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## Civil Aviation Amendment Regulations 1999 (No. 1)

Statutory Rules 1999 No. 1

166/

I, WILLIAM PATRICK DEANE, 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 9 August 1999.

**WILLIAM DEANE**  
Governor-General

By His Excellency's Command,

JOHN ANDERSON  
Minister for Transport and Regional Services



# Civil Aviation Amendment Regulations 1999 (No. 1)<sup>1</sup>

Statutory Rules 1999 No. *K*<sup>2</sup>

*166/*

made under the

*Civil Aviation Act 1988*

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1999,

*Civil Aviation Amendment Regulations 1999 (No. *K*)*

1

*1/*

**1 Name of regulations**

These regulations are the *Civil Aviation Amendment Regulations 1999* (No. 1).

1

**2 Commencement**

- (1) Part 2 of Schedule 2 commences on 1 December 1999.
- (2) The remainder of these regulations commence on gazettal.

**3 Amendment of *Civil Aviation Regulations 1998***

Schedule 1 amends the *Civil Aviation Regulations 1998*.

**4 Amendment of *Civil Aviation Regulations 1988***

Schedule 2 amends the *Civil Aviation Regulations 1988*.

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## Schedule 1      **Amendments of the *Civil Aviation Regulations 1998***

(regulation 3)

### [1]      **Subregulation 21.2B (2)**

*substitute*

- (2) If the decision is to refuse the application, CASA or the authorised person must also give the applicant written reasons for the decision.

*Note* Regulation 201.4 provides for review of certain decisions by the Administrative Appeals Tribunal.

### [2]      **Subregulation 21.3 (1)**

*omit*

subregulation (4)

*insert*

subregulation (5)

### [3]      **Subregulation 21.3 (1)**

*omit*

subregulation (3)

*insert*

subregulation (4)

**[4] Subregulation 21.3 (2)**

*omit*

subregulation (3)

*insert*

subregulation (4)

**[5] After paragraph 21.12 (a)**

*insert*

(aa) Federal Republic of Germany;

**[6] Regulation 21.19**

*omit*

*Source* FARs section 21.1 modified.

*insert*

*Source* FARs section 21.19 modified.

**[7] Subparagraph 21.24 (1) (a) (i)**

*omit*

V<sub>s0</sub> of 61 knots or less

*insert*

61 knots or less V<sub>s0</sub> stall speed as defined in FARs section 23.49

---

**[8] Subparagraph 21.25 (1) (b) (i)**

*omit*

a category mentioned in paragraph 21.175 (a)

*insert*

the normal, utility, acrobatic, commuter or transport category,

**[9] Subparagraph 21.26 (1) (a) (i)**

*omit*

$V_{s0}$  of 61 knots or less

*insert*

61 knots or less  $V_{s0}$  stall speed as defined in FARs section 23.49

**[10] Paragraph 21.29A (a)**

*after*

certificate

*insert*

or equivalent document

**[11] Subregulation 21.33 (3)**

*omit*

$V_{s0}$  of 45 knots or less

*insert*

45 knots or less  $V_{s0}$  stall speed as defined in FARs section 23.49

**[12] Subregulation 21.41 (1), definition of *type certificate***

*substitute*

*type certificate*, for an aircraft, aircraft engine or propeller, means a type certificate issued by CASA under regulation 21.13A or 21.29 certifying that the aircraft, aircraft engine or propeller meets the airworthiness standard mentioned for it in the certificate.

**[13] Paragraph 21.81 (1) (b)**

*omit*

regulation 262AE

*insert*

regulation 262AO

**[14] Paragraph 21.83 (1) (b)**

*omit*

regulation 262AE

*insert*

regulation 262AO

**[15] Paragraph 21.83 (2) (b)**

*omit*

regulation 262AE

*insert*

regulation 262AO

---

**[16] Subregulation 21.85 (5)**

*omit*

regulation 262AE

*insert*

regulation 262AO

**[17] Subregulation 21.101 (4)**

*after*

For

*insert*

subregulation (3), for

**[18] Paragraph 21.117 (2) (a)**

*after*

type certificate

*insert*

or type acceptance certificate

**[19] Part 21, Subpart H, heading**

*substitute*

**Subpart H      Certificates of airworthiness  
(except provisional certificates  
of airworthiness) and special  
flight permits**



**[20] Regulation 21.171***after*

airworthiness

*insert*

(except provisional certificates of airworthiness)

**[21] After subregulation 21.173 (2)***insert*

(3) In this regulation:

*certificate of airworthiness* does not include a provisional certificate of airworthiness or an experimental certificate.

