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## Civil Aviation Amendment Regulations 1999 (No. 2)

Statutory Rules 1999 No. *k*

*167/*

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. 2)<sup>1</sup>

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

made under the

*Civil Aviation Act 1988*

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1999, *K*

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

1

*2/*

## Regulation 2

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**1 Name of regulations**

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

2/

**2 Commencement**

These regulations commence on gazettal.

**3 Amendment of *Civil Aviation Regulations 1988***

Schedule 1 amends the *Civil Aviation Regulations 1988*.

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2

*Civil Aviation Amendment Regulations 1999* (No.   )

1999,   

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## Schedule 1      Amendments

(regulation 3)

**[1]      Subregulation 2 (1), definition of *flight manual***

*substitute*

*flight manual* has the meaning given by regulation 54.

**[2]      Subregulation 2 (1)**

*insert*

***relevant airworthiness standards*** means:

- (a) for an aircraft that conforms to a type certificate issued, or taken to have been issued, under regulation 21.13A or 21.29 of CAR 1998 — the airworthiness standards included in the type certification basis for the aircraft; or
- (b) for an aircraft for which a type acceptance certificate has been issued, or is taken to have been issued, under regulation 21.29A of CAR 1998 — the airworthiness standards that the aircraft had to meet for the issue of the foreign type certificate that was the basis for issuing the type acceptance certificate.

*Note* For *type certification basis* and *foreign type certificate* see the Dictionary at the end of CAR 1998.

***relevant NAA***, for an aircraft manufactured in a foreign country, means the NAA of the country whose airworthiness standards make up the relevant airworthiness standards for the aircraft.

*Note* For *NAA* see the Dictionary at the end of CAR 1998.

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**[3] After Part IVB**

*insert*

**Part 4C Flight manuals****54 Meaning of *flight manual***

- (1) The *flight manual*, for an aircraft, is:
  - (a) if a flight manual for the aircraft was given to the aircraft owner under regulation 21.5 of CAR 1998 — that flight manual; or
  - (b) in any other case — any manual or other document (not being a placard) that must, under the relevant airworthiness standards for the aircraft, be provided with the aircraft and contain the following information and instructions about the aircraft:
    - (i) the limitations within which, under the relevant airworthiness standards, it is considered airworthy;
    - (ii) any other information, and any instructions, necessary for its safe operation.
- (2) However, if a change has been made to the flight manual under regulation 55, a reference in a provision other than this regulation to the *flight manual* is a reference to the flight manual as changed.

**55 Changes to flight manuals for Australian aircraft**

- (1) This regulation applies to the holder of the certificate of registration for an Australian aircraft for which a flight manual has been issued if:
  - (a) the aircraft's manufacturer, or the holder of the type certificate to which the aircraft conforms, gives an instruction to the effect that a change must be made to the manual; and

- 
- (b) the change is approved by CASA or the relevant NAA for the aircraft.

*Note* For *relevant NAA* see subregulation 2 (1).

- (2) This regulation also applies to the holder of the certificate of registration for an Australian aircraft for which a flight manual has been issued if:
- (a) a modification that conforms to a supplemental type certificate applying to the aircraft, or an aircraft component fitted to the aircraft, is carried out on the aircraft or aircraft component; and
  - (b) the holder of the supplemental type certificate gives an instruction to the effect that a change must be made to the manual because of the modification; and
  - (c) the change is approved by CASA or the NAA that issued the supplemental type certificate.

*Note* For *NAA* see the Dictionary at the end of CAR 1998.

- (3) This regulation also applies to the holder of the certificate of registration for an Australian aircraft for which a flight manual has been issued if:
- (a) a modification that does not conform to a supplemental type certificate is carried out on the aircraft or an aircraft component fitted to the aircraft; and
  - (b) CASA or an authorised person has approved the design of the modification under regulation 35; and
  - (c) CASA or the authorised person gives an instruction, in writing, to the effect that a change must be made to the manual because of the modification.
- (4) This regulation also applies to the holder of the certificate of registration for an Australian aircraft for which a flight manual has been issued if CASA, or an authorised person, instructs the certificate holder, in writing, for the purpose of ensuring the safety of air navigation, to make a change to the manual.

- (5) The holder of the certificate of registration for the aircraft must make the change to the aircraft's flight manual:
- (a) if the instruction indicates the period within which the change must be made — within that period; or
  - (b) in any other case — before the aircraft is flown for the first time after the certificate holder is told of the instruction.

Penalty: 50 penalty units.

- (6) If the certificate holder makes a change to the aircraft's flight manual under subregulation (5), the holder must tell CASA, in an approved form, about the details of the change within 48 hours after the aircraft is flown for the first time after the change is made.

