

EXPOSURE DRAFT



EXPOSURE DRAFT

Civil Aviation Legislation Amendment (Part 43—Maintenance of Aircraft) Regulations 2022

I, General the Honourable David Hurley AC DSC (Retd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 2022

David Hurley
Governor-General

By His Excellency's Command

Barnaby Joyce [DRAFT ONLY—NOT FOR SIGNATURE]
Deputy Prime Minister and Minister for Infrastructure, Transport and Regional Development

EXPOSURE DRAFT

EXPOSURE DRAFT

Contents

1	Name	1
2	Commencement.....	1
3	Authority	1
4	Schedules.....	1
Schedule 1—Amendments		2
Part 1—Main amendments		2
<i>Civil Aviation Safety Regulations 1998</i>		2
Part 2—Consequential amendments		8
<i>Civil Aviation Regulations 1988</i>		8
<i>Civil Aviation Safety Regulations 1998</i>		8
Part 3—Transitional provisions		13
<i>Civil Aviation Regulations 1988</i>		13
<i>Civil Aviation Safety Regulations 1998</i>		13

EXPOSURE DRAFT

1 Name

This instrument is the *Civil Aviation Legislation Amendment (Part 43—Maintenance of Aircraft) Regulations 2022*.

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 Provisions	Column 2 Commencement	Column 3 Date/Details
1. Sections 1 to 4 and anything in this instrument not elsewhere covered by this table	The day after this instrument is registered.	
2. Schedule 1	Immediately after the end of the period of 1 month beginning on the day after this instrument is registered.	

Note: This table relates only to the provisions of this instrument as originally made.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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

EXPOSURE DRAFT

Schedule 1 Amendments

Part 1 Main amendments

Schedule 1—Amendments

Part 1—Main amendments

Civil Aviation Safety Regulations 1998

1 After Part 42

Insert:

Part 43—Maintenance of certain aircraft

Table of contents

Subpart 43.A—Preliminary

- 43.005 Application of Part 43
- 43.010 Issue of Manual of Standards for Part 43
- 43.015 Approvals by CASA for Part 43

Subpart 43.B—General obligations

- 43.017 Part 43 Manual of Standards may prescribe requirements for maintenance of aircraft and aeronautical products
- 43.020 Continuing airworthiness requirements
- 43.025 Maintenance of aircraft and aeronautical products
- 43.030 Inspection authorisations
- 43.035 Aircraft maintenance technician certificates
- 43.040 Approved training for aircraft maintenance technician certificates
- 43.045 Directions to rectify inspection schedules or programs

Subpart 43.A—Preliminary

43.005 Application of Part 43

- (1) This Part applies to:
 - (a) a Part 43 aircraft; and
 - (b) an aeronautical product for a Part 43 aircraft.
- (2) An aircraft is a *Part 43 aircraft* if:
 - (a) the aircraft is an Australian aircraft; and
 - (b) the aircraft is not any of the following:
 - (i) an aircraft to which Part 42 applies;
 - (ii) an aircraft to which Part 101 applies;
 - (iii) a Part 103 aircraft;
 - (iv) a Part 131 aircraft; and

Note: Transitional arrangements apply for aircraft to which Part 42 applies: see regulations 202.180 and 202.181.

EXPOSURE DRAFT

Amendments **Schedule 1**
Main amendments **Part 1**

-
- (c) the aircraft is not used to conduct Part 121 operations, Part 133 operations or Part 135 operations.

43.010 Issue of Manual of Standards for Part 43

For the purposes of subsection 98(5A) of the Act, CASA may issue a Manual of Standards for this Part prescribing matters:

- (a) required or permitted by these Regulations to be prescribed by the Part 43 Manual of Standards; or
- (b) necessary or convenient to be prescribed for carrying out or giving effect to this Part.

Note: A Manual of Standards is a legislative instrument: see subsection 98(5AA) of the Act.

43.015 Approvals by CASA for Part 43

- (1) If a provision of this Part refers to a person holding an approval under this regulation, a person may apply to CASA, in writing, for the approval.
- (2) Subject to regulation 11.055, the approval must be granted.
- (3) Subregulation 11.055(1B) applies to the granting of an approval under this regulation.
- (4) To avoid doubt, if the Part 43 Manual of Standards prescribes criteria or other requirements for the grant of an approval under this regulation, the criteria or other requirements are taken to be criteria or other requirements specified in these Regulations for the purposes of regulation 11.055.