**[22] Regulation 21.176, heading***substitute*

**21.176 Issue of certain certificates of airworthiness**

**[23] Subregulation 21.176 (1)***omit*

(except an experimental certificate)

**[24] Subregulation 21.176 (2)***omit*

(except an experimental certificate)

---

**[25] Subregulation 21.176 (5), penalty**

*substitute*

Penalty: 50 penalty units.

**[26] After subregulation 21.176 (5)**

*insert*

(6) In this regulation:

*certificate of airworthiness* does not include a provisional certificate of airworthiness or an experimental certificate.

**[27] Regulation 21.181, heading**

*substitute*

**21.181 Duration of certain certificates of airworthiness**

**[28] Subregulation 21.183 (1)**

*omit everything after*

an authorised person

*insert*

decides that the aircraft:

- (a) does not conform to the type design; or
- (b) has been modified or repaired otherwise than in accordance with approved maintenance data; or
- (c) is not in a condition for safe operation.

**[29] Subregulation 21.183 (2)**

*omit*

or an authorised person

**[30] Paragraph 21.183 (2) (a)**

*substitute*

- (a) conforms to the type design, has had any modifications or repairs carried out in accordance with approved maintenance data, and is in a condition for safe operation; and

**[31] Subregulation 21.183 (3)**

*omit everything after*

is satisfied

*insert*

that:

- (a) the aircraft conforms to the type design; and  
(b) any modifications or repairs to the aircraft have been carried out in accordance with approved maintenance data; and  
(c) the aircraft is in a condition for safe operation.

**[32] Subregulation 21.183 (4)**

*substitute*

- (4) An applicant for a standard certificate of airworthiness for aircraft not covered by subregulation (1), (2) or (3) is entitled to the certificate if:
- (a) the aircraft:
- (i) has a type design approved under a type certificate or a supplemental type certificate;  
or

- 
- (ii) if there is no type certificate or supplemental type certificate for the aircraft — is of a type or model that has previously been issued a certificate of airworthiness in the category applied for; and
  - (b) the aircraft complies with any applicable airworthiness directives; and
  - (c) the aircraft (except an experimentally certificated aircraft that previously had been issued a different certificate of airworthiness under this regulation) has been inspected for the issue of a maintenance release; and
  - (d) CASA or an authorised person is satisfied that:
    - (i) the aircraft conforms to the type design (if any); and
    - (ii) any modifications or repairs to the aircraft have been carried out in accordance with approved maintenance data; and
    - (iii) the aircraft is in a condition for safe operation.

**[33] Paragraph 21.183 (5) (b)**

*substitute*

- (b) any modifications or repairs to it have been carried out in accordance with approved maintenance data; and
- (c) it is in a condition for safe operation.

**[34] Subregulation 21.184 (1)**

*omit everything after*

is entitled to the certificate

*insert*

without further showing unless CASA or an authorised person decides that the aircraft:

- (a) does not conform to the type design; or
- (b) has been modified or repaired otherwise than in accordance with approved maintenance data; or
- (c) is not in a condition for safe operation.

**[35] Subregulation 21.184 (2)**

*omit everything after*

after inspection,

*insert*

that:

- (a) the aircraft conforms to the type design; and
- (b) any modifications or repairs to the aircraft have been carried out in accordance with approved maintenance data; and
- (c) the aircraft is in a condition for safe operation.

**[36] Paragraph 21.184 (4) (d)**

*substitute*

- (d) any modifications or repairs to the aircraft have been carried out in accordance with approved maintenance data; and
- (e) the aircraft is in a condition for safe operation.

