under these Regulations or by the aircraft's type certification basis, to be on the aircraft:
 - (i) are correct; and
 - (ii) are in the correct position on the aircraft;
 - (b) placards that are required, by or under these Regulations or by the aircraft's type certification basis, to be fitted to the aircraft are correctly fitted;
 - (c) the configuration of the aircraft complies with the aircraft's approved design;
 - (d) any defect in the aircraft that is apparent to the employee is recorded in the continuing airworthiness records system for the aircraft;
 - (e) the aircraft's flight manual is up to date and reflects the aircraft's configuration;
 - (f) the condition of the aircraft is consistent with the continuing airworthiness records for the aircraft.

Note for paragraph (a) See Parts 45 and 90 and the Part 90 Manual of Standards.

Note for paragraph (b) See Part 90 and the Part 90 Manual of Standards.

Note for paragraph (e) For the definition of *flight manual*, see Part 1 of the Dictionary.

Division 42.I.5 Administration

42.905 Record of findings of airworthiness review

- (1) If an airworthiness review employee of a continuing airworthiness management organisation has carried out an airworthiness review for an aircraft, the organisation must comply with subregulation (2) before the organisation issues an airworthiness review certificate for the aircraft.

Penalty: 50 penalty units.

- (2) The organisation must ensure that the findings of the review, including whether the requirements of subregulations 42.900 (2) and (3) are met for the aircraft, are recorded in writing.
- (3) An offence against subregulation (1) is an offence of strict liability.

42.910 Record of corrective action taken

- (1) If a continuing airworthiness management organisation takes corrective action to ensure that the requirements of subregulations 42.900 (2) and (3) are met for an aircraft, the organisation must ensure that the action taken is recorded in writing before the organisation issues an airworthiness review certificate for the aircraft.

Penalty: 50 penalty units.

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

42.915 Retaining records relating to airworthiness review certificates

- (1) If a continuing airworthiness management organisation issues an airworthiness review certificate for an aircraft, the organisation must retain:
 - (a) the record mentioned in subregulation 42.905 (2) for the aircraft; and
 - (b) the record mentioned in subregulation 42.910 (1) for the aircraft (if any); and
 - (c) a copy of the certificate;for 3 years beginning on the date of issue of the certificate.

Penalty: 50 penalty units.

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

42.920 Documents to be sent to CASA and registered operator

- (1) If a continuing airworthiness management organisation for an aircraft issues an airworthiness review certificate for the aircraft, the organisation must give a copy of the certificate to the following persons within 10 days after issuing the certificate:
 - (a) CASA;
 - (b) if the organisation is not the registered operator of the aircraft — the registered operator.

Penalty: 50 penalty units.

- (2) If the organisation extends the time for which the certificate is in force, the organisation must give a copy of the certificate, with the extension recorded on it, to the following persons within 10 days after extending the time for which the certificate is in force:
 - (a) CASA;
 - (b) if the organisation is not the registered operator of the aircraft — the registered operator.

Penalty: 50 penalty units.

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

42.925 Notice of decision not to issue airworthiness review certificate

- (1) If:
 - (a) an airworthiness review employee of the continuing airworthiness management organisation for an aircraft carries out an airworthiness review for an aircraft; and

- (b) the organisation decides not to issue an airworthiness review certificate for the aircraft because a requirement mentioned in paragraph 42.845 (d) or (f) is not met;

the organisation must, within 2 days after making the decision, notify the persons mentioned in subregulation (2) of the decision and the reasons for the decision.

Penalty: 50 penalty units.

- (2) The organisation must notify:
- (a) CASA; and
 - (b) if the organisation is not the registered operator of the aircraft — the registered operator.
- (3) An offence against subregulation (1) is an offence of strict liability.

**Division 42.I.6 Relationship of airworthiness review
certificate to certificate of airworthiness**

42.930 Relationship with certificate of airworthiness

- (1) If the certificate of airworthiness for an aircraft stops being in force under subregulation 21.181 (4), expires or is cancelled, the airworthiness review certificate for the aircraft ceases to be in force at the same time as the certificate of airworthiness stops being in force, expires or is cancelled.
- (2) If the certificate of airworthiness for an aircraft is suspended under regulation 21.181, the airworthiness review certificate for the aircraft is suspended for the same period as the certificate of airworthiness is suspended.

Subpart 42.J Approval of maintenance programs and variations of approved maintenance programs

Division 42.J.1 Preliminary

42.935 Purpose of Subpart

This Subpart sets out the process and requirements for:

- (a) approval of maintenance programs; and
- (b) approval of variations of approved maintenance programs.

Division 42.J.2 Approval of maintenance programs by continuing airworthiness management organisations

42.940 Circumstances in which continuing airworthiness management organisations may approve proposed maintenance program

- (1) The continuing airworthiness management organisation for an aircraft may approve a proposed maintenance program for an aircraft if:
 - (a) the aircraft is not authorised to operate under an air transport AOC; and
 - (b) the organisation's approval under Subpart 42.G permits it to approve proposed maintenance programs under this Division for that type and model of aircraft.
- (2) If a continuing airworthiness management organisation approves a proposed maintenance program for an aircraft, the organisation must ensure that the program is approved on behalf of the organisation by an individual:
 - (a) who is a maintenance program approval employee of the organisation; and
 - (b) whose authorisation as a maintenance program approval employee permits the employee to approve a maintenance program for the aircraft.

Penalty: 50 penalty units.

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

Note 1 The continuing airworthiness management organisation for an aircraft may apply to CASA for approval of a proposed maintenance program for the aircraft — see subregulation 42.970 (1).

Note 2 In some circumstances, the continuing airworthiness management organisation for an aircraft must apply to CASA for approval of a proposed maintenance program for the aircraft — see subregulation 42.970 (2).

42.945 Requirements for approval of maintenance programs

The following are the requirements for the approval of a proposed maintenance program for an aircraft by the continuing airworthiness management organisation for the aircraft:

- (a) the program complies with the requirements in the instructions for continuing airworthiness for the aircraft, and for aeronautical products fitted to the aircraft, that relate to maintenance that is required by the instructions to be carried out on a regular basis;
- (b) the program complies with the requirements specified in the Part 42 Manual of Standards.

42.950 Requirements to be met by continuing airworthiness management organisations before approving proposed maintenance programs

Obligation

- (1) A continuing airworthiness management organisation must ensure that an individual does not approve a proposed maintenance program for an aircraft on its behalf unless the requirements mentioned in regulation 42.945 are met.

Offence for breach of obligation

- (2) A continuing airworthiness management organisation commits an offence if:
- (a) an individual approves a proposed maintenance program for an aircraft on its behalf; and
 - (b) a requirement mentioned in regulation 42.945 is not met in relation to the approval.

Penalty: 50 penalty units.

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

42.955 Requirements to be met by individuals before approving proposed maintenance programs

Obligation

- (1) An individual must not approve a proposed maintenance program for an aircraft unless the requirements mentioned in regulation 42.945 are met.

Offence for breach of obligation

- (2) An individual commits an offence if:
- (a) he or she approves a proposed maintenance program for an aircraft; and
 - (b) a requirement mentioned in regulation 42.945 is not met in relation to the approval.

Penalty: 50 penalty units.

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

42.960 How approval is given

To approve a proposed maintenance program for an aircraft, an individual must:

- (a) make a record that:
 - (i) identifies the maintenance program to which it relates; and
 - (ii) includes a statement to the effect that the maintenance program is approved; and
 - (iii) includes the name and approval certificate reference number of the continuing airworthiness management organisation for the aircraft; and
- (b) sign and date the record.

42.965 Record-keeping requirements

- (1) If a continuing airworthiness management organisation approves a proposed maintenance program, the organisation must retain, for the period during which the approved maintenance program is in effect, a copy of the following documents:
 - (a) the approved maintenance program;
 - (b) the record of the approval;
 - (c) any other documents that support the approval.

Penalty: 50 penalty units.

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

Division 42.J.3 Approval of maintenance programs by CASA**42.970 Application to CASA for approval of maintenance programs**

- (1) The person responsible for continuing airworthiness for an aircraft may apply to CASA for approval of a proposed maintenance program for the aircraft.

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- (2) The person responsible for continuing airworthiness for an aircraft must apply to CASA for approval of a proposed maintenance program for the aircraft if:
- (a) the proposed maintenance program does not comply with the requirements in the instructions for continuing airworthiness for the aircraft, or for an aeronautical product fitted to the aircraft, that relate to maintenance that is required by the instructions to be carried out on a regular basis; or
 - (b) the person responsible for continuing airworthiness for the aircraft is a continuing airworthiness management organisation, but its approval under Subpart 42.G does not permit it to approve proposed maintenance programs under Division 42.J.2 for that type and model of aircraft; or
 - (c) the aircraft is authorised to operate under an air transport AOC.

42.975 Form of application

An application to CASA for approval of a proposed maintenance program must:

- (a) be in writing; and
- (b) include a copy of the program; and
- (c) if the program does not comply with the requirements in the instructions for continuing airworthiness for the aircraft, or for an aeronautical product fitted to the aircraft, that relate to maintenance that is required by the instructions to be carried out on a regular basis — include the technical justification for the non-compliance.

42.980 Approval of maintenance programs by CASA

Subject to regulation 11.055, CASA must approve a proposed maintenance program for an aircraft if CASA is satisfied that the program:

- (a) complies with the requirements specified in the Part 42 Manual of Standards; and

- (b) adequately provides for the continuing airworthiness of the aircraft.

Note 1 See Part 11 for other matters relating to applications and decisions.

Note 2 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, an approval; or
(b) a decision imposing a condition on an approval.

Division 42.J.4 Approval of variations of approved maintenance programs by continuing airworthiness management organisations

42.985 Circumstances in which continuing airworthiness management organisations may approve proposed variations

- (1) The continuing airworthiness management organisation for an aircraft may approve a proposed variation of the approved maintenance program for the aircraft if the organisation's approval under Subpart 42.G permits it to approve proposed variations of maintenance programs under this Division for that type and model of aircraft.
- (2) If a continuing airworthiness management organisation approves a proposed variation of an approved maintenance program for an aircraft, the organisation must ensure that the program is approved on behalf of the organisation by an individual:
- (a) who is a maintenance program approval employee of the organisation; and
(b) whose authorisation as a maintenance program approval employee permits the employee to approve a maintenance program for the aircraft.

Penalty: 50 penalty units.

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

Note 1 The continuing airworthiness management organisation for an aircraft may apply to CASA for approval of a proposed variation of the approved maintenance program for the aircraft — see subregulation 42.1015 (1).

Note 2 In some circumstances, a continuing airworthiness management organisation for an aircraft must apply to CASA for approval of a proposed variation of the approved maintenance program for the aircraft — see subregulation 42.1015 (2).

42.990 Requirements to be met for approval of variations of maintenance programs

The following are the requirements for the approval of a variation of a proposed maintenance program for an aircraft by the continuing airworthiness management organisation for the aircraft:

- (a) the program, as varied by the proposed variation, would comply with the requirements in the instructions for continuing airworthiness for the aircraft, and for aeronautical products fitted to the aircraft, that relate to maintenance that is required by the instructions to be carried out on a regular basis;
- (b) the approved maintenance program for the aircraft, as varied by the proposed variation, would comply with the requirements specified in the Part 42 Manual of Standards.

42.995 Requirements to be met by continuing airworthiness management organisations before approving proposed variations

Obligation

- (1) A continuing airworthiness management organisation must ensure that an individual does not approve a proposed variation to an approved maintenance program for an aircraft on its behalf unless the requirements mentioned in regulation 42.990 are met.

Offence for breach of obligation

- (2) A continuing airworthiness management organisation commits an offence if:
- (a) an individual approves a proposed variation to an approved maintenance program for an aircraft on its behalf; and
 - (b) a requirement mentioned in regulation 42.990 is not met in relation to the approval.

Penalty: 50 penalty units.

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

42.1000 Requirements to be met by individuals before approving proposed variations*Obligation*

- (1) An individual must not approve a proposed variation to an approved maintenance program for an aircraft unless the requirements mentioned in regulation 42.990 are met.

Offence for breach of obligation

- (2) An individual commits an offence if:
- (a) he or she approves a proposed variation of an approved maintenance program for an aircraft; and
 - (b) a requirement mentioned in regulation 42.990 is not met in relation to the approval.

Penalty: 50 penalty units.

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

42.1005 How approval is given

To approve a proposed variation of an approved maintenance program for an aircraft, an individual must:

- (a) make a record that:
 - (i) identifies the maintenance program to which it relates; and
 - (ii) includes details of the variation to which it relates; and
 - (iii) includes a statement to the effect that the variation is approved; and
 - (iv) includes the name and approval certificate reference number of the continuing airworthiness management organisation for the aircraft; and
- (b) sign and date the record.

42.1010 Record-keeping requirements

- (1) If a continuing airworthiness management organisation approves a proposed variation to an approved maintenance program, the organisation must retain, for the period during which the approved maintenance program is in effect, a copy of the following documents:
 - (a) the approved variation;
 - (b) the record of the approval;
 - (c) any other documents that support the approval.

Penalty: 50 penalty units.

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

Division 42.J.5 Approval of variations of approved maintenance programs by CASA**42.1015 Application to CASA for approval of variations of approved maintenance programs**

- (1) The person responsible for continuing airworthiness for an aircraft may apply to CASA for approval of a proposed variation of the approved maintenance program for the aircraft.
- (2) The person responsible for continuing airworthiness for an aircraft must apply to CASA for approval of a proposed variation of the approved maintenance program for the aircraft if:
 - (a) the program, as varied by the proposed variation, would not comply with the requirements in the instructions for continuing airworthiness for the aircraft, or for an aeronautical product fitted to the aircraft, that relate to maintenance that is required by the instructions to be carried out on a regular basis; or
 - (b) the person responsible for continuing airworthiness for the aircraft is a continuing airworthiness management organisation, but its approval under Subpart 42.G does not permit it to approve variations of maintenance programs under Division 42.J.4.