Subpart 43.B—General obligations

43.017 Part 43 Manual of Standards may prescribe requirements for maintenance of aircraft and aeronautical products

- (1) The Part 43 Manual of Standards may prescribe requirements relating to maintenance of Part 43 aircraft and aeronautical products for such aircraft.
- (2) Without limiting subregulation (1), the Part 43 Manual of Standards may prescribe requirements relating to the following:
 - (a) carrying out maintenance on Part 43 aircraft or aeronautical products for such aircraft;
 - (b) certifying for maintenance carried out on Part 43 aircraft or aeronautical products for such an aircraft;
 - (c) performing inspections of, and approving for return to service, Part 43 aircraft or aeronautical products for such aircraft;
 - (d) inspection schedules and inspection programs for Part 43 aircraft;
 - (e) testing of Part 43 aircraft or aeronautical products for such aircraft;
 - (f) weighing of Part 43 aircraft or aeronautical products for such aircraft;
 - (g) making and keeping records relating to any of the matters mentioned in paragraphs (a) to (f).

EXPOSURE DRAFT

Schedule 1 Amendments

Part 1 Main amendments

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- (3) A person mentioned in subregulation (4) contravenes this subregulation if:
 - (a) the person is subject to a requirement mentioned in subregulation (1); and
 - (b) the requirement is not met.
 - (4) The persons are the following:
 - (a) the registered operator of a Part 43 aircraft;
 - (b) the pilot in command of a Part 43 aircraft;
 - (c) a person carrying out maintenance on a Part 43 aircraft or an aeronautical product for the aircraft;
 - (d) a person carrying out an inspection of a Part 43 aircraft or an aeronautical product for the aircraft.
 - (5) A person commits an offence of strict liability if the person contravenes subregulation (3).

Penalty: 50 penalty units.

43.020 Continuing airworthiness requirements

- (1) The registered operator of a Part 43 aircraft contravenes this subregulation if:
 - (a) the aircraft is operated for a flight; and
 - (b) a requirement mentioned in subregulation (2) is not met.
- (2) The requirements are:
 - (a) any maintenance carried out on the aircraft or an aeronautical product for the aircraft since it was last operated for a flight has been carried out:
 - (i) by a person who holds an aircraft engineer licence or aircraft maintenance technician certificate that permits the person to perform the maintenance (or an individual who is carrying out maintenance under the supervision of such a person); or
 - (ii) by a Part 145 organisation that holds an approval certificate (within the meaning of Part 145) permitting the organisation to perform the maintenance; or
 - (iii) by a person prescribed by the Part 43 Manual of Standards in circumstances prescribed by the Part 43 Manual of Standards; and
 - (b) after any such maintenance has been carried out the aircraft or an aeronautical product for the aircraft has been approved for return to service:
 - (i) by a person who holds an aircraft engineer licence, an inspection authorisation or an aircraft maintenance technician certificate that permits the person to approve the aircraft for return to service; or
 - (ii) by a Part 145 organisation that holds an approval certificate (within the meaning of Part 145) permitting the organisation to approve the aircraft for return to service; or
 - (iii) by a person prescribed by the Part 43 Manual of Standards in circumstances prescribed by the Part 43 Manual of Standards; and
 - (c) the aircraft has:
 - (i) an inspection schedule that meets the requirements prescribed by the Part 43 Manual of Standards; or

EXPOSURE DRAFT

Amendments **Schedule 1**
Main amendments **Part 1**

-
- (ii) an inspection program for which the registered operator of the aircraft holds an approval under regulation 43.015; and
 - (d) all inspections and maintenance required by the inspection schedule or inspection program (as the case requires) have been carried out; and
 - (e) all records required to be made and kept for the aircraft or aeronautical product for the aircraft are up-to-date.
- (3) An application for an approval mentioned in subparagraph (2)(c)(ii) may be made to, and the approval granted by, an authorised person in circumstances prescribed by the Part 43 Manual of Standards.
- (4) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