---

**[37] Paragraph 21.184 (5) (b)**

*substitute*

- (b) any modifications or repairs to it have been carried out in accordance with approved maintenance data; and
- (c) it is in a condition for safe operation.

**[38] Subregulation 21.184A (1)**

*omit everything after*

is entitled to the certificate

*insert*

without further showing unless CASA or an authorised person decides that the aircraft:

- (a) does not conform to the type design; or
- (b) has been modified or repaired otherwise than in accordance with approved maintenance data; or
- (c) is not in a condition for safe operation.

**[39] Paragraph 21.184A (2) (d)**

*substitute*

- (d) any modifications or repairs to the aircraft have been carried out in accordance with approved maintenance data; and
- (e) the aircraft is in a condition for safe operation.

**[40] Paragraph 21.184A (3) (b)**

*substitute*

- (b) any modifications or repairs to it have been carried out in accordance with approved maintenance data; and
- (c) it is in a condition for safe operation.

**[41] Subregulations 21.185 (2) and (3)**

*substitute*

*Imported aircraft*

- (2) An applicant for the original issue of a restricted category certificate of airworthiness for an imported aircraft type certificated only in the restricted category under regulation 21.29 or 21.29A is entitled to a certificate of airworthiness if CASA or an authorised person is satisfied that:
- (a) the aircraft conforms to the type design; and
  - (b) any modifications or repairs to the aircraft have been carried out in accordance with approved maintenance data; and
  - (c) the aircraft is in a condition for safe operation.

*Other aircraft*

- (3) An applicant for a special certificate of airworthiness for an aircraft type certificated in the restricted category, that was a surplus aircraft of the Defence Force, or of an armed force of Canada, the United Kingdom or the United States of America, or was previously certificated in another category, is entitled to the certificate if CASA or an authorised person is satisfied, after inspection, that the aircraft is in a good state of preservation and repair and is in a condition for safe operation.
- (3A) Subregulation (3B) applies to an aircraft:
- (a) that is type certificated in the normal, utility, acrobatic, commuter or transport category; and
  - (b) that has been modified for 1 or more of the special purpose operations mentioned in regulation 21.25; and
  - (c) the modifications to which have been carried out in accordance with:
    - (i) approved maintenance data; or
    - (ii) a supplemental type certificate.

- 
- (3B) An applicant for a special certificate of airworthiness for an aircraft to which this subregulation applies is entitled to the certificate as if the aircraft were type certificated in the restricted category if CASA or an authorised person finds, after inspection, that:
- (a) the aircraft meets the requirements of the normal utility, acrobatic, commuter or transport category except the requirements that CASA or the authorised person considers are inappropriate for the special purpose for which the aircraft is to be used; and
  - (b) the aircraft can reasonably be expected to be safe for its intended use when it is operated under any conditions limiting its intended use.

**[42] Paragraph 21.185 (4) (b)**

*substitute*

- (b) any modifications or repairs to it have been carried out in accordance with approved maintenance data; and
- (c) it is in a condition for safe operation.

**[43] Paragraph 21.190 (1) (d)**

*substitute*

- (d) CASA or an authorised person finds, after inspection, that:
  - (i) the aircraft conforms with the data on the basis of which the ABAA was given; and
  - (ii) any modifications or repairs to the aircraft have been carried out in accordance with approved maintenance data; and
  - (iii) the aircraft is in a condition for safe operation.



**[44] Subregulation 21.195A (2)**

*substitute*

- (2) CASA or an authorised person must issue the certificate subject to the conditions (if any) that CASA or the authorised person considers necessary for the safety of other airspace users and persons on the ground or water.