42.1020 Form of application

An application to CASA for approval of a proposed variation of an approved maintenance program for an aircraft must:

- (a) be in writing; and
- (b) include the following:
 - (i) a copy of the variation;
 - (ii) the technical justification for the variation.

42.1025 Approval of variations by CASA

Subject to regulation 11.055, CASA must approve a proposed variation of an approved maintenance program for an aircraft if CASA is satisfied that the program, as varied by the proposed variation:

- (a) would comply with the requirements specified in the Part 42 Manual of Standards; and
- (b) would adequately provide for the continuing airworthiness of the aircraft.

Note 1 See Part 11 for other matters relating to applications and decisions.

Note 2 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, an approval; or
- (b) a decision imposing a condition on an approval.

Subpart 42.K Directions to vary approved maintenance programs

42.1030 Purpose of Subpart

This Subpart:

- (a) empowers CASA to give directions to vary approved maintenance programs and approved reliability programs; and
- (b) requires the person responsible for continuing airworthiness for an aircraft to comply with a direction.

42.1035 CASA may direct variations of approved maintenance programs

- (1) CASA may direct the person responsible for continuing airworthiness for an aircraft to vary the approved maintenance program for the aircraft:
 - (a) to include a particular requirement for maintenance in the program; or
 - (b) to vary a requirement for maintenance in the program.

- (2) CASA may give the direction only if CASA is satisfied that it is necessary to do so to ensure that the program will adequately provide for the continuing airworthiness of the aircraft.
- (3) A direction under this regulation must:
 - (a) be in writing; and
 - (b) specify the time within which the direction must be complied with.
- (4) The person must comply with the direction within the time specified in the direction.

Penalty: 50 penalty units.
- (5) An offence against subregulation (4) is an offence of strict liability.

Subpart 42.L Approval of reliability programs and variations of approved reliability programs

Division 42.L.1 Preliminary

42.1040 Purpose of Subpart

This Subpart sets out the requirements for:

- (a) approval of reliability programs for aircraft to which regulation 42.155 applies; and
- (b) approval of variations of approved reliability programs.

Division 42.L.2 Approval of reliability programs

42.1045 Application for approval of reliability programs

- (1) The person responsible for continuing airworthiness for an aircraft to which regulation 42.155 applies may apply, in writing, to CASA for approval of a proposed reliability program for the aircraft.
- (2) The application must include a copy of the program.

42.1050 Approval of reliability programs

Subject to regulation 11.055, CASA must approve the program if CASA is satisfied that the program complies with the requirements specified in the Part 42 Manual of Standards.

Note 1 See Part 11 for other matters relating to applications and decisions.

Note 2 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, an approval; or
- (b) a decision imposing a condition on an approval.

Division 42.L.3 Approval of variations of approved reliability programs**42.1055 Application for approval of variations of approved reliability programs**

- (1) The person responsible for continuing airworthiness for an aircraft for which there is an approved reliability program may apply, in writing, to CASA for approval of a proposed variation of the program.
- (2) The application must include a copy of the variation.

42.1060 Approval of variations of approved reliability programs

Subject to regulation 11.055, CASA must approve the variation if CASA is satisfied that the program, as varied by the proposed variation, would comply with the requirements specified in the Part 42 Manual of Standards.

Note 1 See Part 11 for other matters relating to applications and decisions.

Note 2 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, an approval; or
- (b) a decision imposing a condition on an approval.

Subpart 42.M Requirements for pilots

42.1065 Purpose of Subpart

This Subpart sets out requirements for pilots.

42.1070 Pre-flight inspection — all aircraft

- (1) If an aircraft's flight manual requires a pre-flight inspection of the aircraft to be carried out before the aircraft is operated for a flight, the pilot in command of the aircraft must ensure that a pre-flight inspection of the aircraft is carried out before the aircraft is operated for the flight.

Penalty: 50 penalty units.

Note For the definition of *flight manual*, see Part 1 of the Dictionary.

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

42.1075 Recording information in flight technical log — all aircraft

Defects and exceeding operating limits

- (1) The pilot in command of an aircraft for a flight (the *first flight*) must ensure that, before the aircraft is next operated for flight, the following information is recorded in the flight technical log for the aircraft:
 - (a) details of any defect of which the pilot becomes aware during the operation of the aircraft, including:
 - (i) any abnormal instrument indication; and
 - (ii) any abnormal behaviour by the aircraft;
 - (b) any instance of the exceeding of an operating limit specified in the aircraft's flight manual during the first flight.

Penalty: 50 penalty units.

Note for paragraph (b) For the definition of *flight manual*, see Part 1 of the Dictionary.

Utilisation information mentioned in regulation 42.190

- (2) If the flight technical log for an aircraft is capable of containing the information mentioned in regulation 42.190 for each flight for the aircraft, the pilot in command of the aircraft for a flight must record that information for the flight in the log before the aircraft is next operated for flight.

Penalty: 50 penalty units.

- (3) Strict liability applies to paragraph (1) (b).
- (4) An offence against subregulation (2) is an offence of strict liability.

Subpart 42.N Record-keeping requirements

42.1080 Purpose of Subpart

This Subpart sets out requirements for records made under this Part.

42.1085 Requirements for making records made under Part

- (1) If a person is required to record information under this Part, or to ensure that information is recorded, the person must ensure that the record:
- (a) is written in a legible form in English; and
 - (b) will remain legible for the time for which the record is required, by this Part, to be kept.

Penalty: 50 penalty units.

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

42.1090 Requirements for keeping records made under Part

- (1) If a person is required to record information under this Part, or to ensure that information is recorded, the person must ensure that the record is kept:
- (a) in a system that allows the record to be retrieved; and

- (b) in a manner that protects the record from being lost, damaged or accidentally altered.

Penalty: 50 penalty units.

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

42.1095 Change to records made under Part

- (1) If a person makes a change to a record made under this Part, the person must make the change in a manner:
 - (a) that retains the original record; and
 - (b) that identifies himself or herself; and
 - (c) that includes the date the change is made.

Penalty: 50 penalty units.

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

Subpart 42.O Copying or disclosing cockpit voice recording information

42.1100 Purpose of Subpart

This Subpart sets out the authorisation of persons for paragraph 32AP (3A) (a) of the Act.

42.1105 Authorisation of persons for paragraph 32AP (3A) (a) of Act

For paragraph 32AP (3A) (a) of the Act, the following persons are authorised:

- (a) a person who:
 - (i) is a staff member within the meaning of the *Transport Safety Investigation Act 2003*; and
 - (ii) has had training with respect to the replay and analysis of cockpit voice recordings; and

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- (iii) has been briefed on the requirements of Part IIIB of the Act;
 - (b) a person who:
 - (i) is to check on behalf of an approved maintenance organisation whether equipment used to make a cockpit voice recording is functioning and reliable; and
 - (ii) has had training from the organisation with respect to the replay and analysis of cockpit voice recordings; and
 - (iii) has been briefed by the organisation on the requirements of Part IIIB of the Act.

[18] Part 43

omit

[19] Part 66

substitute

Part 66 Continuing airworthiness — aircraft engineer licences and ratings

Note *This Part is made up as follows:*

Subpart 66.A	General
66.005	Purpose of Part
66.010	Definitions for Part
66.015	Part 66 Manual of Standards
Subpart 66.B	Aircraft engineer licences
66.020	Applications for licences
66.025	Grant of licence
66.030	Recognition of foreign licences from recognised States held at time of application
66.035	Recognition of foreign licences from recognised States held before time of application

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- 66.040 Recognition of foreign licences not from recognised States held at time of application — assessment by maintenance training organisation
- 66.045 Recognition of foreign licences not from recognised States held at time of application — assessment by CASA
- 66.050 Recognition of foreign licences not from recognised States held before time of application — assessment by maintenance training organisation
- 66.055 Recognition of foreign licences not from recognised States held before time of application — assessment by CASA
- 66.060 Qualifications from excluded States not recognised
- 66.065 Recognition of Defence Force aircraft authorisations held at time of application
- 66.070 Recognition of Defence Force aircraft authorisations held before time of application
- Subpart 66.C Ratings**
- 66.075 Applications for ratings
- 66.080 Grant of rating
- 66.085 Determination of equivalence of certain ratings endorsed on certain licences and authorisations held at time of application
- 66.090 Determination of equivalence of certain ratings endorsed on certain licences and authorisations held before time of application
- 66.095 Grant of rating subject to exclusions — partially equivalent licences or authorisations
- 66.100 Decision on who may give training, assessment and experience for removal of exclusion from rating
- 66.105 Endorsement of rating on licence
- 66.110 Removal of exclusion from rating
- Subpart 66.D Conditions of licences**
- 66.115 Conditions
- 66.120 All licences — general
- 66.125 All licences — medically significant conditions
- 66.130 Category A licences
- 66.135 Category B1 and B2 licences — maintenance certification
- 66.140 Category C licences
- Subpart 66.E Offences**
- Division 66.E.1 Offences that apply to all licensed aircraft maintenance engineers**
- 66.145 General offences

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- 66.150 Medically significant conditions
- Division 66.E.2 Offences that apply to category A licence holders**
- 66.155 Maintenance certification offences
- 66.160 Certificate of release to service offences
- Division 66.E.3 Offences that apply to category B1 and B2 licence holders**
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- Division 66.E.4 Offences that apply to category C licence holders**
- 66.170 Certificate of release to service offences
- Subpart 66.F Administration**
- 66.175 CASA may ask licensed aircraft maintenance engineers for information
- 66.180 Suspension of licence for failure to provide information
- 66.185 CASA must revoke suspension of licence if information provided

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 42.590, 42.650 and 42.700, 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

(1) In this Part:

additional practical experience, for an applicant for an aircraft engineer licence, means practical experience in carrying out maintenance on operating aircraft:

- (a) that the applicant carries out under the supervision of a person who holds the same aircraft engineer licence as the licence applied for; and
- (b) that the applicant carries out on the kind of aircraft mentioned in the following table for the licence.

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.

Examples for paragraph (a)

- 1 Airbus A310 (GE CF6)
- 2 Boeing 747-400 (RR RB211)

Note for paragraph (b) Aircraft mentioned in this paragraph are known as 'non-rated aircraft'.

Examples for paragraph (b)

- 1 Non-rated aircraft (PWC PT6)
- 2 Non-rated aircraft (Honeywell TPE331)

Examples for paragraph (c)

- 1 Small aircraft (PWC PT6)
- 2 Small aircraft (Honeywell TPE331)

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

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.

excluded system has the meaning given by subregulation (2).

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

requalification 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.

- (2) An aircraft system, or a subset of an aircraft system, is an **excluded system** for a rating granted to a person if the system or the subset of the system is excluded from the rating under regulation 66.095.

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;

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- (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;
 - (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.

Note 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 for paragraph (n) See also section 147.A.300 of the Part 147 Manual of Standards (requirements for maintenance training course plans).

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
 - (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; 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
 - (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:
 - (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.

66.030 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

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- (ii) a foreign company incorporated or formed in a recognised State; and
 - (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
 - (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

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- (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
 - (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
 - (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
 - (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
 - (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

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- (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.

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:
- (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

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- (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.

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.

- (3) The application must:
- (a) be in writing; and
 - (b) specify the rating applied for; and
 - (c) be accompanied by copies of documents evidencing the qualifications and experience relevant to the rating applied for; and
 - (d) 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.

66.080 Grant of rating

- (1) Subject to regulation 11.055, CASA must grant a rating to an applicant if CASA is satisfied that:
- (a) if, 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 rating applied for; and
 - (b) the applicant meets the requirements mentioned in subregulation (2), (3) or (4).

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

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- (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.

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:

- (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) for at least 6 months in the 2 years immediately before making the application, the applicant exercised privileges under the licence or authorisation;

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

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- (c) for at least 6 months in the 2 years immediately before making the application, the applicant exercised privileges under the licence or authorisation; and
 - (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 — partially equivalent licences or authorisations

- (1) This regulation 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.

- (2) CASA may grant the rating subject to the exclusion of the aircraft system, or the subset of the aircraft system.

Note CASA may grant a rating subject to any condition that CASA is satisfied is necessary in the interests of the safety of air navigation — see regulation 11.056.

66.100 Decision on who may give 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) the training and assessment that is necessary for the removal of the exclusion; and
- (b) whether the training and assessment:
 - (i) is of a kind that must be provided by a maintenance training organisation; or

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

Note Under regulation 11.060, if CASA decides to impose a condition on an authorisation that was not sought by the applicant, CASA must, as soon as practicable, tell the applicant in writing of the decision and the reasons for it.

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

CASA may remove an exclusion imposed under regulation 66.095 from a rating held by a person if CASA receives:

- (a) evidence from a maintenance training organisation of the successful completion of the training and assessment endorsed on the licence in relation to the exclusion; or
- (b) a notice issued under paragraph 145.A.37 (d) of the Part 145 Manual of Standards by a Part 145 organisation in relation to the training and assessment, and any practical experience, endorsed on the licence in relation to the exclusion.

Note For the privileges that a licensed aircraft maintenance engineer whose licence is endorsed with a rating may exercise, see the Part 66 Manual of Standards.

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.

Certificate of release to service issued on behalf of approved maintenance organisation

- (3) A licensed aircraft maintenance engineer may issue a certificate of release to service 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:
- (a) his or her aircraft engineer licence is endorsed with the rating for the aircraft type; and
 - (b) the organisation has granted him or her a certification authorisation in relation to the aircraft type.

Certificate of release to service issued other than on behalf of approved maintenance organisation

- (4) A licensed aircraft maintenance engineer 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 his or her aircraft engineer licence is endorsed with the rating for the aircraft type.