43.025 Maintenance of aircraft and aeronautical products

- (1) A person that carries out maintenance on a Part 43 aircraft or an aeronautical product for such an aircraft contravenes this subregulation if the person fails to comply with a requirement mentioned in subregulation (2).
- (2) The requirements are:
 - (a) the person must:
 - (i) hold an aircraft engineer licence or aircraft maintenance technician certificate that permits the person to undertake the maintenance (or be an individual who is carrying out maintenance under the supervision of such a person); or
 - (ii) carry out the maintenance on behalf of a Part 145 organisation that holds an approval certificate (within the meaning of Part 145) permitting the organisation to carry out the maintenance; or
 - (iii) be a person prescribed by the Part 43 Manual of Standards to carry out maintenance in circumstances prescribed by the Part 43 Manual of Standards; and
 - (b) the person must carry out the maintenance in accordance with any privileges, limitations and conditions of the licence, certificate or approval; and
 - (c) the person must carry out the maintenance in accordance with any requirements prescribed by the Part 43 Manual of Standards.
- (3) The Part 43 Manual of Standards may prescribe additional privileges, limitations and conditions that an aircraft engineer licence is taken to have for the purposes of this Part.
- (4) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

43.030 Inspection authorisations

- (1) CASA may grant an individual an inspection authorisation to inspect Part 43 aircraft or aeronautical products for such aircraft, and approve the aircraft or

EXPOSURE DRAFT

Schedule 1 Amendments

Part 1 Main amendments

product for return to service, only if satisfied that the applicant meets the eligibility criteria prescribed by the Part 43 Manual of Standards.

- (2) For the purposes of subregulation (1), the Part 43 Manual of Standards may set out classes of inspection authorisations and prescribe different eligibility criteria for each of those classes.
- (3) The Part 43 Manual of Standards may prescribe the privileges, limitations and conditions of each class of inspection authorisation.
- (4) CASA may vary, suspend or cancel an inspection authorisation in circumstances prescribed by the Part 43 Manual of Standards.
- (5) CASA may prescribe requirements for the duration of inspection authorisations and the renewal of inspection authorisations.

43.035 Aircraft maintenance technician certificates

- (1) CASA may grant an individual an aircraft maintenance technician certificate to carry out maintenance on Part 43 aircraft or aeronautical products for such aircraft only if satisfied that the individual meets the eligibility criteria prescribed by the Part 43 Manual of Standards.
- (2) For the purposes of subregulation (1), the Part 43 Manual of Standards may set out classes of aircraft maintenance technician certificates and prescribe different eligibility criteria for each of those classes.
- (3) The Part 43 Manual of Standards may prescribe the privileges, limitations and conditions of each class of aircraft maintenance technician certificate.
- (4) An application for an aircraft maintenance technician certificate may be made to, and the certificate granted by:
 - (a) CASA in circumstances prescribed by the Part 43 Manual of Standards; or
 - (b) an authorised person in circumstances prescribed by the Part 43 Manual of Standards; or
 - (c) a limited category organisation in circumstances prescribed by the Part 43 Manual of Standards.
- (5) CASA may vary, suspend or cancel an aircraft maintenance technician certificate in circumstances prescribed by the Part 43 Manual of Standards.

43.040 Approved training for aircraft maintenance technician certificates

- (1) A person contravenes this subregulation if:
 - (a) the person provides a training program to another person for the purposes of the other person qualifying for the grant of an aircraft maintenance technician certificate; and
 - (b) the person providing the training does not hold an approval under regulation 43.015 to do so.
- (2) An application for an approval mentioned in paragraph (1)(b) may be made to, and the approval granted by:

EXPOSURE DRAFT

Amendments **Schedule 1**
Main amendments **Part 1**

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- (a) CASA in the circumstances prescribed by the Part 43 Manual of Standards; or
 - (b) an authorised person in the circumstances prescribed by the Part 43 Manual of Standards; or
 - (c) a limited category organisation in circumstances prescribed by the Part 43 Manual of Standards.
- (3) CASA, an authorised person, or a limited category organisation may grant an approval mentioned in paragraph (1)(b) only if satisfied that the applicant, and the training program, meet the requirements prescribed by the Part 43 Manual of Standards.
- (4) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

43.045 Directions to rectify inspection schedules or programs

- (1) CASA may direct the registered operator of a Part 43 aircraft to vary the inspection checklist included in an inspection schedule for the aircraft in accordance with the requirements prescribed for the purposes of subparagraph 43.020(2)(c)(i) if CASA is satisfied that the checklist does not meet those requirements.
- (2) CASA may direct the registered operator of a Part 43 aircraft to vary a requirement of an inspection program mentioned in subparagraph 43.020(2)(c)(ii) for the aircraft.
- (3) CASA may give the direction only if CASA is satisfied that it is necessary to do so to ensure that the checklist or program will adequately provide for the continuing airworthiness of the aircraft.
- (4) A direction under this regulation must:
 - (a) be in writing; and
 - (b) specify the time within which the direction must be complied with.