**[45] Subregulation 21.197 (1)**

*omit*

CASA or an authorised person may issue a special flight permit

*insert*

A special flight permit may be issued

**[46] Subregulation 21.197 (3)**

*after*

special flight permit

*insert*

, except a special flight permit issued for a purpose mentioned in paragraph (1) (b),

**[47] Paragraph 21.221 (1) (b)**

*omit*

regulation 262AE

*insert*

regulation 262AO

---

**[48] Subregulation 21.221 (5)***omit*

regulation 262AE

*insert*

regulation 262AO

**[49] Paragraph 21.223 (1) (b)***omit*

regulation 262AE

*insert*

regulation 262AO

**[50] Subregulation 21.223 (6)***omit*

regulation 262AE

*insert*

regulation 262AO

**[51] Paragraph 21.225 (1) (b)***omit*

regulation 262AE

*insert*

regulation 262AO

**[52] Subregulation 21.225 (5)**

*omit*

regulation 262AE

*insert*

regulation 262AO

**[53] Paragraph 21.327 (4) (d)**

*omit*

approval.

*insert*

approval; or

**[54] After paragraph 21.327 (4) (d)**

*insert*

- (e) a product for which the importing country does not require the weight and balance report mentioned in paragraph (6) (b).

**[55] Paragraph 21.327 (6) (b)**

*before*

a weight and balance report

*insert*

unless the importing country does not require it,

---

**[56] Subregulation 21.329 (6)**

*after*

CASA

*insert*

or an authorised person

**[57] Subregulation 21.331 (1)**

*after*

CASA

*insert*

or an authorised person

**[58] Subregulation 21.333 (1)**

*after*

CASA

*insert*

or an authorised person

**[59] Paragraphs 21.500 (2) (a) and (b)**

*substitute*

(a) the aircraft engine or propeller:

(i) is manufactured:

(A) in a recognised country; or

(B) under a manufacturing approval  
(however described) issued by a  
recognised country; or

- (C) in a foreign country with which Australia has an agreement for the acceptance of the aircraft engine or propeller for export and import; or
- (ii) forms part of a type design for which a type certificate or a type acceptance certificate is in force under these regulations, or a certificate of type approval is in force under CAR 1988; and
- (b) the aircraft engine or propeller conforms to a valid type certificate, is in a condition for safe operation and has been subjected to a final operational check by the manufacturer; and
- (c) an airworthiness approval (however described), issued under the law of the foreign country, is in force certifying the matters mentioned in paragraphs (a) and (b).

**[60] Paragraphs 21.502 (1) (a) and (b)**

*substitute*

- (a) the material, part or appliance:
  - (i) is manufactured:
    - (A) in a recognised country; or
    - (B) under a manufacturing approval (however described) issued by a recognised country; or
    - (C) in a foreign country with which Australia has an agreement for the acceptance of the material, part or appliance for export and import; or
  - (ii) forms part of a type design for which a type certificate or a type acceptance certificate is in force under these regulations, or a certificate of type approval is in force under CAR 1988; and

- 
- (b) the material, part or appliance conforms to an aeronautical specification appropriate to the proposed use and is in a condition for safe operation; and
  - (c) an airworthiness approval (however described), issued under the law of the foreign country, is in force certifying the matters mentioned in paragraphs (a) and (b).

**[61] Subregulation 21.502A (3)**

*after*

if CASA

*insert*

or the authorised person

**[62] Paragraph 21.605 (2) (c)**

*omit*

regulation 21.143

*insert*

regulations 21.143 and 21.144

**[63] Subregulation 21.609 (3)**

*omit*

subregulation

*insert*

regulation

**[64] Subregulation 21.617 (3)**

*omit*

subregulation 21.607 (d)

*insert*

paragraph 21.607 (c)

**[65] Part 27, heading**

*substitute*

**Part 27            Airworthiness standards for  
rotorcraft in the normal  
category****[66] Regulation 27.1**

*omit*

helicopters

*insert*

rotorcraft

**[67] Paragraph 200.13 (1) (f)**

*after*

complies with

*insert*

, or is being flown, in accordance with a flight test program approved by CASA or an authorised person, to show compliance with

---

**[68] Paragraph 201.4 (b)**

*omit*

permit.

*insert*

permit; or

**[69] After paragraph 201.4 (b)**

*insert*

(c) under regulation 21.43 not to consider an application.

**[70] Dictionary**

*insert*

***approved maintenance data*** see CAR 1988, regulation 2A.

***incidental provisions***, of an instrument, or part of an instrument, mentioned in these regulations, means the provisions of the instrument, or part, that are not airworthiness standards.