66.125 All licences — medically significant conditions

- (1) A licensed aircraft maintenance engineer must not, at a particular time, 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 if, at the time:
- (a) he or she 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; and
 - (d) the exercise of the privilege is not permitted by subregulation (2).

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- (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 offences relating to medically significant conditions, see regulation 66.150.

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
 - (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:
- (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

Maintenance certification performed 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:
- (a) both:
 - (i) the licence is endorsed with the rating for the aircraft type; and

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- (ii) if the maintenance was carried out on an excluded system — the organisation has granted the licence holder a certification authorisation in relation to the excluded system in accordance with paragraph 145.A.37 (b) of the Part 145 Manual of Standards; or
 - (b) the organisation has granted the licence holder a certification authorisation in relation to the aircraft type in accordance with paragraph 145.A.37 (c) of the Part 145 Manual of Standards.

Maintenance certification performed on behalf of Subpart 42.F organisation

- (2) A category B1 or B2 licence holder may perform maintenance certification on behalf of a Subpart 42.F organisation for maintenance that was carried out on an aircraft of a particular type rated aircraft type only if:
 - (a) the licence is endorsed with the rating for the aircraft type; and
 - (b) the organisation has granted the licence holder a certification authorisation in relation to the aircraft type.

Maintenance certification performed other than on behalf of approved maintenance organisation

- (3) 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 his or her 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 only if his or her licence is endorsed with the rating for the aircraft type.

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;

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- (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.

Certificate of release to service — requirement for rating

- (3) A licensed aircraft maintenance engineer commits an offence if:
 - (a) he or she issues 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; and
 - (b) at the time of issuing the certificate of release to service, his or her aircraft engineer licence is not endorsed with the rating for the aircraft type.

Penalty: 50 penalty units.

- (4) An offence against subregulation (1), (2) or (3) 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;

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- (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.

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.

- (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 Maintenance certification offences***Maintenance certification performed on behalf of Part 145 organisations*

- (1) A category B1 or B2 licence holder commits an offence if:
- (a) he or she 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, he or she does not meet the requirement mentioned in subregulation (2).

Penalty: 50 penalty units.

- (2) The requirement is that:
- (a) both:
 - (i) his or her licence is endorsed with the rating for the aircraft type; and
 - (ii) if the maintenance was carried out on an excluded system — the organisation has granted the licence holder a certification authorisation in relation to the excluded system in accordance with paragraph 145.A.37 (b) of the Part 145 Manual of Standards; or
 - (b) the organisation has granted the licence holder a certification authorisation in relation to the aircraft type in accordance with paragraph 145.A.37 (c) of the Part 145 Manual of Standards.

Maintenance certification performed on behalf of Subpart 42.F organisations

- (3) A category B1 or B2 licence holder commits an offence if:
- (a) he or she performs maintenance certification on behalf of a Subpart 42.F organisation; and

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- (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, his or her licence is not endorsed with the rating for the aircraft type.

Penalty: 50 penalty units.

Maintenance certification performed other than on behalf of an approved maintenance organisation

- (4) A category B1 or B2 licence holder commits an offence if:
 - (a) he or she 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, his or her licence is not endorsed with the rating for the aircraft type.

Penalty: 50 penalty units.

- (5) An offence against subregulation (1), (3) or (4) 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.

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:
 - (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.

[20] Parts 145, 146 and 147

substitute

**Part 145 Continuing airworthiness —
Part 145 approved
maintenance organisations**

Note *This Part is made up as follows:*

Subpart 145.A General

145.005	Purpose of Part
145.010	Definitions for Part
145.015	Part 145 Manual of Standards
145.020	Regulations 11.070 to 11.075 do not apply in relation to certain matters

Subpart 145.B Approval of Part 145 organisations

- 145.025 Applying for approval
- 145.030 Issuing approval
- 145.035 Approval certificate
- 145.040 Privileges for Part 145 organisations
- 145.045 Approval subject to conditions

Subpart 145.C Changes to Part 145 organisations

- 145.050 Application for approval of significant changes to organisations
- 145.055 Approval of significant changes
- 145.060 Changes to Part 145 organisations that are not significant changes
- 145.065 CASA may direct Part 145 organisations to change exposition

Subpart 145.D Requirements and offences for Part 145 organisations

- 145.070 Provision of maintenance services
- 145.075 Provision of permitted training
- 145.080 Providing employees with exposition
- 145.085 Complying with directions

Subpart 145.A General**145.005 Purpose of Part**

This Part:

- (a) sets out matters relating to Part 145 organisations, including:
 - (i) requirements for approval as a Part 145 organisation; and
 - (ii) requirements that apply to Part 145 organisations; and
- (b) empowers CASA to issue a Manual of Standards for this Part.

145.010 Definitions for Part

(1) In this Part:

accountable manager, for a Part 145 organisation, means the individual, appointed by the organisation, who is responsible for:

- (a) ensuring that the organisation complies with its exposition, each approval rating that it holds, and these Regulations; and
- (b) ensuring that the organisation is able to finance the provision of the maintenance services set out in its exposition; and
- (c) ensuring that the organisation has adequate resources available to enable it to provide maintenance services in accordance with its exposition; and
- (d) establishing and promoting policies for safety management and quality systems in accordance with the requirements of this Part and Part 42.

approval certificate means a certificate issued under regulation 145.035.

approval rating means a rating for a kind of aircraft, aeronautical product or specialist maintenance specified in the Part 145 Manual of Standards.

exposition, for a Part 145 organisation, means the document that is approved by CASA under regulation 145.030 in relation to the organisation, including:

- (a) if a change to the document is approved by CASA under regulation 145.055 — that change; and
- (b) if the document is updated and the organisation gives CASA a copy of the updated part of the document under regulation 145.060 — the updated part of the document; and
- (c) if the organisation makes a change to the document in accordance with a direction given by CASA under regulation 145.065 — that change.

quality manager, for a Part 145 organisation, means the individual, appointed by the organisation, who is responsible for the quality management system described in the Part 145 Manual of Standards for the organisation.

responsible manager, for a Part 145 organisation, means an individual appointed by the organisation to be responsible to the accountable manager for ensuring that the organisation complies with its exposition and these Regulations in relation to a particular matter.

safety manager, for a Part 145 organisation, means the individual, appointed by the organisation, who is responsible for the safety management system described in the Part 145 Manual of Standards for the organisation.

significant change, in relation to a Part 145 organisation, has the meaning given by subregulation (2).

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

- (2) A **significant change**, in relation to a Part 145 organisation, means any of the following changes:
- (a) a change to the organisation's name;
 - (b) a change to the location of the organisation's maintenance facility, including the addition of a new maintenance facility;
 - (c) a change in the personnel holding:
 - (i) the position of accountable manager in the organisation; or
 - (ii) the position of quality manager in the organisation; or
 - (iii) any of the positions of responsible manager in the organisation; or
 - (iv) the position of safety manager in the organisation;
 - (d) a change to the maintenance services provided by the organisation, if the change would require a change to the approval ratings mentioned in the organisation's approval certificate;
 - (e) a change to the permitted training that it is approved to provide;
 - (f) a change to the organisation's facilities, equipment, tools, materials, procedures or certifying employees that could adversely affect the organisation's ability to provide maintenance services that it is approved to provide.

145.015 Part 145 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) maintenance that is specialist maintenance for a Part 145 organisation;
 - (b) ratings for kinds of aircraft, aeronautical products and specialist maintenance;
 - (c) requirements for a Part 145 organisation's exposition;
 - (d) the privileges that apply to an approval rating;
 - (e) requirements for a Part 145 organisation, including requirements in relation to the following:
 - (i) facilities;
 - (ii) managers;
 - (iii) certifying employees;
 - (iv) employee qualifications;
 - (v) the grant of certification authorisations;
 - (vi) training;
 - (vii) equipment, tools and materials;
 - (viii) aeronautical products;
 - (ix) maintenance data;
 - (x) writing procedures for carrying out maintenance;
 - (xi) production planning;
 - (xii) the issue of certificates of release to service;
 - (xiii) in-house maintenance and in-house release documents;
 - (xiv) the fabrication of parts in the course of carrying out maintenance;
 - (xv) records;
 - (xvi) defect reporting;
 - (xvii) a quality management system, including auditing;
 - (xviii) a safety management system;

- (xix) a procedure for making changes to the organisation that are not significant changes;
- (f) requirements for providing permitted training;
- (g) requirements for a Part 145 organisation in relation to arranging for the manufacturer of an aircraft or aircraft engine that forms part of a permitted aircraft type to provide training and assessment for the permitted aircraft type to the organisation's employees.

145.020 Regulations 11.070 to 11.075 do not apply in relation to certain matters

Regulations 11.070 to 11.075 do not apply to:

- (a) a significant change to a Part 145 organisation that is approved by CASA under regulation 145.055; or
- (b) a change to a Part 145 organisation of which CASA is notified under regulation 145.060; or
- (c) a change to a Part 145 organisation that is made as a consequence of a change made to the organisation's exposition in accordance with a direction given by CASA under regulation 145.065.

Subpart 145.B Approval of Part 145 organisations

145.025 Applying for approval

- (1) A person (the *applicant*) may apply to CASA for approval as a Part 145 organisation.
- (2) The application must:
 - (a) be in writing; and
 - (b) be signed by a person who is, or proposes to be, the applicant's accountable manager.
- (3) The application must include the following:
 - (a) a copy of the applicant's proposed exposition;

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- (b) the approval rating sought by the applicant for:
 - (i) each kind of aircraft or aeronautical product for which the applicant proposes to provide maintenance services; and
 - (ii) each kind of specialist maintenance that the applicant proposes to provide;
 - (c) if the applicant intends to provide permitted training for its employees — each aircraft type, aircraft system or subset of an aircraft system for which the applicant intends to provide training.

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.

145.030 Issuing approval

- (1) Subject to regulation 11.055, CASA must approve an applicant as a Part 145 organisation if CASA is satisfied that:
 - (a) the applicant has an exposition that complies with the requirements specified in the Part 145 Manual of Standards; and
 - (b) the applicant has facilities, equipment, materials, maintenance data and tools that are suitable for:
 - (i) providing maintenance services for the kinds of aircraft or aeronautical product for which the applicant proposes to provide maintenance services; and
 - (ii) providing the specialist maintenance that the applicant proposes to provide; and
 - (iii) providing the permitted training that the applicant proposes to provide for its employees; and
 - (c) the facilities, equipment, materials, maintenance data and tools mentioned in paragraph (b) comply with the requirements specified in the Part 145 Manual of Standards; and
 - (d) the applicant has nominated an individual for each of the following positions in the organisation:
 - (i) accountable manager;

- (ii) quality manager;
- (iii) safety manager; and
- (e) the applicant has nominated an individual for each position of responsible manager in the organisation; and
- (f) each individual nominated for a position mentioned in paragraph (d) or (e) is appropriately qualified to hold the position; and
- (g) the audit requirements of the applicant's quality management system will be carried out by a person who is not:
 - (i) the accountable manager; or
 - (ii) a responsible manager.

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, an approval; or
 - (b) a decision imposing a condition on an approval.
- (2) If CASA decides to approve an applicant as a Part 145 organisation, CASA must determine:
- (a) the approval rating for each kind of aircraft or aeronautical product for which the applicant is approved to provide maintenance services; and
 - (b) the approval rating for each kind of specialist maintenance that the applicant is approved to provide; and
 - (c) any limitations applying to an approval rating mentioned in paragraph (a) or (b); and
 - (d) the permitted training that the applicant is approved to provide for its employees.
- (3) In approving the applicant, CASA also approves the applicant's proposed exposition.

145.035 Approval certificate

- (1) If CASA approves an applicant as a Part 145 organisation, CASA must issue a certificate setting out the matters mentioned in paragraphs 145.030 (2) (a) to (c).

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- (2) The certificate issued by CASA must include an approval certificate reference number determined by CASA.
 - (3) If CASA approves a significant change to a Part 145 organisation under regulation 145.055, CASA may issue a new approval certificate to the organisation.

145.040 Privileges for Part 145 organisations

- (1) A Part 145 organisation may provide:
 - (a) maintenance services that it is approved to provide; and
 - (b) permitted training that it is approved to provide for its employees.
- (2) A Part 145 organisation may arrange for training and assessment for a permitted aircraft type to be provided by the manufacturer of the aircraft or the aircraft engine.

145.045 Approval subject to conditions

It is a condition of approval of a Part 145 organisation that:

- (a) the organisation must, at all times, comply with the requirements of:
 - (i) its exposition; and
 - (ii) the approval rating for each kind of aircraft or aeronautical product for which the organisation is approved to provide maintenance services; and
 - (iii) the approval rating for each kind of specialist maintenance that the organisation is approved to provide; and
 - (iv) any limitations applying to an approval rating mentioned in subparagraph (ii) or (iii); and
 - (v) the Part 145 Manual of Standards; and
 - (vi) Part 42 and this Part; and
- (b) the organisation must ensure that, at all times, its employees comply with the requirements mentioned in paragraph (a).

Note 1 The approval is also subject to the conditions set out in Part 11.

Note 2 Subpart 11.G empowers CASA to issue directions.

Subpart 145.C Changes to Part 145 organisations

145.050 Application for approval of significant changes to organisations

- (1) If a Part 145 organisation proposes to make a significant change, the organisation must apply to CASA for approval of the change.
- (2) The application must:
 - (a) be in writing; and
 - (b) set out the proposed change; and
 - (c) include a copy of the part of the exposition consequentially affected by the change, showing the proposed change.
- (3) Subject to subregulation (4), the application must be made before the change is made.
- (4) If:
 - (a) the change is of the kind mentioned in paragraph 145.010 (2) (c); and
 - (b) the organisation does not apply, in accordance with subregulation (2), before making the change;the organisation must apply in accordance with subregulation (2) within 7 days after making the change.