- (5) A person contravenes this subregulation if the person fails to comply with the direction within the time specified in the direction.
- (6) A person commits an offence of strict liability if the person contravenes subregulation (5).

Penalty: 50 penalty units.

2 Part 1 of the Dictionary

Insert:

aircraft maintenance technician certificate means an aircraft maintenance technician certificate referred to in subregulation 43.035(1).

inspection authorisation means an inspection authorisation referred to in subregulation 43.030(1).

EXPOSURE DRAFT

Schedule 1 Amendments

Part 2 Consequential amendments

Part 2—Consequential amendments

Civil Aviation Regulations 1988

3 Subregulation 30(1A)

Omit “Part 42 of CASR does not apply”, substitute “neither Part 42 nor Part 43 of CASR applies”.

4 At the end of subregulation 262AN(3)

Add:

- ; (e) if the organisation will be considering applications, and granting approvals, for aircraft maintenance technician certificates—considering those applications and granting those approvals;
- (f) if the organisation will be considering applications, and granting approvals, for the provision of training for such certificates in accordance with regulation 43.040—considering those applications and granting those approvals.

Civil Aviation Safety Regulations 1998

5 Regulation 13.375 (after table item 6)

Insert:

6A	an inspection authorisation	Authorisation to inspect Part 43 aircraft or aeronautical products for such aircraft, and approve the aircraft or product for return to service
6B	an aircraft maintenance technician certificate	Authorisation to carry out maintenance on Part 43 aircraft or aeronautical products for such aircraft

6 After paragraph 21.181(6)(a)

Insert:

- (aaa) for a Part 43 aircraft—any maintenance carried out on the aircraft is not carried out in accordance with Part 43; or

7 Paragraph 21.181(6)(aa)

After “Part 42”, insert “or Part 43”.

8 Paragraphs 21.183(1)(b) and (2)(b)

Omit “has”, substitute “subject to subregulation (4B), has”.

9 Paragraph 21.183(3)(b)

Omit “any”, substitute “subject to subregulation (4B), any”.

EXPOSURE DRAFT

Amendments **Schedule 1**
Consequential amendments **Part 2**

10 Subparagraph 21.183(4)(d)(ii)

Omit “any”, substitute “subject to subregulation (4B), any”.

11 At the end of subregulation 21.183(4A)

Add:

; and (d) if the aircraft is a Part 43 aircraft—an approval for return to service is in force for the aircraft.

12 After subregulation 21.183(4A)

Insert:

Part 43 aircraft

(4B) Paragraphs (1)(b), (2)(b) and (3)(b), and subparagraph (4)(d)(ii), apply in relation to a Part 43 aircraft only if the modifications or repairs for the aircraft are major modifications or major repairs.

13 Paragraph 21.183(5)(b)

After “design”, insert “(other than modifications or repairs for a Part 43 aircraft that are not major modifications or major repairs)”.

14 After paragraph 21.184(3)(e)

Insert:

(ea) if the aircraft is a Part 43 aircraft and, since it was last operated for a flight:
(i) maintenance has been carried out on the aircraft; or
(ii) an annual inspection of the aircraft required by the Part 43 Manual of Standards has been undertaken;
any requirements for the approval for the return to service of the aircraft prescribed by the Part 43 Manual of Standards for the purposes of regulation 43.017 have been met in relation to the maintenance or annual inspection; and

15 Paragraphs 21.184(3)(f) and (4)(ca)

Omit “if Part 42 does not apply”, substitute “if neither Part 42 nor Part 43 applies”.