**[71] Dictionary, definition of *certificate of airworthiness***

*substitute*

***certificate of airworthiness*** means a standard certificate of airworthiness or a special certificate of airworthiness.



## **Schedule 2      Amendments of the *Civil Aviation Regulations 1988***

(regulation 4)

### **Part 1      Amendments commencing on gazettal**

#### **[1]      Subregulation 2 (1)**

*insert*

*design standard* means:

- (a) a design standard in force under regulation 21 or 21A; or
- (b) a design standard (however described) identified in:
  - (i) a type certificate; or
  - (ii) a type acceptance certificate; or
  - (iii) a supplemental type certificate; or
  - (iv) an Australian Parts Manufacturer Approval issued under subregulation 21.303 (9) of CAR 1998; or
  - (v) an Australian Technical Standard Order mentioned in paragraph 21.601 (2) (a) of CAR 1998.

#### **[2]      Regulation 21**

*substitute*

##### **21      Design standards for aircraft**

- (1) CASA may issue a design standard for an aircraft for which no appropriate design standard is in force.

- 
- (2) However, CASA must issue a design standard for an aircraft for which no appropriate design standard is in force if a person applies under regulation 35 for approval of the design of a modification or repair of the aircraft.
  - (3) A design standard must state the specifications with which CASA considers the aircraft should comply to ensure that it is capable of being flown safely in normal operations in accordance with these regulations.

### **21A Design standards for aircraft components**

- (1) CASA may issue a design standard for an aircraft component for which no appropriate design standard is in force.
- (2) However, CASA must issue a design standard for an aircraft component for which no appropriate design standard is in force if:
  - (a) the person applies under regulation 35 for approval of the design of a modification or repair of a component; or
  - (b) a person applies under regulation 36 for approval of a component.
- (3) A design standard must state the specifications with which CASA considers the component should comply to ensure that the aircraft fitted with the component is capable of being flown safely in normal operations in accordance with these regulations.

**[3] Paragraph 30 (2C) (c)**

*after*

activities:

*insert*

- (i) the design of aircraft;
- (ii) the design of aircraft components;
- (iii) the design of aircraft materials;

**[4] Paragraph 36 (2) (b)**

*omit*

21

*insert*

21A

**[5] Subparagraph 42U (a) (ii)**

*omit*

25 or

**[6] Paragraph 43 (7) (b)**

*omit*

under a special flight permit issued under regulation 21.197 of  
CAR 1998, or

---

**[7] Regulation 135**

*omit*

An

*insert*

Subject to regulation 135A, an

**[8] After regulation 135**

*insert*

**135A Special flight authorisation**

- (1) An aircraft to which regulation 135 applies may be operated without the certificate of airworthiness mentioned in paragraph 135 (b) if a special flight authorisation for the operation is issued under this regulation.
- (2) A person may apply to CASA for a special flight authorisation for an aircraft that possesses the nationality of a Contracting State.
- (3) An application for a special flight authorisation must be in a form and manner acceptable to CASA.
- (4) CASA may issue the authorisation subject to the conditions (if any) that CASA considers necessary for the safety of other airspace users and persons on the ground or water.
- (5) Any conditions imposed under this regulation must be in writing and set out in, or attached to, the authorisation.
- (6) A person must not contravene a condition of a special flight authorisation.

Penalty: 50 penalty units.

*Source* FARs section 91.715 modified.

**[9] Subparagraph 206 (1) (b) (i)**

*omit*

under a special flight permit under regulation 21.197 of CAR 1998

*insert*

for an operation mentioned in subregulation 262AM (7)

**[10] Paragraph 262AL (1) (a)**

*substitute*

- (a) in a special purpose operation for which a special certificate of airworthiness in the restricted category is in force for the aircraft under regulation 21.185 of CAR 1998; or

**[11] Subregulation 297A (1), definition of *reviewable decision*, after paragraph (s)**

*insert*

- (sa) a decision by CASA under subregulation 262AN (1) not to approve an organisation to administer the operation of limited category aircraft engaged in a special purpose operation mentioned in subregulation 21.189 (3) of CAR 1998; or
- (sb) a decision by CASA under subregulation 135A (4) not to issue a special flight authorisation; or

---

**[12] After regulation 317**

*insert*

**317A Transitional: design standards**

A design standard for an aircraft component that was in force under regulation 21 immediately before the commencement of this regulation is taken to be a design standard issued under regulation 21A.