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.

Note 3 Making a significant change without applying for approval in accordance with this regulation will be a breach of condition of an approval — see regulation 145.045.

145.055 Approval of significant changes

- (1) Subject to regulation 11.055, CASA must approve a significant change to a Part 145 organisation if CASA is satisfied that, after making the change, the requirements mentioned in subregulation 145.030 (1) will continue to be met.

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, an approval; or
 - (b) a decision imposing a condition on an approval.
- (2) In approving the significant change, CASA also approves the consequential changes to the applicant's exposition.

145.060 Changes to Part 145 organisations that are not significant changes

- (1) A change that is not a significant change to a Part 145 organisation must be made in accordance with the procedure set out in the organisation's exposition for making changes to the organisation that are not significant changes.
- (2) If such a change is made, the organisation must, within 28 days after making the change:
 - (a) update its exposition; and
 - (b) give CASA written notice of the change and a copy of the updated part of the exposition.

145.065 CASA may direct Part 145 organisations to change exposition

- (1) CASA may direct a Part 145 organisation to change its exposition:
 - (a) to remove particular information from the exposition; or
 - (b) to include particular information in the exposition; or
 - (c) to revise or vary the information in the exposition.

- (2) CASA may give a direction under this regulation only if CASA is satisfied that it is necessary to do so to ensure that the exposition complies with the requirements specified in the Part 145 Manual of Standards.
- (3) A direction under this regulation must:
- (a) be in writing; and
 - (b) specify the time within which the direction must be complied with.

Note The Part 145 organisation must comply with the direction — see regulation 145.085.

Subpart 145.D Requirements and offences for Part 145 organisations

145.070 Provision of maintenance services

- (1) If a Part 145 organisation provides maintenance services, it must provide the services only in accordance with:
- (a) its exposition; and
 - (b) the approval rating for each kind of aircraft or aeronautical product for which the organisation is approved to provide maintenance services; and
 - (c) the approval rating for each kind of specialist maintenance that the organisation is approved to provide; and
 - (d) any limitations applying to an approval rating mentioned in paragraph (b) or (c); and
 - (e) the privileges that apply to the approval rating under the Part 145 Manual of Standards.

Penalty: 50 penalty units.

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

145.075 Provision of permitted training

- (1) If a Part 145 organisation provides permitted training for its employees, it must:
 - (a) provide only the permitted training that it is approved to provide; and
 - (b) provide the permitted training only in accordance with its exposition.

Penalty: 50 penalty units.

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

145.080 Providing employees with exposition

- (1) If a Part 145 organisation's exposition relates to the duties of an employee of the organisation, the organisation must make the part of the organisation's exposition that relates to those duties available to the employee before the employee begins carrying out the duties.

Penalty: 50 penalty units.

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

145.085 Complying with directions

- (1) If CASA gives a direction to a Part 145 organisation under regulation 145.065, the organisation must comply with the direction within the time mentioned in the direction.

Penalty: 50 penalty units.

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

Part 147 **Continuing airworthiness — maintenance training organisations**

Note *This Part is made up as follows:*

Subpart 147.A **General**

- 147.005 Purpose of Part
- 147.010 Definitions for Part
- 147.015 Part 147 Manual of Standards
- 147.020 Regulations 11.070 to 11.075 do not apply in relation to certain matters

Subpart 147.B **Approval of maintenance training organisations**

- 147.025 Applying for approval
- 147.030 Issuing approval
- 147.035 Approval certificate
- 147.040 Privileges for maintenance training organisations
- 147.045 Approval subject to conditions

Subpart 147.C **Changes to maintenance training organisations**

- 147.050 Application for approval of significant changes to organisations
- 147.055 Decision on application for approval of significant changes
- 147.060 Changes to maintenance training organisations that are not significant changes
- 147.065 CASA may direct maintenance training organisations to change exposition

Subpart 147.D **Requirements and offences for maintenance training organisations**

- 147.070 Provision of maintenance training and assessment
- 147.075 Assessment of foreign licences
- 147.080 Providing employees with exposition
- 147.085 Complying with directions

Subpart 147.A General

147.005 Purpose of Part

This Part:

- (a) sets out matters relating to maintenance training organisations, including:
 - (i) requirements for approval as a maintenance training organisation; and
 - (ii) requirements that apply to maintenance training organisations; and
- (b) empowers CASA to issue a Manual of Standards for this Part.

147.010 Definitions for Part

- (1) In this Part:

accountable manager, for a maintenance training organisation, means the individual, appointed by the organisation, who is responsible for ensuring that the organisation:

- (a) complies with its exposition and these Regulations; and
- (b) is able to finance the provision of the kinds of maintenance training set out in its exposition; and
- (c) has adequate resources available to enable it to provide maintenance training in accordance with its exposition.

aircraft type has the meaning given by subregulation 66.010 (1).

approval certificate means a certificate issued under regulation 147.035.

assessment means an assessment of units of competency for category training, or elements for aircraft type training, by any or all of the following means:

- (a) examination of theory by means of written questions or oral questions or both;
- (b) practical testing of the skills acquired in practical training;
- (c) consideration of evidence for recognition of prior learning.

Examples of evidence that may be assessed for recognition of prior learning

- 1 Responses to interview questions.
- 2 Formal qualifications and other documents evidencing an area of competence.
- 3 Third party verification.
- 4 Workplace observation.
- 5 Sample examination results or sample practical test results.

course plan, for a maintenance training organisation and a maintenance training course, means the plan for the maintenance training course set out in the organisation's exposition.

exposition, for a maintenance training organisation, means the document that is approved by CASA under regulation 147.030 in relation to the organisation, including:

- (a) if a change to the document is approved under regulation 147.055 — that change; and
- (b) if the document is updated and the organisation gives CASA a copy of the updated part of the document under subregulation 147.060 — the updated part of the document; and
- (c) if the organisation makes a change to the document in accordance with a direction given by CASA under regulation 147.065 — that change.

feedback system, for a quality management system, has the meaning given by the Part 147 Manual of Standards.

practical training means training that allows a student who has undertaken training in theory to practise applying the theory.

quality management system, for a maintenance training organisation, means the quality management system described in the Part 147 Manual of Standards.

recognition of prior learning means full or partial credit given in a unit of competency for category training, or in an element for aircraft type training, for prior work experience, training or qualifications attained in Australia or a foreign country.

registered training organisation means an organisation that is registered in accordance with the Australian Quality Training Framework to provide vocational training and assessment services and award qualifications.

responsible manager, for a maintenance training organisation, means an individual appointed by the organisation to be responsible to the accountable manager for ensuring that the organisation complies with its exposition and these Regulations in relation to a particular matter.

significant change, in relation to a maintenance training organisation, has the meaning given by subregulation (2).

theory means a theoretical element of aircraft type training or category training.

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

- (2) A **significant change**, in relation to a maintenance training organisation, means any of the following changes:
- (a) a change to the organisation's name;
 - (b) a change to the location of the organisation's maintenance training facility, including the addition of a new maintenance training facility;
 - (c) a change in the personnel holding:
 - (i) the position of accountable manager in the organisation; or
 - (ii) any of the positions of responsible manager in the organisation;
 - (d) a change to a course or a course plan provided by the organisation, other than a change resulting from a change to Appendix I, II, III or IV to the Part 66 Manual of Standards;
 - (e) a change to the organisation's quality management system, other than a change involving the taking of any necessary corrective action under the feedback system;
 - (f) a change to the organisation's facilities, personnel, record management system, instructional equipment, maintenance training material or procedures that could adversely affect the organisation's ability to provide the maintenance training that it is approved to provide.

147.015 Part 147 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) the category training a maintenance training organisation may be approved to provide;
 - (b) the aircraft type training a maintenance training organisation may be approved to provide;
 - (c) the kinds of assessment a maintenance training organisation may be approved to carry out;
 - (d) requirements for a maintenance training organisation's exposition;
 - (e) requirements for a maintenance training organisation, including requirements in relation to the following:
 - (i) facilities;
 - (ii) employees, including employee qualifications;
 - (iii) records of instructors and assessors;
 - (iv) course plans;
 - (v) conduct of assessments;
 - (vi) instructional equipment;
 - (vii) maintenance training material;
 - (viii) records;
 - (ix) training procedures and the quality management system, including auditing;
 - (x) assessments;
 - (xi) a procedure for making changes to the organisation that are not significant changes.

147.020 Regulations 11.070 to 11.075 do not apply in relation to certain matters

Regulations 11.070 to 11.075 do not apply to:

- (a) a significant change to a maintenance training organisation that is approved by CASA under regulation 147.055; or

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- (b) a change to a maintenance training organisation of which CASA is notified under regulation 147.060; or
 - (c) a change to a maintenance training organisation that is made as a consequence of a change made to the organisation's exposition in accordance with a direction given by CASA under regulation 147.065.

Subpart 147.B Approval of maintenance training organisations

147.025 Applying for approval

- (1) A person (the *applicant*) may apply to CASA for approval as a maintenance training organisation.
- (2) Only a person who is a registered training organisation may apply for approval as a maintenance training organisation to provide category training or carry out assessment of units of competency.
- (3) The application must:
 - (a) be in writing; and
 - (b) be signed by a person who is, or proposes to be, the applicant's accountable manager.
- (4) The application must include the following:
 - (a) a copy of the applicant's proposed exposition;
 - (b) if the applicant is seeking approval to provide category training — the categories of aircraft engineer licence for which the applicant proposes to provide training;
 - (c) if the applicant is seeking approval to provide aircraft type training — the ratings for which the applicant proposes to provide training;
 - (d) the kinds of assessment that the applicant proposes to carry out;
 - (e) whether the applicant is seeking approval to recognise prior learning for assessment purposes.

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.

147.030 Issuing approval

- (1) Subject to regulation 11.055, CASA must approve an applicant as a maintenance training organisation if CASA is satisfied that:
- (a) the applicant has an exposition that complies with the requirements specified in the Part 147 Manual of Standards; and
 - (b) the applicant has facilities, personnel, a record management system, instructional equipment, maintenance training material and a quality management system that comply with the Part 147 Manual of Standards; and
 - (c) the applicant has nominated an individual for the position of accountable manager in the organisation; and
 - (d) the applicant has nominated an individual for each position of responsible manager in the organisation; and
 - (e) each individual nominated for a position mentioned in paragraph (c) or (d) is appropriately qualified to hold the position.

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, an approval; or
 - (b) a decision imposing a condition on an approval.
- (2) If CASA decides to approve an applicant as a maintenance training organisation, CASA must determine:
- (a) whether the organisation is approved to provide:
 - (i) category training; or
 - (ii) aircraft type training; or
 - (iii) both category training and aircraft type training; and
 - (b) if the organisation is approved to provide category training — the categories of aircraft engineer licence for which the applicant is approved to provide training; and

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- (c) if the organisation is approved to provide aircraft type training — the ratings for which the applicant is approved to provide training; and
 - (d) the kinds of assessment that the organisation is approved to carry out; and
 - (e) whether the organisation may recognise prior learning for assessment purposes.
- (3) Subject to regulation 11.055, CASA must approve an applicant to provide category training if:
 - (a) CASA has approved the applicant as a maintenance training organisation; and
 - (b) CASA is satisfied that the applicant meets the criteria set out in Appendices I, II and IV to the Part 66 Manual of Standards.
 - (4) Subject to regulation 11.055, CASA must approve an applicant to provide aircraft type training if:
 - (a) CASA has approved the applicant as a maintenance training organisation; and
 - (b) CASA is satisfied that the applicant meets the criteria set out in Appendix III to the Part 66 Manual of Standards.
 - (5) In approving the applicant, CASA also approves the applicant's proposed exposition.

147.035 Approval certificate

- (1) If CASA approves an applicant as a maintenance training organisation, CASA must issue a certificate setting out the matters mentioned in subregulation 147.030 (2).
- (2) The certificate issued by CASA must include an approval certificate reference number determined by CASA.
- (3) If CASA approves a significant change to a maintenance training organisation under regulation 147.055, CASA may issue a new approval certificate to the organisation.

147.040 Privileges for maintenance training organisations

A maintenance training organisation may:

- (a) provide maintenance training that it is approved to provide; and
- (b) carry out assessments that it is approved to carry out; and
- (c) if the organisation is approved to recognise prior learning for assessment purposes — carry out assessments based on recognition of prior learning; and
- (d) issue certificates, in the approved form, to students who have successfully completed that training and assessment.

147.045 Approval subject to conditions

It is a condition of approval of a maintenance training organisation that:

- (a) the organisation must, at all times, comply with the requirements of:
 - (i) its approval as a maintenance training organisation; and
 - (ii) its exposition; and
 - (iii) the Part 147 Manual of Standards; and
 - (iv) this Part; and
- (b) the organisation must ensure that, at all times, its employees comply with the requirements mentioned in paragraph (a).

Note 1 The approval is also subject to the conditions set out in Part 11.

Note 2 Subpart 11.G empowers CASA to issue directions.

Subpart 147.C Changes to maintenance training organisations**147.050 Application for approval of significant changes to organisations**

- (1) If a maintenance training organisation proposes to make a significant change, the organisation must apply to CASA for approval of the change.

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- (2) The application must:
- (a) be in writing; and
 - (b) set out the proposed change; and
 - (c) include a copy of the part of the exposition consequentially affected by the proposed change, showing the proposed change.
- (3) Subject to subregulation (4), the application must be made before the change is made.
- (4) If:
- (a) the change is:
 - (i) a change of the kind mentioned in paragraph 147.010 (2) (c); or
 - (ii) a change of the kind mentioned in paragraph 147.010 (2) (f) in relation to the personnel of the organisation; and
 - (b) the organisation does not apply, in accordance with subregulation (2), before making the change;
- the organisation must apply in accordance with subregulation (2) within 7 days after making the change.