16 After paragraph 21.184(4)(ca)

Insert:

(cb) if the aircraft is a Part 43 aircraft—an approval for return to service is in force for the aircraft; and

17 After paragraph 21.184A(2)(ca)

Insert:

(cb) if the aircraft is a Part 43 aircraft—an approval for return to service is in force for the aircraft; and

18 Subregulation 21.329(3A)

Omit “to which Part 42 does not apply”, substitute “to which neither Part 42 nor Part 43 applies”.

EXPOSURE DRAFT

Schedule 1 Amendments

Part 2 Consequential amendments

19 After subregulation 21.329(3A)

Insert:

- (3B) For a used aircraft that is a Part 43 aircraft, an approval for return to service is in force for the aircraft.

20 Subregulation 21.329(7)

Omit “(3), (4)”, substitute “(3), (3A), (4)”.

21 Paragraph 66.025(3)(b)

After “mentioned in”, insert “the Part 43 Manual of Standards or”.

22 Subregulation 66.120(1)

Omit “certification or issue a certificate of release to service only”, substitute “certification, issue a certificate of release to service or approve an aircraft or an aeronautical product for return to service only”.

23 After subregulation 66.120(1)

Insert:

- (1A) In addition, a licensed aircraft maintenance engineer may certify the maintenance of a Part 43 aircraft or an aeronautical product for such an aircraft, or approve a Part 43 aircraft or an aeronautical product for such an aircraft for return to service, only if the engineer does so in accordance with a privilege, limitation or condition:
- (a) prescribed by the Part 43 Manual of Standards for the purposes of subregulation 43.035(3) that the licence is taken to have for the purposes of Part 43; and
 - (b) that applies to the certification of the maintenance or the approval of the aircraft for return to service in accordance with that Part.

24 Paragraph 91.110(3)(b)

Omit “the flight”, substitute “for an aircraft other than a Part 43 aircraft—the flight”.

25 Paragraph 91.145(2)(d)

Omit “Part 42 does not apply”, substitute “neither Part 42 nor Part 43 applies”.

26 After regulation 91.145

Insert:

91.147 Additional requirements to be met before Part 43 aircraft may fly

- (1) The pilot in command of a Part 43 aircraft for a flight contravenes this subregulation if:
 - (a) the flight begins; and
 - (b) a requirement in subregulation (2) is not met.
- (2) The requirements are the following:

EXPOSURE DRAFT

Amendments **Schedule 1**
Consequential amendments **Part 2**

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- (a) the aircraft has been inspected in accordance with the requirements prescribed by the Part 43 Manual of Standards for the purposes of paragraph 43.017(2)(c);
 - (b) an approval for return to service of the aircraft must be in force in accordance with the requirements prescribed by the Part 43 Manual of Standards for the purposes of paragraph 43.017(2)(c);
 - (c) the aircraft must not have any defects or damage, other than defects or damage that have been deferred by the registered operator of the aircraft for a later inspection in accordance with the requirements prescribed by the Part 43 Manual of Standards for the purposes of paragraph 43.017(2)(c).
- (3) A person commits an offence if the person contravenes subregulation (1).

Penalty: 50 penalty units.

27 Subregulation 91.915(1)

Repeal the subregulation, substitute:

- (1) This regulation does not apply to:
 - (a) an aircraft for which a special flight permit is in force; or
 - (b) a Part 43 aircraft.

28 Subregulation 91.950(2)

Repeal the subregulation, substitute:

- (2) If Part 42 does not apply to the aircraft, subregulation (1) applies to the operation of the aircraft only if, throughout the period of the extension:
 - (a) for a Part 43 aircraft—the registered operator of the aircraft keeps the approval of the extension with the maintenance records for the aircraft; and
 - (b) otherwise—the approval of the extension is kept with the maintenance release for the aircraft.

29 Paragraph 132.180(2)(a)

Repeal the paragraph, substitute:

- (a) the individual gives or grants, on behalf of a limited category organisation, any of the following:
 - (i) an approval, certificate or advice covered by subregulation (4);
 - (ii) an aircraft maintenance technician certificate;
 - (iii) an approval to provide training mentioned in paragraph 43.040(1)(b); and

30 After subregulation 132.180(3)

Insert:

- (3A) An individual contravenes this subregulation if:
 - (a) the individual grants, on behalf of a limited category organisation, an approval to provide training mentioned in paragraph 43.040(1)(b); and
 - (b) the approval is granted:
 - (i) in circumstances that are not circumstances prescribed by the Part 43 Manual of Standards for the purposes of paragraph 43.040(2)(c); or

EXPOSURE DRAFT

Schedule 1 Amendments

Part 2 Consequential amendments

- (ii) to an applicant, or in respect of a training program, that does not meet a requirement prescribed by the Part 43 Manual of Standards for the purposes of subregulation 43.040(3) in respect of the applicant or training program.