Penalty: 20 penalty units.

**[4] Regulation 138**

*substitute*

**138 Pilot to comply with requirements, etc of aircraft's flight manual, etc**

- (1) If a flight manual has been issued for an Australian aircraft, the pilot in command of the aircraft must comply with a requirement, instruction, procedure or limitation concerning the operation of the aircraft that is set out in the manual.

Penalty: 50 penalty units.

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- (2) If a flight manual has not been issued for an Australian aircraft and, under the relevant airworthiness standards for the aircraft, the information and instructions that would otherwise be contained in an aircraft's flight manual are to be displayed either wholly on a placard, or partly on a placard and partly in another document, the pilot in command of the aircraft must comply with a requirement, instruction, procedure or limitation concerning the operation of the aircraft that is set out:
- (a) on the placard; or
  - (b) on the placard or in the other document.

Penalty: 50 penalty units.

**[5] Subregulation 139 (3)**

*substitute*

- (3) An aircraft that is operated under an AOC need not carry its flight manual when flying if it carries on board an operations manual that:
- (a) contains the information and instructions that are required, under the relevant airworthiness standards for the aircraft, to be included in the flight manual; and
  - (b) does not contain anything that conflicts with the information or instructions.



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**[6] After regulation 321**

*insert*

**322 Transitional: changes to flight manuals for Australian aircraft**

- (1) Subregulations (4) and (5) apply to the holder of the certificate of registration for an Australian aircraft for which a flight manual has been issued if:
  - (a) the aircraft's manufacturer, or the holder of the type certificate to which the aircraft conforms, gave an instruction, before the commencement of this regulation, to the effect that a change must be made to the manual; and
  - (b) the change has been approved by CASA or the relevant NAA for the aircraft.

*Note* For **relevant NAA** see subregulation 2 (1).

- (2) Subregulations (4) and (5) also apply to the holder of the certificate of registration for an Australian aircraft for which a flight manual has been issued if:
  - (a) a modification that conforms to a supplemental type certificate applying to the aircraft, or an aircraft component fitted to the aircraft, was carried out, before the commencement of this regulation, on the aircraft or aircraft component; and
  - (b) the holder of the supplemental type certificate gave an instruction, before the commencement of this regulation, to the effect that a change must be made to the manual because of the modification; and
  - (c) the change has been approved by CASA or the NAA that issued the supplemental type certificate.

*Note* For **NAA** see the Dictionary at the end of CAR 1998.

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- (3) Subregulations (4) and (5) also apply to the holder of the certificate of registration for an Australian aircraft for which a flight manual has been issued if:
- (a) a modification that does not conform to a supplemental type certificate was carried out, before the commencement of this regulation, on the aircraft or an aircraft component fitted to the aircraft; and
  - (b) CASA or an authorised person approved the design of the modification under regulation 35; and
  - (c) CASA or the authorised person gave an instruction in writing, before the commencement of this regulation, to the effect that a change must be made to the manual because of the modification.
- (4) The certificate holder must make the change to the aircraft's flight manual:
- (a) before the end of the period of 1 year beginning on the commencement of this regulation; or
  - (b) if another change to the aircraft's flight manual is required under regulation 55 and the other change is made before the end of the period mentioned in paragraph (a) — before the other change is made.

Penalty: 50 penalty units.

- (5) If the certificate holder makes a change to the aircraft's flight manual under subregulation (4), the holder must tell CASA, in an approved form, about the details of the change within 48 hours after the aircraft is flown for the first time after the change is made.

Penalty: 20 penalty units.

### **323 Transitional: documents to be carried in Australian aircraft**

- (1) This regulation applies to an Australian aircraft if a change or changes to its flight manual are required under regulation 322.

- (2) Despite subregulation 139 (1), during the transition period, the aircraft is not required to carry its flight manual when flying if it carries on board the manual that was the aircraft's flight manual immediately before the commencement of this regulation.

*Note* An aircraft's flight manual immediately before the commencement of this subregulation was the manual in force for the aircraft under regulation 138, as that regulation was in force immediately before that commencement.

- (3) In subregulation (2):

***transition period*** means:

- (a) if the change or changes to the aircraft's flight manual are made before the last day of the period within which the change or changes must be made — the period beginning on the commencement of this regulation and ending at the end of the day on which the change is made; or
- (b) if paragraph (a) does not apply — the period within which the change or changes must be made under subregulation 322 (4).

## Notes

1. These regulations amend 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> the *Commonwealth of Australia Gazette* on <sup>K</sup> 1999, and notified in <sup>K</sup> 1999.

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9 August/  
16 August/