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.

Note 3 Making a significant change without applying for approval in accordance with this regulation will be a breach of condition of an approval — see regulation 147.045.

147.055 Decision on application for approval of significant changes

- (1) Subject to regulation 11.055, CASA must approve a significant change to a maintenance training organisation if CASA is satisfied that, after making the change, the requirements mentioned in subregulation 147.030 (1) will continue to be met.

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, an approval; or
 - (b) a decision imposing a condition on an approval.
- (2) In approving the significant change, CASA also approves the consequential changes to the applicant's exposition.

147.060 Changes to maintenance training organisations that are not significant changes

- (1) A change that is not a significant change to a maintenance training organisation must be made in accordance with the amendment procedure set out in the organisation's exposition.
- (2) If such a change is made, the organisation must, within 28 days after making the change:
 - (a) update its exposition; and
 - (b) give CASA written notice of the change and a copy of the updated part of the exposition.

147.065 CASA may direct maintenance training organisations to change exposition

- (1) CASA may direct a maintenance training organisation to change its exposition:
 - (a) to remove particular information from the exposition; or
 - (b) to include particular information in the exposition; or
 - (c) to revise or vary the information in the exposition.

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- (2) CASA may give a direction under this regulation only if CASA is satisfied that it is necessary to do so to ensure that the exposition complies with the requirements specified in the Part 147 Manual of Standards.
- (3) A direction under this regulation must:
- (a) be in writing; and
 - (b) specify the time within which the direction must be complied with.

Note The maintenance training organisation must comply with the direction — see regulation 147.085.

Subpart 147.D Requirements and offences for maintenance training organisations

147.070 Provision of maintenance training and assessment

- (1) If a maintenance training organisation provides maintenance training, carries out assessments or issues certificates, it must do so only in accordance with:
- (a) its approval as a maintenance training organisation; and
 - (b) its exposition; and
 - (c) the Part 147 Manual of Standards.

Penalty: 50 penalty units.

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

147.075 Assessment of foreign licences

- (1) 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.

Penalty: 50 penalty units.

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

Note 1 Subregulation 66.060 prevents the recognition of a licence issued by an excluded State.

Note 2 For recognition of a foreign licence issued by a recognised State, see regulations 66.030 and 66.035.

Note 3 For recognition of a foreign licence not issued by a recognised State, see regulations 66.040, 66.045, 66.050 and 66.055.

147.080 Providing employees with exposition

- (1) If a maintenance training organisation's exposition relates to the duties of an employee of the organisation, the organisation must make the part of the organisation's exposition that relates to those duties available to the employee before the employee begins carrying out the duties.

Penalty: 50 penalty units.

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

147.085 Complying with directions

- (1) If CASA gives a maintenance training organisation a direction under regulation 147.065, the organisation must comply with the direction within the time mentioned in the direction.

Penalty: 50 penalty units.

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

[21] Paragraph 201.004 (q)

omit

aerodrome.

insert

aerodrome; or

[22] After paragraph 201.004 (q)*insert*

- (r) a determination under regulation 202.343 or 202.344 that CASA would not have issued an aircraft maintenance engineer licence (within the meaning given by regulation 202.340) to a person; or
- (s) a determination under regulation 202.345 that CASA would not have issued a CAO 100.66 maintenance authority (within the meaning given by regulation 202.340) to a person.

[23] After Subpart 202.AZ*insert***Subpart 202.BA Transitional provisions for Part 42
(Continuing airworthiness
requirements for aircraft and
aeronautical products)****202.180 Application of Part 42 from 27 June 2011 until the
end of 26 June 2013**

- (1) Part 42 applies to:
 - (a) a registered aircraft:
 - (i) that is authorised to operate under an AOC issued for a purpose mentioned in paragraph 206 (1) (c) of CAR; and
 - (ii) that is of a particular type and model; and
 - (iii) the registered operator of which is a continuing airworthiness management organisation for that type and model of aircraft; and
 - (b) an aeronautical product for an aircraft mentioned in paragraph (a).
- (2) Part 42 applies to a Part 145 organisation that is carrying out maintenance on:
 - (a) an aircraft mentioned in paragraph (1) (a); or

- (b) an aeronautical product for an aircraft mentioned in paragraph (1) (a).
- (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).
- (4) This regulation ceases to have effect at the end of 26 June 2013.

202.181 Application of Part 42 on and after 27 June 2013

- (1) On and after 27 June 2013, 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) an aeronautical product for an aircraft mentioned in paragraph (a).
- (2) On and after 27 June 2013, Part 42 applies to a Part 145 organisation that is carrying out maintenance on:
 - (a) an aircraft mentioned in paragraph (1) (a); or
 - (b) an aeronautical product for an aircraft mentioned in paragraph (1) (a).
- (3) On and after 27 June 2013, 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).

202.182 Certificates of release to service taken to include maintenance releases (paragraph 42.030 (2) (b))

For paragraph 42.030 (2) (b), a reference to a certificate of release to service for an aircraft in relation to maintenance carried out on the aircraft is taken to include a maintenance release for the aircraft in relation to that maintenance.

**202.183 Application of subparagraph 42.030 (2) (c) (ii)
(airworthiness review certificates) to existing and
new aircraft**

Existing aircraft

- (1) Subparagraph 42.030 (2) (c) (ii) applies to the registered operator of an existing aircraft of a particular type and model on and after the day that is 3 years after the approval day for the operator for that type and model of aircraft.
- (2) An aircraft of a particular type and model is an **existing aircraft** for a registered operator if the aircraft is mentioned in the registered operator's AOC on the approval day for the operator for that type and model of aircraft.

New aircraft

- (3) Subparagraph 42.030 (2) (c) (ii) applies to the registered operator of a new aircraft of a particular type and model on and after the day after the approval day for the operator for that type and model of aircraft.
- (4) An aircraft of a particular type and model is a **new aircraft** for a registered operator if the aircraft was added to the registered operator's AOC after the approval day for the operator for that type and model of aircraft.

Approval day

- (5) In this regulation:
approval day, for the registered operator of a particular type and model of aircraft, means the day when the operator is approved as a continuing airworthiness management organisation for that type and model of aircraft.

202.184 References to persons permitted to carry out maintenance (regulations 42.080 and 42.430)*Aircraft*

- (1) For subregulation 42.080 (1) and paragraph 42.430 (2) (a), and subject to subregulation (3), a reference to a person who is permitted to carry out maintenance on an aircraft under regulation 42.295 or 42.300 is taken to include a person who is permitted by regulation 42ZC or 42ZD of CAR to carry out maintenance on the aircraft.

Aeronautical products

- (2) For subregulation 42.080 (3), and subject to subregulation (3), a reference to a person who is permitted to carry out maintenance on an aeronautical product of a particular kind under regulation 42.305 is taken to include a person who is permitted by regulation 42ZC or 42ZD of CAR to carry out maintenance on an aircraft component that is an aeronautical product of that kind.
- (3) This regulation does not apply to:
- (a) a person mentioned in paragraph 42ZC (3) (c) of CAR; or
 - (b) a person who:
 - (i) is mentioned in paragraph 42ZC (3) (d) or (4) (e) or 42ZD (2) (c) of CAR; and
 - (ii) is not employed by, or working under an arrangement with, a person who holds a certificate of approval covering the maintenance.
- (4) This regulation ceases to have effect at the end of 26 June 2013.

202.185 Approved maintenance programs taken to include approved systems of maintenance

For Part 42, a reference to an approved maintenance program for an aircraft is taken to include an approved system of maintenance for the aircraft.

202.186 Approved reliability programs taken to include reliability programs included in approved systems of maintenance

For Part 42, a reference to an approved reliability program for an aircraft is taken to include a reliability program included in an approved system of maintenance for the aircraft.

202.187 References to deferral of rectification of defects and recording of defects

- (1) For subparagraph 42.030 (2) (e) (ii) and paragraphs 42.115 (1) (c), 42.745 (f) and 42.900 (2) (e), a reference to the deferral of the rectification of a defect in an aircraft in accordance with Subdivision 42.D.6.1 is taken to include the endorsement of a maintenance release that is in force for the aircraft with information about the defect.
- (2) For regulation 42.355, a reference to recording a defect in an aircraft in the continuing airworthiness records system for the aircraft is taken to include the endorsement of a maintenance release that is in force for the aircraft with information about the defect.
- (3) In this regulation:
maintenance release, for the registered operator of an aircraft, includes another document approved by CASA for use by the operator as an alternative for the purposes of regulation 49 or 50 of CAR.

202.188 References to authorised release certificates (subparagraphs 42.420 (5) (a) (i) and (b) (i))

- (1) For subparagraphs 42.420 (5) (a) (i) and (b) (i), a reference to an authorised release certificate is taken to include an authorised release certificate within the meaning given by subclause 18 (1) of Part 2 of the Dictionary.
- (2) This regulation ceases to have effect at the end of 26 June 2013.

202.189 In-house release documents taken to include equivalent documents (subparagraph 42.420 (5) (b) (ii))

- (1) This regulation applies to a Part 145 organisation that, before becoming a Part 145 organisation, was the holder of a certificate of approval that covered maintenance of aircraft or aircraft components.
- (2) If, before the organisation became a Part 145 organisation, the organisation:
 - (a) carried out maintenance on an aeronautical product that is an aircraft component; and
 - (b) produced a document in relation to the maintenance:
 - (i) that is equivalent to an in-house release document; and
 - (ii) that includes information that enables the identification of the authorised release certificate, within the meaning given by subclause 18 (1) of Part 2 of the Dictionary, for the product;then, for subparagraph 42.420 (5) (b) (ii), a reference to an in-house release document is taken, in relation to the maintenance, to include the equivalent document.
- (3) This regulation ceases to have effect at the end of 26 June 2013.

202.190 References to fabrication of parts (regulation 42.435)

- (1) This regulation applies to an approved maintenance organisation that, before becoming an approved maintenance organisation, was the holder of a certificate of approval that covered maintenance of aircraft or aircraft components.
- (2) For regulation 42.435, if the organisation fabricated a part before the organisation became an approved maintenance organisation, a reference to a part fabricated by the approved maintenance organisation is taken to include that part.
- (3) This regulation ceases to have effect at the end of 26 June 2013.

202.191 Maintenance certification taken to include certification of completion of maintenance (paragraph 42.745 (c))

- (1) This regulation applies to an approved maintenance organisation that, before becoming an approved maintenance organisation:
 - (a) was the holder of a certificate of approval that covered maintenance of aircraft or aircraft components; and
 - (b) carried out maintenance on an aircraft.
- (2) For paragraph 42.745 (c), a reference to maintenance certification having been performed for maintenance carried out on an aircraft is taken to include, in relation to maintenance mentioned in paragraph (1) (b), certification of the completion of the maintenance in accordance with regulation 42ZE or 42ZN of CAR if:
 - (a) a maintenance release has been issued for the maintenance; and
 - (b) the maintenance release includes an endorsement that the release is issued subject to a condition that specified maintenance must be carried out before a certificate of release to service can be issued for the aircraft in relation to maintenance carried out on the aircraft.

202.192 Maintenance certification and certificates of release to service taken to include maintenance releases (paragraph 42.900 (2) (i))

- (1) This regulation applies to an aircraft on which maintenance was carried out before Part 42 applied to the aircraft.
- (2) For paragraph 42.900 (2) (i), a reference to maintenance certification having been performed, and a certificate of release to service having been issued, for maintenance carried out on the aircraft before Part 42 applied to the aircraft is taken to include the issue of a maintenance release for the maintenance.

202.193 Reference to maintenance carried out in accordance with Part 42 (subparagraph 42.795 (c) (i))

- (1) This regulation applies to an approved maintenance organisation that, before becoming an approved maintenance organisation:
 - (a) was the holder of a certificate of approval that covered maintenance of aircraft or aircraft components; and
 - (b) carried out maintenance:
 - (i) on an aeronautical product that is an aircraft component; and
 - (ii) in accordance with the approved maintenance data for the component.

Note For the definition of *approved maintenance data*, see subsection 2 (1) of CAR.

- (2) For subparagraph 42.795 (c) (i), a reference to maintenance having been carried out on the product in accordance with Part 42 is taken to include maintenance mentioned in paragraph (1) (b) if:
 - (a) an authorised release certificate for the component, within the meaning given by subclause 18 (1) of Part 2 of the Dictionary, has been issued in respect of the maintenance; and
 - (b) the certificate is signed by a person mentioned in subregulation 42WA (2) of CAR.
- (3) This regulation ceases to have effect at the end of 26 June 2013.

202.194 CASA may direct making of applications under regulation 42.585

- (1) CASA may direct the registered operator of an aircraft of a particular type and model to make an application under regulation 42.585 for approval as a continuing airworthiness management organisation for that type and model of aircraft.
- (2) A direction under this regulation must:
 - (a) be in writing; and

(b) specify the time within which the direction must be complied with.

- (3) A person to whom a direction is given must comply with the direction within the time specified in the direction.

Note CASA intends to give directions under this regulation to assist it in managing the implementation of Part 42.

[24] Subpart 202.BB

omit

[25] Subpart 202.CG

substitute

**Subpart 202.CG Transitional provisions for Part 66
(Continuing airworthiness —
aircraft engineer licences and
ratings)**

202.340 Definitions for Subpart

In this Subpart:

aircraft maintenance engineer licence means an aircraft maintenance engineer licence granted under regulation 31 of CAR, as in force before 27 June 2011.

CAO 100.66 maintenance authority means an airworthiness authority:

- (a) of the kind mentioned in paragraph 33B (1) (a) of CAR; and
- (b) issued by CASA in accordance with Schedule 1 to the *Civil Aviation Order 100.66 Instrument 2007*, as in force before 27 June 2011.

qualified person has the meaning given by subregulation 31 (4) of CAR, as in force immediately before 27 June 2011.