31 Subregulation 132.180(5)

Omit “(2) or (3)”, substitute “(2), (3) or (3A)”.

32 Subparagraphs 145.045(a)(v) and (vi)

Repeal the subparagraphs, substitute:

- (v) the Part 43 Manual of Standards and the Part 145 Manual of Standards; and
- (vi) Parts 42 and 43 and this Part; and

33 Part 1 of the Dictionary

Insert:

maintenance records, for a Part 43 aircraft, has the meaning given by the Part 43 Manual of Standards.

major modification, for a Part 43 aircraft, has the meaning given by the Part 43 Manual of Standards.

major repair, for a Part 43 aircraft, has the meaning given by the Part 43 Manual of Standards.

34 Clause 1 of Part 3 of the Dictionary (paragraph (a) of the definition of CAR maintenance activities)

Omit “Part 42 does not apply”, substitute “neither Part 42 nor Part 43 applies”.

35 Clause 1 of Part 3 of the Dictionary (at the end of the definition of maintenance services)

Add:

- ; (d) approving for return to service of a Part 43 aircraft, or an aeronautical product for such an aircraft.

EXPOSURE DRAFT

Amendments **Schedule 1**
Transitional provisions **Part 3**

Part 3—Transitional provisions

Civil Aviation Regulations 1988

36 After Division 2 of Part 20

Insert:

Division 2A—Transitional provisions relating to Part 43 of CASR

332 Application of Parts 4A, 4B, 4C and 4D to Part 43 aircraft

Subject to Division 202.BB.1 of CASR, Parts 4A, 4B, 4C and 4D do not apply to a Part 43 aircraft.

Civil Aviation Safety Regulations 1998

37 After Subpart 202.BA

Insert:

Subpart 202.BB—Transitional provisions for Part 43 (Maintenance of certain aircraft)

Division 202.BB.1—Transitional provisions relating to the commencement of Part 43

202.195 Definitions for Division 202.BB.1

In this Division:

amending Regulations means the *Civil Aviation Legislation Amendment (Part 43—Maintenance of Aircraft) Regulations 2022*.

early commencement time means the time when sections 1 to 4 of the amending Regulations commence.

main commencement time means the time when Schedule 1 to the amending Regulations commences.

new Regulations means these Regulations as amended by the amending Regulations, and includes any Manual of Standards issued under the new Regulations.

old CAR means CAR as in force immediately before the main commencement time and includes Civil Aviation Orders issued under those Regulations.

old Regulations means these Regulations (including the old CAR) as in force immediately before the main commencement time.

EXPOSURE DRAFT

Schedule 1 Amendments

Part 3 Transitional provisions

202.196 Application of Part 43

Subject to this Division, Part 43 applies to maintenance carried out on Part 43 aircraft or aeronautical products for such aircraft after the main commencement time.

Note: For the definition of *maintenance*, see section 3 of the Act.

202.197 Early applications for inspection authorisations

- (1) An individual may apply to CASA for the grant of an inspection authorisation under the new Regulations during the period:
 - (a) beginning immediately after the early commencement time; and
 - (b) ending immediately before the main commencement time.
- (2) If the individual meets the eligibility criteria prescribed by the Part 43 Manual of Standards for the purposes of subregulation 43.030(1) of the new Regulations, CASA may, before or after the main commencement time, subject to the Act and the requirements mentioned in regulation 11.055, grant an inspection authorisation to the individual.
- (3) If CASA grants the inspection authorisation to the individual, the authorisation comes into force at the later of:
 - (a) the main commencement time; or
 - (b) a time after the main commencement time specified in the authorisation.

