



Civil Aviation Legislation Amendment (Miscellaneous Measures) Regulation 2016

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

Dated 15 September 2016

Peter Cosgrove
Governor-General

By His Excellency's Command

Darren Chester
Minister for Infrastructure and Transport

OPC60325 - D

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1 Name

This is the *Civil Aviation Legislation Amendment (Miscellaneous Measures) Regulation 2016*.

2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	The day after this instrument is registered.	17 September 2016

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

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

4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1—Miscellaneous amendments

Civil Aviation Regulations 1988

1 Subregulation 2(1) (definition of *group A ultralight*)

Omit “Recreational Aviation Australia Inc.”, substitute “Recreational Aviation Australia Incorporated”.

2 Subregulation 2(1) (definition of *maintenance schedule*)

Omit “regulation 42A, 42B or 42C”, substitute “regulation 42A, 42B, 42C or 42CA”.

3 Subregulation 2(1) (definition of *power-assisted sailplane*)

Omit “the Gliding Federation of Australia”, substitute “The Gliding Federation of Australia Incorporated”.

4 Subregulation 2(1) (definition of *sport aviation body*)

Repeal the definition.

5 Subregulation 5(3)

Omit “notified in the *Gazette*”, substitute “registered on the Federal Register of Legislation”.

6 Regulation 5A

Repeal the regulation.

7 Subregulation 43(7)

Repeal the subregulation, substitute:

- (7) A maintenance release may be issued in respect of an aircraft only if all maintenance in respect of the aircraft required to be carried out to comply with any requirement or condition imposed under these Regulations has been certified, in accordance with regulation 42ZE or 42ZN, to have been completed.

8 Subregulation 43(8)

Omit “paragraph (7)(a)”, substitute “subregulation (7)”.

9 Subregulation 43(8)

Omit “that paragraph” (wherever occurring), substitute “that subregulation”.

10 Subregulation 43(13)

Omit “paragraph (7)(a)”, substitute “subregulation (7)”.

11 Subregulation 47(1)

Omit “, subject to subregulation (2),”.

12 Subregulation 47(2)

Repeal the subregulation.

13 Paragraph 48(5)(b)

Omit “paragraph 43(7)(a)”, substitute “subregulation 43(7)”.

14 Subregulation 5.138(6) (definition of *private pilot certificate (balloons)*)

Omit “Australian Ballooning Federation Inc”, substitute “Australian Ballooning Federation Incorporated”.

15 Subregulation 99AA(6A)

Repeal the subregulation.

16 Subregulation 133(1)

Omit “regulation 317 and”.

17 Subregulation 133(2)

Repeal the subregulation, substitute:

- (2) Paragraph (1)(d) does not apply to any maintenance that was required to be carried out before the issue of the maintenance release in force, or the last maintenance release that was in force, for the aircraft.

18 Subregulation 139(5)

Repeal the subregulation (not including the note), substitute:

- (5) Subregulation (1) does not apply to the pilot in command if the flight was authorised by a special flight permit issued under regulation 21.197 of CASR.

19 Subregulation 174A(1C)

Repeal the subregulation.

20 Subregulation 174D(3A)

Repeal the subregulation.

21 Subregulation 177(1C)

Repeal the subregulation.

22 Subregulation 179A(3A)

Repeal the subregulation.

23 Subparagraph 206(1)(b)(i)

Omit “or under a permission to fly in force under subregulation 317(1)”.

24 Paragraph 210B(1)(b)

After “Part 61”, insert “of CASR”.

25 Regulation 262AE (heading)

Repeal the heading, substitute:

262AE ACAS requirements—certain other aeroplanes

26 Paragraph 262AE(1)(b)

Repeal the paragraph, substitute:

- (b) the aeroplane is first registered, in Australia or elsewhere, on or after 1 January 2014.

27 Regulation 317

Repeal the regulation.

Civil Aviation Safety Regulations 1998

28 Regulation 1.008 (heading)

Repeal the heading, substitute:

1.008 Manuals of Standards

29 After subregulation 1.008(2) (before the note)

Insert:

- (3) To avoid doubt, a MOS may not do the following:
- (a) create an offence or civil penalty;
 - (b) provide powers of:
 - (i) arrest or detention; or
 - (ii) entry, search or seizure;
 - (c) impose a tax;
 - (d) set an amount to be appropriated from the Consolidated Revenue Fund under an appropriation in these Regulations;
 - (e) directly amend the text of these Regulations.

30 Regulation 61.010 (paragraphs (a), (b) and (c) of the definition of *recreational aviation administration organisation*)

Repeal the paragraphs, substitute:

- (a) Recreational Aviation Australia Incorporated; or
- (b) Australian Sport Rotorcraft Association Incorporated; or
- (c) The Gliding Federation of Australia Incorporated.