202.341 Aircraft maintenance engineer licences and CAO 100.66 maintenance authorities held on 26 June 2011

- (1) This regulation applies to a person who, on 26 June 2011, holds:
 - (a) an aircraft maintenance engineer licence; or
 - (b) a CAO 100.66 maintenance authority.
- (2) On 27 June 2011, the person is taken to have applied for, and to meet the requirements mentioned in regulations 66.025 and 66.080 for the grant of:
 - (a) an aircraft engineer licence of each category or subcategory that relates to a kind of aircraft, and a kind of maintenance, that was covered by the aircraft maintenance engineer licence or the CAO 100.66 maintenance authority; and
 - (b) a rating for each type rated aircraft type that was covered by the aircraft maintenance engineer licence or the CAO 100.66 maintenance authority.

202.342 Aircraft maintenance engineer licences that were suspended on 26 June 2011

- (1) This regulation applies to a person if:
 - (a) before 27 June 2011, the person held an aircraft maintenance engineer licence; and
 - (b) on or before 26 June 2011, CASA suspended the licence; and
 - (c) on 26 June 2011, the suspension was in force.
- (2) Despite the repeal of regulation 31 of CAR:
 - (a) the period of currency of the licence continues to run; and
 - (b) CASA may revoke the suspension of the licence.

-
- (3) If CASA revokes the suspension of the licence, the person is taken, on the day that the revocation takes effect, to have applied for, and to meet the requirements mentioned in regulations 66.025 and 66.080 for the grant of:
- (a) an aircraft engineer licence of each category or subcategory that relates to a kind of aircraft, and a kind of maintenance, that was covered by the aircraft maintenance engineer licence; and
 - (b) a rating for each type rated aircraft type that was covered by the aircraft maintenance engineer licence.

202.343 Applications for aircraft maintenance engineer licences made but not finally determined before 27 June 2011

- (1) This regulation applies if:
- (a) before 27 June 2011, an application was made under regulation 31 of CAR for an aircraft maintenance engineer licence by:
 - (i) a qualified person; or
 - (ii) a person who satisfies CASA of the matters mentioned in subregulation 31 (6) of CAR, as in force immediately before 27 June 2011; and
 - (b) the application was not finally determined by CASA before 27 June 2011.
- (2) CASA must determine whether CASA would have issued an aircraft maintenance engineer licence to the person under regulation 31 of CAR, as in force immediately before 27 June 2011.
- (3) If CASA determines that CASA would have issued an aircraft maintenance engineer licence to the person, the person is taken to have applied for, and to meet the requirements mentioned in regulations 66.025 and 66.080 for the grant of:
- (a) an aircraft engineer licence of each category or subcategory that relates to a kind of aircraft, and a kind of maintenance, that would have been covered by the aircraft maintenance engineer licence; and

- (b) a rating for each type rated aircraft type that would have been covered by the aircraft maintenance engineer licence.
- (4) If CASA determines that CASA would not have issued an aircraft maintenance engineer licence to the person, CASA must give the person notice in writing of:
 - (a) the determination; and
 - (b) the reasons for the determination.

202.344 Applications for aircraft maintenance engineer licences made on or after 27 June 2011

- (1) Despite the repeal of regulation 31 of CAR, an application may be made under that regulation for an aircraft maintenance engineer licence by:
 - (a) a qualified person; or
 - (b) a person who satisfies CASA of the matters mentioned in subregulation 31 (6) of CAR, as in force immediately before 27 June 2011.
- (2) CASA must determine whether CASA would have issued an aircraft maintenance engineer licence to the person under regulation 31 of CAR, as in force immediately before 27 June 2011.
- (3) If CASA determines that CASA would have issued an aircraft maintenance engineer licence to the person, the person is taken to have applied for, and to meet the requirements mentioned in regulations 66.025 and 66.080 for the grant of:
 - (a) an aircraft engineer licence of each category or subcategory that relates to a kind of aircraft, and a kind of maintenance, that would have been covered by the aircraft maintenance engineer licence; and
 - (b) a rating for each type rated aircraft type that would have been covered by the aircraft maintenance engineer licence.
- (4) If CASA determines that CASA would not have issued an aircraft maintenance engineer licence to the person, CASA must give the person notice in writing of:
 - (a) the determination; and
 - (b) the reasons for the determination.

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- (5) This regulation ceases to have effect at the end of 26 June 2015.

202.345 Applications for CAO 100.66 maintenance authorities made but not finally determined before 27 June 2011

- (1) This regulation applies if:
- (a) before 27 June 2011, a person made an application for a CAO 100.66 maintenance authority; and
 - (b) the application was not finally determined by CASA before 27 June 2011.
- (2) CASA must determine whether CASA would have issued a CAO 100.66 maintenance authority to the person under regulation 33B of CAR, as in force immediately before 27 June 2011.
- (3) If CASA determines that CASA would have issued a CAO 100.66 maintenance authority to the person, the person is taken to have applied for, and to meet the requirements mentioned in regulations 66.025 and 66.080 for the grant of:
- (a) an aircraft engineer licence of each category or subcategory that relates to a kind of aircraft, and a kind of maintenance, that would have been covered by the authority; and
 - (b) a rating for each type rated aircraft type that would have been covered by the authority.
- (4) If CASA determines that CASA would not have issued a CAO 100.66 maintenance authority to the person, CASA must give the person notice in writing of:
- (a) the determination; and
 - (b) the reasons for the determination.

202.346 Having regard to other airworthiness authorities in granting aircraft engineer licences

If:

- (a) a person mentioned in regulations 202.341 to 202.345 holds, or has held, an airworthiness authority of the kind mentioned in paragraph 33B (1) (a) of CAR, other than a CAO 100.66 maintenance authority; and
 - (b) CASA grants an aircraft engineer licence to the person;
- CASA must have regard to the authority in granting the licence.

Note In granting an aircraft engineer licence to a person, CASA wishes to be able to have regard to whether a person holds, or has held, an airworthiness authority mentioned in paragraph (a). The airworthiness authority may be relevant to whether CASA imposes a condition or limitation on a licence.

202.347 Medically significant conditions

- (1) This regulation applies to a person if:
 - (a) before 27 June 2011, the person held an aircraft maintenance engineer licence or a CAO 100.66 maintenance authority; and
 - (b) when applying for the licence or authority, the person notified CASA that he or she had a medically significant condition (within the meaning given by subregulation 67.010 (1)); and
 - (c) under this Subpart, the person is taken to have applied for an aircraft engineer licence or a rating.
- (2) The person is taken to have specified the condition in the application.

Note See paragraph 66.125 (1) (c) and subparagraph 66.150 (1) (b) (iii).

[26] Subparts 202.GE, 202.GF and 202.GG

substitute

**Subpart 202.GE Transitional provisions for
Part 145 (Continuing
airworthiness — Part 145
approved maintenance
organisations)**

**202.800 CASA may direct making of applications under
regulation 145.025**

- (1) CASA may direct the holder of a certificate of approval that covers maintenance of an aircraft or aeronautical product to which Part 42 applies to make an application under regulation 145.025 for approval as a Part 145 organisation.
- (2) A direction under this regulation must:
 - (a) be in writing; and
 - (b) specify the time within which the direction must be complied with.
- (3) The holder of the certificate must comply with the direction within the time specified in the direction.

Note CASA intends to give directions under this regulation to assist it in managing the implementation of Part 145.

**Subpart 202.GG Transitional provisions for
Part 147 (Continuing
airworthiness — maintenance
training organisations)**

**202.840 Recognised organisations taken to be maintenance
training organisations**

- (1) This regulation applies to an organisation that, immediately before 27 June 2011, is a recognised organisation within the meaning given by Schedule 1 to the *Civil Aviation Order 100.66 Instrument 2007*.
- (2) On 27 June 2011, the organisation is taken to have applied for, and to meet the requirements mentioned in regulation 147.030 for the grant of, approval as a maintenance training organisation.

**202.841 Applications for approval as a recognised
organisation made but not finally determined before
27 June 2011**

- (1) This regulation applies to a person if:
 - (a) before 27 June 2011, the person made an application for approval as a recognised organisation; and
 - (b) the application was not finally determined by CASA before 27 June 2011.
- (2) On 27 June 2011, the person is taken to have made an application under regulation 147.025 for approval as a maintenance training organisation.

**202.842 CASA may direct the making of applications under
regulation 147.025**

- (1) CASA may direct the holder of a certificate of approval that covers:
 - (a) the training of candidates for examinations mentioned in paragraph 31 (4) (e) of CAR, as in force before 27 June 2011; or

(b) the conducting of examinations mentioned in paragraph 31 (4) (e) of CAR, as in force before 27 June 2011; to make an application under regulation 147.025 for approval as a maintenance training organisation.

- (2) A direction under this regulation must:
- (a) be in writing; and
 - (b) specify the time within which the direction must be complied with.
- (3) The holder of the certificate must comply with the direction within the time mentioned in the direction.

Note CASA intends to give directions under this regulation to assist it in managing the implementation of Part 147.

[27] Dictionary, Part 1, after definition of *AIP-ERSA*

insert

aircraft engineer licence means any of the following licences granted under regulation 66.025:

- (a) subcategory A1;
- (b) subcategory A2;
- (c) subcategory A3;
- (d) subcategory A4;
- (e) subcategory B1.1;
- (f) subcategory B1.2;
- (g) subcategory B1.3;
- (h) subcategory B1.4;
- (i) category B2;
- (j) category C.

[28] Dictionary, Part 1, definition of *authorised person*

after

a provision

insert

of CASR

[29] Dictionary, Part 1, definition of *authorised release certificate*

substitute

authorised release certificate has the meaning given by clause 18 of Part 2 of this Dictionary.

[30] Dictionary, Part 1, after definition of *certificate of registration*

insert

certificate of release to service means:

- (a) for an aircraft — a document that complies with subregulation 42.760 (1); and
- (b) for an aeronautical product — a document that complies with subregulation 42.810 (1) or (2).

certification basis means:

- (a) for an aircraft, aircraft engine or propeller for which there is a type certificate — the type certification basis for the aircraft, aircraft engine or propeller; and
- (b) for an aircraft, aircraft engine or propeller for which there is a foreign type certificate — the foreign type certification basis for the aircraft, aircraft engine or propeller.

[31] Dictionary, Part 1, after definition of *flight simulator*

insert

flight technical log, for an aircraft, means the log required under regulation 42.220 for the aircraft.

[32] Dictionary, Part 1, after definition of *foreign type certificate*

insert

foreign type certification basis, for an aircraft, aircraft engine or propeller, means the airworthiness standards and any special conditions or other conditions with which the aircraft, aircraft engine or propeller must comply for the issue of a foreign type certificate.

[33] Dictionary, Part 1, after definition of *incidental provisions*

insert

in-house maintenance, for an aeronautical product (the ***first aeronautical product***) to be fitted to an aircraft or another aeronautical product (the ***second aeronautical product***), means maintenance carried out on the first aeronautical product by a Part 145 organisation that will fit the product to the aircraft or the second aeronautical product.

in-house release document, for an aeronautical product on which in-house maintenance has been carried out, means the document that:

- (a) is issued by the Part 145 organisation that carried out the in-house maintenance; and
- (b) includes a statement to the effect that, in respect of the in-house maintenance, the product is serviceable, within the meaning given by subregulation 42.015 (1); and
- (c) includes information enabling the identification of the record mentioned in regulation 42.820 for the product.

[34] Dictionary, Part 1, after definition of *letter of ATSO design approval*

insert

licensed aircraft maintenance engineer means an individual who holds an aircraft engineer licence that is in force.

[35] Dictionary, Part 1, after definition of *major change*

insert

major defect means:

- (a) in relation to an aeronautical product that is not fitted to an aircraft — a defect of such a kind that the aeronautical product, if fitted to an aircraft, may affect the safety of the aircraft or cause the aircraft to become a danger to persons or property; and
- (b) in relation to an aircraft — a defect of such a kind that it may affect the safety of the aircraft or cause the aircraft to become a danger to persons or property.

[36] Dictionary, Part 1, definition of *manoeuvring area*

omit

[37] Dictionary, Part 1, after definition of *micro UAV*

insert

minimum equipment list, for an aircraft, means a list of each defect in the aircraft that is approved as a permissible unserviceability under regulation 37 of CAR.

[38] Dictionary, Part 1, definition of *movement area*

omit

[39] Dictionary, Part 1, after definition of *overhauled*

insert

Part 42 Manual of Standards means the Manual of Standards issued by CASA under regulation 42.020.

Part 145 organisation means a person who holds an approval under regulation 145.030 that is in force.

pilot-owner, of an aircraft, means an individual who:

- (a) owns the aircraft; and
- (b) is authorised, under Part 5 of CAR, to fly the aircraft.

[40] **Dictionary, Part 1, definition of *registered operator***

substitute

registered operator, of an aircraft, has the meaning given by regulation 47.100.

[41] **Dictionary, Part 1, definition of *rotorcraft***

omit

[42] **Dictionary, Part 1, after definition of *standard certificate of airworthiness***

insert

standard part means a part that complies with a specification that:

- (a) is established, published and maintained by:
 - (i) an organisation that sets consensus standards for products; or
 - (ii) a government agency; and
- (b) includes:
 - (i) design, manufacturing, test and acceptance criteria; and
 - (ii) requirements for the uniform identification of the part.

Example for subparagraph (a) (i)

The Institute of Electrical and Electronics Engineers — see <http://www.ieee.org/portal/site>.

[43] **Dictionary, Part 1, after definition of *these Regulations***

insert

time-in-service means:

- (a) for an aircraft — each period starting when the aircraft takes off for a flight and ending when the aircraft lands at the end of the flight; and

- (b) for an aircraft engine or propeller that is fitted to an aircraft — each period starting when the aircraft takes off for a flight and ending when the aircraft lands at the end of the flight.