202.198 Maintenance of Part 43 aircraft under CAR 30 certificates of approval

- (1) This regulation applies if:
 - (a) before the main commencement time, CASA has issued a certificate of approval under regulation 30 of CAR to an approved maintenance organisation; and
 - (b) the certificate:
 - (i) authorises the organisation to carry out maintenance of aircraft or aeronautical products; and
 - (ii) is in force immediately before the main commencement time.
- (2) Despite the amendments made by the amending Regulations, the old Regulations continue to apply in relation to maintenance carried out on a Part 43 aircraft or an aeronautical product of such an aircraft by the organisation.
- (3) This regulation ceases to have effect in respect of the organisation on the earliest of the following:
 - (a) when the organisation ceases to hold the certificate of approval;
 - (b) when the organisation becomes a Part 145 organisation;
 - (c) the end of the period of 36 months after the main commencement time.

202.199 Maintenance of Part 43 aircraft under other CAR authorisations

- (1) This regulation applies if:
 - (a) CASA has issued to a person (whether before or after the main commencement time):

EXPOSURE DRAFT

Amendments **Schedule 1**
Transitional provisions **Part 3**

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- (i) an airworthiness authority under regulation 33B of CAR; or
 - (ii) an aircraft welding authority under regulation 33D of CAR; or
 - (iii) an authority under subregulation 42ZC(6) of CAR to carry out maintenance on a particular class of aircraft; or
 - (iv) an authority under section 5, 6, 7 or 10 of Civil Aviation Order 104.0; and
- (b) the person applied for the authority before the early commencement time; and
 - (c) the authority:
 - (i) authorises the person to engage in the maintenance of aircraft or aeronautical products; and
 - (ii) is in force; and
 - (iii) if the authority is issued before the main commencement time—is in force immediately before that time.
- (2) For the purposes of the new Regulations:
 - (a) the authority is taken to be an aircraft maintenance technician certificate; and
 - (b) the certificate is taken to have the same privileges as the privileges that apply to the authority.
 - (3) This regulation ceases to have effect in respect of the person on the earliest of the following:
 - (a) when the person ceases to hold the authority;
 - (b) when the person is granted:
 - (i) an aircraft engineer licence with the same privileges as the authority; or
 - (ii) an aircraft maintenance technician certificate;
 - (c) the end of the period of 12 months after the main commencement time.

202.199A Continuing operation of maintenance releases for Part 43 aircraft

- (1) This regulation applies if:
 - (a) an approved maintenance organisation issues a maintenance release for an aircraft, or a document approved for use as an alternative to a maintenance release, in accordance with regulation 43 of CAR:
 - (i) before the main commencement time; or
 - (ii) if regulation 202.198 applies to the organisation, before the time when that regulation ceases to apply to the organisation; and
 - (b) the maintenance release or document is in force immediately before the end of the main commencement time or the time referred to in subparagraph (a)(ii) (as applicable).
- (2) For the purposes of the new Regulations, the maintenance release or document:
 - (a) is taken to be an approval for return to service of the aircraft; and
 - (b) ceases to be in force on the earliest of the following:
 - (i) the end of the period during which it is expressed to be in force;
 - (ii) when it is suspended or cancelled;

EXPOSURE DRAFT

Schedule 1 Amendments

Part 3 Transitional provisions

- (iii) when an annual inspection of the aircraft required by the Part 43 Manual of Standards is undertaken.

202.199B Continuing operation of systems of maintenance for Part 43 aircraft

- (1) This regulation applies in relation to a Part 43 aircraft if:
 - (a) before the main commencement time, CASA or an authorised person approves a system of maintenance for the aircraft under regulation 42M of CAR; and
 - (b) the approval is in force immediately before the main commencement time.
- (2) For the purposes of the new Regulations, the system of maintenance:
 - (a) is taken to be an approved inspection program (within the meaning of the Part 43 Manual of Standards) for the aircraft; and
 - (b) ceases to be in force on the earlier of the following:
 - (i) when an inspection schedule is selected for the aircraft in accordance with the Part 43 Manual of Standards;
 - (ii) when an inspection program is approved for the aircraft in accordance with the Part 43 Manual of Standards.

202.199C Part 43 Manual of Standards may deal with other transitional matters

For the avoidance of doubt, the Part 43 Manual of Standards may provide for matters of a transitional nature (including prescribing any application provisions) relating to a provision of the Manual of Standards.

Note: If there is an inconsistency between a MOS and a provision of the Act or these Regulations, the provision of the Act or these Regulations prevails to the extent of the inconsistency: see regulation 1.008.