31 Paragraph 67.030(3)(b)

After “information”, insert “or document”.

32 Subregulation 67.030(5)

After “information”, insert “and documents”.

33 Subregulation 67.035(4)

After “information”, insert “and documents”.

34 Subregulation 67.040(3)

After “information”, insert “and documents”.

35 Paragraph 67.180(2)(d)

Repeal the paragraph, substitute:

- (d) subject to subregulation (5), the applicant authorises the disclosure to CASA and the examiner of any information or documents about the applicant:
 - (i) that are held by a person, organisation, body or authority mentioned in subregulation (6); and
 - (ii) that may help CASA to decide whether the applicant meets the relevant medical standard; and

36 Paragraphs 67.180(5)(a) and (b)

After “information”, insert “or a document”.

37 Paragraph 67.180(6)(e)

After “information”, insert “or a document”.

38 Subparagraph 67.225(3)(b)(i)

Repeal the subparagraph, substitute:

- (i) the applicant has, subject to subregulation (5), authorised the disclosure of his or her medical information and documents to the DAME, being information and documents held by any of the persons, organisations, bodies or authorities mentioned in subregulation (6); and

39 Paragraphs 67.225(5)(a) and (b)

After “information”, insert “or a document”.

40 Paragraph 67.225(6)(e)

After “information”, insert “or a document”.

41 Paragraph 67.230(1)(e)

After “information”, insert “or document”.

42 Paragraph 67.230(4)(e)

After “information”, insert “or a document”.

43 Subregulation 67.265(2)

Omit “DAME”, substitute “*DAME*”.

44 Subregulation 99.010(2) (definition of *NMI R*)

Repeal the definition, substitute:

NMI R followed by a number is a reference to the document with that designation and number, as in force from time to time, published by the National Measurement Institute established under the *National Measurement Act 1960*.

45 Regulation 101.020 (heading)

Repeal the heading, substitute:

101.020 Exemption from certain provisions of CAR**46 Regulation 101.020**

Omit “1988”.

47 Subregulation 101.080(2) (table item 3, column headed “Information to be provided”)

Omit “a free”, substitute “an unmanned free”.

48 Regulation 101.145

Repeal the regulation, substitute:

101.145 Kinds of unmanned free balloons

- (1) There are 4 kinds of unmanned free balloon. These are defined (in order of ascending size) in the following 4 subregulations.
- (2) A ***small balloon*** is an unmanned free balloon that:
 - (a) has a diameter of 2 metres or less at launch; and
 - (b) either:
 - (i) is not carrying a payload; or
 - (ii) is carrying a payload with a combined mass of 50 g or less.
- (3) A ***light balloon*** is an unmanned free balloon that:
 - (a) carries a payload to which all of the following apply:

- (i) the payload does not include a heavy package;
 - (ii) the payload has a combined mass of more than 50 g but less than 4 kg;
 - (iii) if a rope or other device has been used for the suspension of the payload—an impact force of less than 230 N is required to separate the suspended payload from the balloon; or
 - (b) has a diameter of greater than 2 metres at launch and either:
 - (i) is not carrying a payload; or
 - (ii) is carrying a payload with a combined mass of 50 g or less.
- (4) A **medium balloon** is an unmanned free balloon that carries a payload to which all of the following apply:
- (a) the payload includes at least 2 packages but no heavy packages;
 - (b) the payload has a combined mass of at least 4 kg but less than 6 kg;
 - (c) if a rope or other device has been used for the suspension of the payload—an impact force of less than 230 N is required to separate the suspended payload from the balloon.
- (5) A **heavy balloon** is an unmanned free balloon that carries a payload to which any of the following apply:
- (a) the payload includes a heavy package;
 - (b) the combined mass of the payload is at least 6 kg;
 - (c) if a rope or other device has been used for the suspension of the payload—an impact force of 230 N or more is required to separate the suspended payload from the balloon.
- (6) A **heavy package** means a package that:
- (a) weighs at least 3 kg; or
 - (b) weighs at least 2 kg and has an area density of more than 13 g per cm².
- (7) For paragraph (6)(b), the area density of a package is worked out by dividing the total mass in grams of the package by the area in square centimetres of its smallest surface.

49 Subregulation 101.155(1) (note)

Repeal the note.

50 Subregulation 101.160(1) (note 3)

Repeal the note.

51 Subregulation 101.165(1) (note 3)

Repeal the note.

52 Subregulations 101.170(1), 101.175(1), 101.180(1) and 101.190(1) (notes)

Repeal the notes.

53 Regulation 101.195 (heading)

Repeal the heading, substitute:

101.195 Marking—unmanned free balloons generally

54 Subregulations 101.195(1) and (2)

Omit “a free”, substitute “an unmanned free”.