[44] Dictionary, Part 1, definition of *type certification basis*

substitute

type certification basis, for an aircraft, aircraft engine or propeller, means the airworthiness standards and any special conditions or other conditions with which the aircraft, aircraft engine or propeller must comply for the issue of a type certificate.

[45] Dictionary, Part 2, clause 1

substitute

1 Parts and materials excluded from the definition of *aeronautical product*

- (1) For the definition of *aeronautical product* in section 3 of the Act, a part or material that is part of or used in an aircraft is excluded if:
 - (a) the part or material:
 - (i) is not mentioned in the approved design for the aircraft; and
 - (ii) is not approved in a manner mentioned in regulation 21.305 or 21.305A; or
 - (b) the part or material is mentioned in a legislative instrument issued under subclause (2).
- (2) For subsection 98 (5A) of the Act, CASA may issue a legislative instrument that specifies that a part or material is excluded from the definition of *aeronautical product* in section 3 of the Act.

[46] Dictionary, Part 2, after clause 15

insert

18 Meaning of *authorised release certificate*

- (1) For the purposes of CAR:
authorised release certificate, for an aircraft component, means a document that complies with regulation 42WA of CAR.
- (2) For the purposes of CASR:
authorised release certificate, for an aeronautical product, means:
- (a) if maintenance has not been carried out on the product since its manufacture, and the manufacture of the product was permitted by or under Part 21 — a document:
 - (i) issued by the manufacturer of the product; and
 - (ii) that includes a statement to the effect that the product is serviceable, within the meaning given by subregulation 42.015 (1); or
 - (b) if maintenance has not been carried out on the product since its manufacture, and the manufacture of the product was permitted by the law of a foreign country — a document of a kind specified in the Part 42 Manual of Standards as being equivalent to a document mentioned in paragraph (a); or
 - (c) if maintenance has been carried out on the product under these Regulations — a certificate of release to service for the product in relation to the maintenance issued under Division 42.H.4 that is in the approved form; or
 - (d) if maintenance has been carried out on the product under the law of a foreign country — a document of a kind specified in the Part 42 Manual of Standards as being equivalent to a document mentioned in paragraph (c).

Note 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 1 for paragraph (c) Under subregulation 42.810 (1), 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.

Note 2 for paragraph (c) Under subregulation 42.810 (2), 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.

[47] **Dictionary, after Part 2**

insert

Part 3 **Definitions for this Part,
Parts 42, 66, 145 and 147 and
Subparts 202.BA, 202.CG,
202.GE and 202.GG**

1 General

In this Part, Parts 42, 66, 145 and 147, and Subparts 202.BA, 202.CG, 202.GE and 202.GG:

aircraft type training, for a rating, means the training for the rating delivered by a maintenance training organisation in accordance with a course plan for the training approved by CASA under regulation 147.030.

approval rating:

- (a) for a Subpart 42.F organisation — has the meaning given by subregulation 42.015 (1); and
- (b) for a Part 145 organisation — has the meaning given by subregulation 145.010 (1).

approved maintenance organisation means a Subpart 42.F organisation or a Part 145 organisation.

aviation industry standard means a document specified in the Part 42 Manual of Standards as an aviation industry standard.

base maintenance, for a Part 145 organisation, means maintenance on an aircraft that CASA has approved in the organisation's exposition as being base maintenance for the organisation.

carries out maintenance, in relation to an approved maintenance organisation, has the meaning given by subclause 5 (5).

carrying out maintenance on an aeronautical product has the meaning given by subclause 5 (2).

carrying out maintenance on an aircraft has a meaning affected by clause 5.

category A licence means a subcategory A1, A2, A3 or A4 aircraft engineer licence.

category B1 licence means a subcategory B1.1, B1.2, B1.3 or B1.4 aircraft engineer licence.

category B2 licence means a category B2 aircraft engineer licence.

category C licence means a category C aircraft engineer licence.

category training, for a category A, B1 or B2 licence, means training in the required units of competency for the licence.

certification authorisation means an authorisation that an approved maintenance organisation grants to an individual in accordance with the Part 42 Manual of Standards or the Part 145 Manual of Standards to do either or both of the following on behalf of the organisation:

- (a) perform maintenance certifications;
- (b) issue certificates of release to service.

certifying employee, for particular maintenance, means an individual who holds a certification authorisation that is in force from an approved maintenance organisation for the maintenance.

employee, in relation to an approved maintenance organisation, includes a maintenance services subcontractor.

excluded State means a foreign country specified as an excluded State in the Part 66 Manual of Standards.

exempt public authority has the meaning given by section 9 of the *Corporations Act 2001*.

foreign company means:

- (a) a body corporate:
 - (i) that is incorporated in an external Territory, or outside Australia and the external Territories; and
 - (ii) that is not an exempt public authority; or
- (b) an unincorporated body that:
 - (i) is formed in an external Territory, or outside Australia and the external Territories; and
 - (ii) under the law of its place of formation, may sue or be sued, or may hold property in the name of its secretary or of an officer of the body duly appointed for that purpose; and
 - (iii) does not have its head office or principal place of business in Australia.

foreign licence means:

- (a) a licence that:
 - (i) is granted under a national aviation law of a foreign country, other than a foreign country that is an excluded State; and
 - (ii) complies with Annex 1, *Personnel Licensing*, to the Chicago Convention; and
 - (iii) deals with the provision of maintenance services; or
- (b) an authorisation that:
 - (i) is issued by a foreign company, other than a foreign company incorporated or formed in an excluded State; and
 - (ii) deals with the provision of maintenance services; or
- (c) a licence mentioned in paragraph (a) and an authorisation mentioned in paragraph (b) that together deal with the provision of maintenance services.

instructions for continuing airworthiness, for an aircraft or aeronautical product, has the meaning given by clause 10.

large aircraft means:

- (a) an aeroplane that:
 - (i) has a maximum take-off weight of more than 5 700 kg; and
 - (ii) is not of a type and model specified in the Part 42 Manual of Standards for subparagraph (b) (ii) of the definition of small aircraft; or
- (b) an aeroplane that:
 - (i) has a maximum take-off weight of not more than 5 700 kg; and
 - (ii) is of a type and model specified in the Part 42 Manual of Standards as a large aircraft; or
- (c) a helicopter that:
 - (i) has more than 1 engine; and
 - (ii) is not of a type and model specified in the Part 42 Manual of Standards for subparagraph (d) (ii) of the definition of small aircraft; or
- (d) a helicopter that:
 - (i) has only 1 engine; and
 - (ii) is of a type and model specified in the Part 42 Manual of Standards as a large aircraft.

line maintenance, for a Part 145 organisation, means maintenance on an aircraft that CASA has approved in the organisation's exposition as being line maintenance for the organisation.

maintenance certification means a certification performed under Division 42.H.2.

maintenance data has the meaning given by clause 15.

maintenance services means the following:

- (a) carrying out maintenance on an aircraft or an aeronautical product;
- (b) performing maintenance certification for maintenance carried out on an aircraft;
- (c) issuing a certificate of release to service for an aircraft or aeronautical product in relation to maintenance carried out on the aircraft or aeronautical product.

maintenance services subcontractor, for an approved maintenance organisation, has the meaning given by clause 20.

maintenance training means category training or aircraft type training.

maintenance training organisation means a person who holds an approval under regulation 147.030 that is in force.

Part 66 Manual of Standards means the Manual of Standards issued by CASA under regulation 66.015.

Part 145 Manual of Standards means the Manual of Standards issued by CASA under regulation 145.015.

Part 147 Manual of Standards means the Manual of Standards issued by CASA under regulation 147.015.

permitted aircraft type means an aircraft type, within the meaning given by subregulation 66.010 (1), specified in the Part 66 Manual of Standards as one for which an approved maintenance organisation may arrange for the manufacturer of the aircraft or the aircraft engine to provide training and assessment.

permitted training means:

- (a) training and assessment for an aircraft type, within the meaning given by subregulation 66.010 (1), aircraft system or subset of an aircraft system specified in the Part 66 Manual of Standards as one for which a Part 145 organisation may provide training and assessment; or
- (b) training and assessment for a permitted aircraft type.

provides has the meaning given by clause 25.

rating means an authorisation granted under regulation 66.080, being a permission:

- (a) to perform maintenance certification, under a category B1 or B2 licence, for maintenance carried out on a particular type rated aircraft type; or
- (b) to issue a certificate of release to service, under a category B1, B2, or C licence, for an aircraft of a particular type rated aircraft type in relation to maintenance carried out on the aircraft.

recognised State means a foreign country specified as a recognised State in the Part 66 Manual of Standards.

small aircraft means:

- (a) an aeroplane that:
 - (i) has a maximum take-off weight of not more than 5 700 kg; and
 - (ii) is not of a type and model specified in the Part 42 Manual of Standards for subparagraph (b) (ii) of the definition of large aircraft; or
- (b) an aeroplane that:
 - (i) has a maximum take-off weight of more than 5 700 kg; and
 - (ii) is of a type and model specified in the Part 42 Manual of Standards as a small aircraft; or
- (c) a helicopter that:
 - (i) has only 1 engine; and
 - (ii) is not of a type and model specified in the Part 42 Manual of Standards for subparagraph (d) (ii) of the definition of large aircraft; or
- (d) a helicopter that:
 - (i) has more than 1 engine; and
 - (ii) is of a type and model specified in the Part 42 Manual of Standards as a small aircraft.

specialist maintenance means:

- (a) for a Subpart 42.F organisation:
 - (i) maintenance specified in the Part 42 Manual of Standards as specialist maintenance; and
 - (ii) maintenance that CASA has approved in the organisation's exposition as being specialist maintenance for the organisation; and
- (b) for a Part 145 organisation:
 - (i) maintenance specified in the Part 145 Manual of Standards as specialist maintenance; and
 - (ii) maintenance that CASA has approved in the organisation's exposition as being specialist maintenance for the organisation.

Subpart 42.F organisation means a person who holds an approval under regulation 42.515 that is in force.

supervising, in relation to maintenance being carried out, has the meaning given by clause 30.

type rated aircraft type, for an aircraft engineer licence, means an aircraft type, within the meaning given by subregulation 66.010 (1), specified in the Part 66 Manual of Standards as a type rated aircraft type for the licence.

unit of competency means a unit of the Australian Quality Training Framework Aeroskills Training Package, as in force from time to time.

5 Definitions relating to carrying out maintenance

Meaning of carrying out maintenance on an aircraft

- (1) A reference to carrying out maintenance on an aircraft includes:
 - (a) carrying out maintenance on an aeronautical product that is fitted to the aircraft at the time the maintenance is carried out; and
 - (b) carrying out maintenance on an aeronautical product that is not fitted to the aircraft at the time the maintenance is carried out, in the circumstances mentioned in subclause (3) or (4).

Meaning of carrying out maintenance on an aeronautical product

- (2) A reference to *carrying out maintenance on an aeronautical product* is a reference to carrying out maintenance on an aeronautical product that is not fitted to an aircraft at the time the maintenance is carried out, other than in the circumstances mentioned in subclause (3) or (4).
- (3) The circumstances are that:
 - (a) the aeronautical product (the *removed product*) is removed from a location on the aircraft; and
 - (b) the removal of the removed product is permitted, by the maintenance data for maintenance to be carried out on the removed product, for the purpose of improving access for the carrying out of maintenance on that product; and

-
- (c) the removed product is returned to the same location on the aircraft at the completion of the maintenance for which it was removed.
 - (4) The circumstances are that:
 - (a) the aeronautical product (the *removed product*) is removed from a location on the aircraft; and
 - (b) the removal of the removed product is for the purpose of carrying out maintenance that is necessary to rectify a defect in the removed product; and
 - (c) the maintenance data for the maintenance does not require the use of specified tools or equipment for carrying out the maintenance; and
 - (d) the removed product is returned to the same location on the aircraft at the completion of the maintenance; and
 - (e) the serviceability of the removed product can be tested, using an aircraft system, after the removed product is returned to the aircraft.

Carrying out of maintenance by approved maintenance organisations

- (5) An approved maintenance organisation *carries out maintenance* if the maintenance is carried out on the organisation's behalf by an individual.

10 Meaning of *instructions for continuing airworthiness*

- (1) *Instructions for continuing airworthiness*, for an aircraft or aeronautical product, means written instructions, as in force from time to time:
 - (a) that specify requirements, procedures and standards for the continuing airworthiness of the aircraft or aeronautical product; and
 - (b) that are:
 - (i) issued by any of the persons mentioned in subclause (2); or

- (ii) for an aircraft or aeronautical product for which there is a design for a modification or repair that is taken to have been approved under subregulation 21.465 or 21.470 — included, or referred to, in the document that contains the design.
- (2) The persons are the following:
- (a) the holder of the type certificate, foreign type certificate, supplemental type certificate or foreign supplemental type certificate for the aircraft or aeronautical product;
 - (b) the holder of a modification/repair design approval for the design of a modification of, or a repair to, the aircraft or aeronautical product;
 - (c) the manufacturer of the aircraft or aeronautical product.

15 **Meaning of *maintenance data***

- (1) Subject to subclauses (2), (3) and (4), *maintenance data*, for maintenance to be carried out on an aircraft or aeronautical product, means procedures for carrying out the maintenance, as in force from time to time, that are mentioned in:
- (a) the instructions for continuing airworthiness for the aircraft or aeronautical product; or
 - (b) if the instructions for continuing airworthiness do not include procedures for carrying out the maintenance — an aviation industry standard that applies to the maintenance.
- (2) Subject to subclauses (3) and (4), if, at a particular time:
- (a) a Part 145 organisation is carrying out maintenance on an aircraft or aeronautical product; and
 - (b) the organisation has written a procedure for carrying out the maintenance;
- then, at that time, the procedure written by the organisation is the *maintenance data* for the maintenance for the organisation.
- (3) Subject to subclause (4), if, at a particular time:
- (a) a continuing airworthiness management organisation is providing continuing airworthiness services for an aircraft; and

(b) the organisation has written a procedure for carrying out the maintenance on the aircraft or on an aeronautical product fitted to the aircraft;

then, at that time, the procedure written by the organisation is the *maintenance data* for the maintenance for the aircraft or aeronautical product.