**[13] Subregulation 318 (1)**

*substitute*

- (1) A certificate of approval for the manufacture of aircraft, aircraft components or aircraft materials that was in force under regulation 30 on 30 November 1998:
  - (a) continues in force for 5 years after 30 November 1998; and
  - (b) has the effect during that period that it would have if the original regulations were still in force; and
  - (c) for Subparts H and L of CAR 1998 — has the same effect during that period as a production certificate issued under regulation 21.134 of CAR 1998.

## **Part 2        Amendments commencing                  1 December 1999**

### **[1]        Subregulation 262AM (6)**

*substitute*

(6) For paragraph (4) (c), the warning is:

‘WARNING

PERSONS FLY IN THIS AIRCRAFT AT THEIR OWN RISK

THIS AIRCRAFT HAS BEEN DESIGNED FOR SPECIAL  
OPERATIONS AND IS NOT OPERATED TO THE SAME  
SAFETY STANDARDS AS A NORMAL COMMERCIAL  
PASSENGER FLIGHT’.

### **[2]        Subregulation 262AP (9)**

*substitute*

(9) For paragraph (8) (c), the warning is:

‘WARNING

PERSONS FLY IN THIS AIRCRAFT AT THEIR OWN RISK

THIS AIRCRAFT IS NOT OPERATED TO THE SAME  
SAFETY STANDARDS AS A NORMAL COMMERCIAL  
PASSENGER FLIGHT

CASA DOES NOT SET AIRWORTHINESS STANDARDS  
FOR EXPERIMENTAL AIRCRAFT’.

---

**[3] After regulation 321**

*insert*

**322 Transitional: warnings**

- (1) A person is taken to comply with paragraph 262AM (4) (c) if the placard:
  - (a) bears the warning stated in subregulation 262AM (6) in force immediately before the commencement of this regulation; and
  - (b) is displayed in accordance with paragraph 262AM (4) (c); and
  - (c) was displayed in accordance with that paragraph immediately before the commencement of this regulation.
  
- (2) A person is taken to comply with paragraph 262AP (8) (c) if the placard:
  - (a) bears the warning stated in subregulation 262AP (9) in force immediately before the commencement of this regulation; and
  - (b) is displayed in accordance with paragraph 262AP (8) (c); and
  - (b) was displayed in accordance with paragraph 262AP (8) (c) immediately before the commencement of this regulation.



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## Notes

1. These regulations amend (in Schedule 1) Statutory Rules 1998 No. 237.

These regulations also amend (in Schedule 2) Statutory Rules 1988 No. 158, as amended by 1988 Nos. 209, 373 and 376; 1989 Nos. 31 and 276; 1990 Nos. 100, 215, 216, 258, 260, 289, 310, 331, 332 and 466; Act No. 25, 1990; Statutory Rules 1991 Nos. 54, 147, 157, 247, 287, 382, 409, 410, 426 and 487 (as amended by 1992 No. 174); 1992 Nos. 36, 174, 254, 258, 279, 325, 342, 380, 417 and 418; 1993 Nos. 221, 268, 319 (new regulation 239 contained in regulation 16 was disallowed by the Senate on 23 March 1994) and 368; 1994 Nos. 93, 173, 187, 188, 260, 294, 382 and 396; 1995 Nos. 122, 147, 148 and 224; 1996 No. 88; 1997 Nos. 23, 67, 111, 139 and 220; 1998 Nos. 31, 32, 219, 234 (disallowed by the Senate on 8 March 1999), 235, 236 and 288.

2. Made by the Governor-General on <sup>K</sup> 1999, and notified <sup>K</sup> 1999.  
in the *Commonwealth of Australia Gazette* on

9 August/  
16 August/