55 Subregulations 101.195(2), 101.195(3), 101.200(1), 101.205(1), 101.210(1), 101.215(1), 101.220(1) and 101.225(1) (notes)

Repeal the notes.

56 Subregulation 101.260(1)

Omit “1988”.

57 Regulation 173.030 (subparagraph (b)(ii) of the definition of *procedure design authorisation*)

Omit “located no closer than 30 nm”, substitute “located no closer than the distance specified in the Manual of Standards”.

58 Subregulation 173.265(1)

Repeal the subregulation, substitute:

- (1) This regulation applies to an authorised designer who is authorised to carry on the activity mentioned in subparagraph 173.030(b)(ii).

59 Subregulations 202.050(1) and (2)

Omit “1988”.

60 Subregulations 202.051(1) and (3)

Omit “1988” (wherever occurring).

61 Regulation 202.052

Omit “1988”.

62 Subpart 202.CA

Repeal the Subpart.

63 Regulation 202.261 (paragraph (b) of the definition of amendments)

Omit “on 1 September 2014”, substitute “immediately before the commencement of the *Civil Aviation Legislation Amendment Regulation 2013 (No. 1)*”.

64 Regulation 202.261 (subparagraph (b)(i) of the definition of amendments)

Omit “26.6”, substitute “29.6”.

65 Regulation 202.261 (subparagraph (b)(iv) of the definition of amendments)

Repeal the subparagraph.

66 Regulation 202.261 (at the end of the definition of amendments)

Add:

and (c) the amendments of Civil Aviation Order 82.6 commencing on 1 September 2014.

67 Regulation 202.261 (paragraph (b) of the definition of relevant CAO)

Omit “26.6”, substitute “29.6”.

68 Part 1 of the Dictionary (definition of *free balloon*, twice occurring)

Repeal the definitions, substitute:

free balloon:

(a) in Part 101—means a balloon that is not tethered; and

- (b) otherwise—means a balloon that is intended for flight without being permanently tethered.

69 Part 1 of the Dictionary (definition of *heavy balloon*)

Repeal the definition, substitute:

heavy balloon: see regulation 101.145.

70 Part 1 of the Dictionary

Insert:

heavy package: see regulation 101.145.

71 Part 1 of the Dictionary (definition of *light balloon*)

Repeal the definition, substitute:

light balloon: see regulation 101.145.

72 Part 1 of the Dictionary (definition of *medium balloon*)

Repeal the definition, substitute:

medium balloon: see regulation 101.145.

73 Part 1 of the Dictionary (definition of *small balloon*)

Repeal the definition, substitute:

small balloon: see regulation 101.145.

74 Part 1 of the Dictionary

Insert:

sport aviation body means:

- (a) Australian Ballooning Federation Incorporated; or
- (b) Australian Parachute Federation Limited; or
- (c) Australian Sport Rotorcraft Association Incorporated; or
- (d) Recreational Aviation Australia Incorporated; or
- (e) The Gliding Federation of Australia Incorporated; or
- (f) Hang Gliding Federation of Australia Incorporated; or
- (g) a body established in a Contracting State to administer sport aviation in that State.

75 Part 1 of the Dictionary (definition of *standard certificate of airworthiness*)

Omit “see”, substitute “: see”.

Schedule 2—Amendments relating to Part 66

Civil Aviation Safety Regulations 1998

1 Subregulations 66.026(1) and (2)

Omit “subregulation (3) and”.

2 Subregulation 66.026(3)

Repeal the subregulation.

3 Subregulations 66.095(1), (2) and (4)

Omit “subregulation (5) and”.

4 Subregulation 66.095(5)

Repeal the subregulation.

5 At the end of Subpart 202.CG

Add:

202.355 Validation of certain licences and ratings granted subject to exclusions during relevant period

- (1) This regulation applies to a licence granted, or purportedly granted, under regulation 66.026, or to a rating granted, or purportedly granted, under regulation 66.095, if the licence or rating was granted, or purportedly granted:
 - (a) during the relevant period; and
 - (b) subject to an exclusion that did not relate to a type rated aircraft type.
- (2) The licence or rating is valid and effective, and is taken always to have been as valid and effective, as it would have been if the amendments made by the *Civil Aviation Legislation Amendment (Miscellaneous Measures) Regulation 2016* had been in force during the relevant period.
- (3) Any act or thing done under the licence or rating is valid and effective, and is taken always to have been as valid and effective, as it would have been if the amendments made by the *Civil*

Aviation Legislation Amendment (Miscellaneous Measures) Regulation 2016 had been in force during the relevant period.

(4) In this regulation:

relevant period means the period:

- (a) beginning at the start of 4 July 2016; and
- (b) ending at the commencement of the *Civil Aviation Legislation Amendment (Miscellaneous Measures) Regulation 2016*.