(4) If, at a particular time, an airworthiness directive that applies to an aircraft or aeronautical product mentions a procedure for carrying out the maintenance, then, at that time, the procedure in the airworthiness directive is the *maintenance data* for the maintenance.

20 Meaning of *maintenance services subcontractor*

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

(2) An employee of a maintenance services subcontractor under subregulation (1) is also a *maintenance services subcontractor*.

25 Meaning of *provides*

An organisation *provides* any of the following services or training if its employees provide the service or training for or on behalf of the organisation:

- (a) maintenance services;
- (b) permitted training;
- (c) continuing airworthiness management services;
- (d) maintenance training.

30 Meaning of *supervising*

A person (the *supervisor*) is *supervising* the carrying out of maintenance done by another person if the supervisor:

- (a) is physically present at the place that the maintenance is being carried out; and

- (b) is observing the maintenance being carried out to the extent necessary to enable the supervisor to form an opinion as to whether the maintenance is being carried out properly; and
- (c) is available to give advice to, and answer questions about the maintenance from, the person carrying it out.

**Schedule 2 Amendments of *Civil Aviation
Regulations 1988*
commencing on 27 June 2011**
(regulation 4)

[1] Subregulation 2 (1), definition of *AA*

omit

**[2] Subregulation 2 (1), definition of *Aeronautical
Information Publications or AIP***

omit

Air Services Regulations.

insert

Air Services Regulations 1995.

**[3] Subregulation 2 (1), definition of *aircraft maintenance
engineer licence***

omit

[4] Subregulation 2 (1), definition of *approved*

omit

**[5] Subregulation 2 (1), definition of *approved system of
maintenance***

substitute

approved system of maintenance, for an Australian aircraft,
means a system of maintenance for the aircraft that has been
approved under regulation 42M, including any changes to the
program that have been approved under regulation 42R.

-
- [6] **Subregulation 2 (1), definition of *authorised person***
after
a provision
insert
of CAR
- [7] **Subregulation 2 (1), definition of *engage in conduct***
omit
- [8] **Subregulation 2 (1), definition of *maintenance***
omit
- [9] **Subregulation 2 (1), definition of *major defect***
omit
- [10] **Subregulation 2 (1), definition of *the Act***
omit
- [11] **Subregulation 2 (1), definition of *time-in-service***
omit
- [12] **Subregulation 2 (1), definition of *TSO***
omit
- [13] **Subregulation 2 (2D)**
omit
these regulations,
insert
CAR,

[14] Subregulation 2C (1)

omit

these regulations.

insert

CAR.

[15] Subregulation 2C (2)

omit

these regulations

insert

CAR

[16] Subregulation 30 (1)

substitute

- (1) Subject to subregulation (1A), a person engaged, or intending to engage, in any stage of design, distribution or maintenance of aircraft, aircraft components or aircraft materials may apply to CASA for a certificate of approval in respect of those activities.
- (1A) On or after 27 June 2013, a person may make an application under subregulation (1) in relation to the maintenance of an aircraft or an aeronautical product only if Part 42 of CASR does not apply to the aircraft or aeronautical product.

[17] Regulations 31, 31A, 31B, 31C and 31D

omit

[18] Regulation 32

substitute

32 Period during which certificates of approval remain in force

CASA may specify in a certificate of approval the period during which the certificate is to remain in force.

[19] Regulations 32A and 32B

omit

[20] Regulation 33

omit each mention of

an aircraft maintenance engineer licence,

[21] Subparagraph 42ZC (3) (a) (i)

substitute

(i) holds:

- (A) an aircraft engineer licence that permits him or her to perform maintenance certification for the maintenance; or
 - (B) an airworthiness authority or an aircraft welding authority covering the maintenance;
- and

[22] Subparagraph 42ZC (3) (b) (ii)

omit

an aircraft maintenance engineer licence covering the maintenance

insert

an aircraft engineer licence that permits him or her to perform maintenance certification for the maintenance,

[23] Subparagraphs 42ZC (4) (a) (i) and (b) (i)

substitute

(i) holds:

- (A) an aircraft engineer licence that permits him or her to perform maintenance certification for the maintenance; or
- (B) an airworthiness authority or an aircraft welding authority covering the maintenance; and

[24] Sub-subparagraph 42ZC (4) (b) (ii) (B)

substitute

- (B) is employed by a person mentioned in subparagraph (i); or

[25] Subparagraph 42ZC (4) (c) (i)

substitute

- (i) holds an aircraft engineer licence that permits him or her to perform maintenance certification for the maintenance; and

[26] Subregulation 42ZC (9)

omit

[27] Subregulation 42ZE (2)

omit

aircraft maintenance engineer licence

insert

aircraft engineer licence

[28] Paragraph 49 (1) (d)

substitute

- (d) a person who is permitted by regulation 42ZC or 42ZD to carry out maintenance on the aircraft.

[29] Subparagraph 230 (3) (a) (i)

substitute

(i) holds:

- (A) an aircraft engineer licence that permits him or her to perform maintenance certification for maintenance carried out on the engine; or
- (B) an airworthiness authority covering the maintenance; and

[30] Subregulation 230 (7)

substitute

(7) In this regulation:

maintenance training means:

- (a) training for the purpose of obtaining a qualification to carry out maintenance on aircraft; or
- (b) maintenance training, within the meaning given by Part 3 of the CASR Dictionary.

[31] Subregulation 262AQ (2)

after

aircraft

insert

of a particular kind

[32] Paragraph 262AQ (2) (a)

substitute

- (a) if it is maintained by:
- (i) the holder of an aircraft engineer licence; or
 - (ii) the holder of a certificate of approval that covers maintenance for aircraft of that kind; or
 - (iii) an approved maintenance organisation, within the meaning given by Part 3 of the CASR Dictionary, that is approved to provide maintenance services for aircraft of that kind; and

[33] Subregulation 262AQ (3)

omit

a primary category aircraft that is not maintained by a LAME or an approved maintenance organisation

insert

a primary category aircraft, of a particular type and model, that is not maintained by a person mentioned in paragraph (2) (a)

[34] Paragraphs 262AQ (3) (a) and (b)

substitute

- (a) the aircraft is maintained by the pilot-owner of the aircraft under a special inspection and preventive maintenance program that is part of the aircraft's type design or supplemental type design; and
- (b) the pilot-owner of the aircraft holds a certificate of competency issued under paragraph 21.163 (2) (b) of CASR for that type and model of aircraft; and

[35] Subregulation 262AR (2)*after*

aircraft

insert

of a particular kind

[36] Paragraph 262AR (2) (a)*substitute*

(a) if it is maintained by:

- (i) the holder of an aircraft engineer licence; or
- (ii) the holder of a certificate of approval that covers maintenance for aircraft of that kind; or
- (iii) an approved maintenance organisation, within the meaning given by Part 3 of the CASR Dictionary, that is approved to provide maintenance services for aircraft of that kind; and

[37] Subregulation 262AR (3)*omit*

an intermediate category aircraft that is not maintained by a LAME or an approved maintenance organisation

insert

an intermediate category aircraft, of a particular type and model, that is not maintained by a person mentioned in paragraph (2) (a)

[38] Paragraphs 262AR (3) (a) and (b)*substitute*

- (a) the aircraft is maintained by the pilot-owner of the aircraft under a special inspection and preventive maintenance program that is part of the aircraft's type design or supplemental type design; and

-
- (b) the pilot-owner of the aircraft holds a certificate of competency issued under paragraph 21.163 (4) (b) of CASR for that type and model of aircraft; and

[39] Part 16, heading

substitute

**Part 16 Refusal to grant, and
suspension and cancellation
of, approvals, authorities,
certificates and licences**

[40] Subregulation 263 (1), before definition of *authority*

insert

approval means an approval issued under regulation 145.030 or 147.030 of CASR.

**[41] Subregulation 263 (1), definition of *licence*,
paragraph (a)**

substitute

- (a) an aircraft engineer licence; or

[42] Subregulation 264 (3)

before

a flight crew licence,

insert

an aircraft engineer licence,

[43] Paragraph 265 (1) (a)

omit

33,

[44] Regulation 267, heading

substitute

267 Variation of authority, certificate or licence at request of holder

[45] Regulation 269, heading

substitute

269 Variation, suspension or cancellation of approval, authority, certificate or licence

[46] Subregulation 269 (1)

omit

a licence or certificate or an authority, vary, suspend or cancel the licence, certificate or authority where

insert

an approval, authority, certificate or licence (an **authorisation**), vary, suspend or cancel the authorisation if

[47] Paragraph 269 (1) (b)

omit

such a licence or certificate or an authority;

insert

such an authorisation;

[48] Paragraph 269 (1) (d)

omit

such a licence or certificate or an authority; or

insert

such an authorisation;

[49] Subregulation 269 (1A)

omit

a licence, certificate or authority

insert

an authorisation

[50] Subregulation 269 (3)

omit

a licence or certificate or an authority, CASA shall:

substitute

an authorisation, CASA must:

[51] Regulation 270, heading

substitute

**270 Effect of effluxion of time for suspension of approval,
authority, certificate or licence**

[52] Subregulation 270 (1)

omit

a licence or certificate or an authority

insert

an approval, authority, certificate or licence (an
authorisation)

[53] Subregulation 270 (2)

omit

a licence or certificate or an authority

insert

an authorisation

[54] Regulation 272A, heading*substitute***272A Effect of cancellation of approval, authority,
certificate or licence****[55] Regulation 272A***omit*

a licence or certificate or an authority,

*insert*an approval, authority, certificate or licence (an
authorisation),**[56] Part 20, heading***substitute***Part 20 Transitional provisions****Division 1 Transitional provisions —
miscellaneous**

[57] After regulation 325

insert

**Division 2 Transitional provisions relating to
Parts 42, 66, 145 and 147 of CASR
(commencing on 27 June 2011)**

**326 Certain applications under regulation 145.025 of
CASR taken also to be applications under
regulation 30**

- (1) If:
- (a) a person makes an application under regulation 145.025 of CASR for approval as a Part 145 organisation; and
 - (b) the application seeks an approval rating for a kind of aircraft for which the applicant proposes to provide maintenance services; and
 - (c) the person does not hold a certificate of approval covering maintenance for that kind of aircraft;
- the application is taken also to be an application made under regulation 30 for a certificate of approval covering maintenance for that kind of aircraft.
- (2) If:
- (a) a person makes an application under regulation 145.025 of CASR for approval as a Part 145 organisation; and
 - (b) the application seeks an approval rating for a kind of aeronautical product for which the applicant proposes to provide maintenance services; and
 - (c) the person does not hold a certificate of approval covering maintenance for an aircraft component that is an aeronautical product of that kind;
- the application is taken also to be an application made under regulation 30 for a certificate of approval covering maintenance for an aircraft component of that kind.

327 Continuation in force of certificates of approval for training for aircraft maintenance engineer licences

- (1) This regulation applies to a certificate of approval in respect of the training of candidates for, or the conducting of, examinations referred to in paragraph 31 (4) (e) (as in force before 27 June 2011), that was in force immediately before 27 June 2011.
- (2) Despite the amendment of subregulation 30 (1) that commenced on 27 June 2011, the certificate continues in force according to its terms until the earlier of the following:
 - (a) the date that the certificate ceases to be valid (according to the terms of the certificate);
 - (b) the end of 26 June 2013.

328 Application of Divisions 2 and 3 of Part 4A to aircraft

On and after 27 June 2011, Divisions 2 and 3 of Part 4A do not apply to an aircraft to which Part 42 of CASR applies.

329 Application of Divisions 7 to 11 of Part 4A to aircraft

On and after 27 June 2011, Divisions 7 to 11 of Part 4A do not apply to an aircraft:

- (a) to which Part 42 of CASR applies; and
- (b) for which maintenance services are being provided by a Part 145 organisation.

330 Application of Part 4B to aircraft

Subject to regulation 331, on and after 27 June 2011, Part 4B does not apply to an aircraft:

- (a) to which Part 42 of CASR applies; and
- (b) for which maintenance services are being provided by a Part 145 organisation.

**331 Application of Part 4B to Part 145 organisations —
dealing with defects**

If:

- (a) a person who is the holder of a certificate of approval that covers maintenance for an aircraft makes a report to CASA under regulation 51, 51A or 52 in relation to a defect in the aircraft; and
- (b) after making the report, the person becomes a Part 145 organisation;

Part 4B continues to apply to the person in relation to the defect.

332 Application of regulation 133 to aircraft

On and after 27 June 2011, paragraphs 133 (1) (c) and (d) do not apply to an aircraft to which Part 42 of CASR applies.

[58] Schedule 6, clause 1.3

omit

an aircraft maintenance engineer licence

insert

an aircraft engineer licence

[59] Further amendments — authorisations

Regulations 269, 270 and 272A are amended by omitting each reference to ‘the licence, certificate or authority’ and inserting ‘the authorisation’.

**Schedule 3 Amendments of *Civil Aviation
Regulations 1988*
commencing on 27 June 2013**

(regulation 4)

[1] Subparagraphs 30 (2C) (c) (x) and (xi)

omit

[2] Paragraph 33B (1) (c)

omit

Note

1. All legislative instruments and compilations are registered on the Federal Register of Legislative Instruments kept under the *Legislative Instruments Act 2003*. See <http://www.frli.gov.au>.