

## ANNEX A

# **Continuing airworthiness policies for air transport operation under Part 121 of CASR**

## Continuing airworthiness policies for air transport operation under Part 121 of CASR

### Purpose of this Annex

- (1) Annex 1 sets out changes to Part 42 of the CASR to accommodate the transition of existing charter operators into Parts 42 and 145 of CASR who operate aircraft that have:
  - (a) maximum take-off weight (MTOW) of more than 8618 kg; or
  - (b) passenger seating capacity of more than 9 seats.
- (2) The changes mainly relate to:
  - (a) continuing airworthiness responsibilities of the AOC holder;
  - (b) responsibilities of the person responsible for continuing airworthiness for the aircraft in relation to managing defect
  - (c) responsibilities of the maintainers in relation to deferring defects;
  - (d) responsibilities of the pilot in command in relation to deferring defects;
  - (e) who may carry out maintenance on aircraft outside Australian territory;
  - (f) privileges of pilot to carry out maintenance.
  - (g) management personnel requirements for continuing airworthiness management organisation;

### Application of the proposed policies in this document

The proposed policies in this document apply to the following persons:

- (a) AOC holders for aircraft that are authorised to operate under Part 121 of CASR;
- (b) Persons responsible for continuing airworthiness for aircraft (who are also the continuing airworthiness management organisation) that are authorised to operate under Part 121 of CASR;
- (c) persons who carry out maintenance on an:
  - (i) aircraft authorised to operate under an AOC;
  - (ii) aeronautical products for aircraft that are authorised operate under an AOC.

## Section A

This section set out the proposed changes to Subpart 42.A

### A.01 Meaning of terms

In this document:

**AOC** means an air operator's certificate that authorises the operation of an aircraft under Part 121 of CASR.

**AOC holder for an aircraft** means an AOC holder who is authorised to operate the aircraft under the AOC.

**person responsible for continuing airworthiness for an aircraft** means the person who is responsible for performing continuing airworthiness management tasks for the aircraft.

**superficial defect** in an aircraft means a defect in item of the aircraft that affects the appearance of the item only and it has no effect on the operation, function, the mechanical or structural integrity of the item.

## Section B

This section set out the proposed changes to Subpart 42.B

### B.01 Responsibility for ensuring airworthiness of an aircraft

[Reference: paragraph 42.030(2)(e) and sub-regulation 42.040(1) of CASR]

- (1) The AOC holder and not the registered operator will be the person responsible for continuing airworthiness for the aircraft and will be responsible for ensuring airworthiness of the aircraft before flight.
- (2) Intent of regulation 42.030 which includes overarching continuing airworthiness responsibilities of the registered operator, would apply to the AOC holder.
- (3) If an aircraft is authorised to operate under more than one AOC, the AOC holders must mutually nominate one of the AOC holders as the person responsible for continuing airworthiness for the aircraft. The AOC holder must have a written contract with the person responsible for continuing airworthiness for the aircraft, setting out the obligation of each party for:
  - (a) proper performance of the continuing airworthiness management tasks; and
  - (b) ensuring airworthiness of the aircraft before the aircraft is operated for a flight under the AOC.
- (3) The person responsible for continuing airworthiness for the aircraft (that is the AOC holder) will have to be approved as continuing airworthiness management organisation. This will have no practical impact as the registered operator, person responsible for continuing airworthiness for the aircraft, the AOC holder and continuing airworthiness management organisation will be the same entity in most cases.

### B.02 Responsibility for operating an aircraft for a flight with a defect

[Reference: paragraph 42.030(2)(e) of CASR]

- (1) Before an aircraft is operated for a flight with a defect, the AOC holder for the aircraft must ensure that:
  - (a) the rectification of the defect has been deferred by:
    - (i) a maintenance person in accordance with Subpart 42.D; or
    - (ii) the pilot in command for a flight of the aircraft in accordance with Subpart 42.M; and
  - (b) a record of deferral of the rectification exists as per subclause (2); and
  - (c) the record of deferral is in force.
- (2) The record of deferral of rectification of the defect must be in the flight technical log for the aircraft if the operation of the aircraft for a flight with the defect is:
  - (a) permitted by the aircraft's minimum equipment list or the flight manual; or
  - (b) subject to any condition or limitation mentioned in the record of deferral.
- (3) If the record of deferral of rectification of the defect mentions that the operation of the aircraft for a flight is permitted subject to any condition or limitation – the AOC holder must ensure those conditions and limitations are observed.
- (4) Subclause (1) does not apply if the defect is a superficial defect.

## Section C

This section set out the proposed changes to Subpart 42.C

### C.01 Rectification of defect

[Reference: regulation 42.115 of CASR]

- (1) If the person responsible for continuing airworthiness for an aircraft becomes aware that there is a defect in the aircraft, the person must ensure that the defect is rectified before the aircraft is next operated for flight unless:
  - (a) deferral of the rectification of the defect is permitted under Subpart 42D and the rectification has been deferred by a maintenance person in accordance with Subpart 42D; or
  - (b) deferral of the rectification of the defect is permitted under Subpart 42M and the rectification has been deferred by the pilot in command for a flight of the aircraft in accordance with Subpart 42M; and
  - (c) record of the deferral of the defect is in force; and
  - (d) the aircraft can be operated safely for a flight with the defect in accordance with any limitation or condition mentioned in the record of the deferral of the defect.
- (2) Subclause (1) does not apply if the defect is a superficial defect.
- (3) If the person responsible for continuing airworthiness for an aircraft must keep a copy of the record of the deferral of the defect until the defect is rectified.

### C.02 Ensuring a certificate of release to service for maintenance carried out on an aircraft has been issued

[Reference: No current regulation]

- (1) After completion of all the maintenance on an aircraft and before the aircraft is operated for a flight, the person responsible for continuing airworthiness for the aircraft must ensure that a certificate of release to service has been issued for the aircraft in relation to the maintenance carried out on the aircraft.
- (2) If maintenance on an aircraft is carried out by maintenance organisation approved by a foreign state, the person responsible for continuing airworthiness for the aircraft must ensure that the organisation has procedures to issue certificate of release to service for the aircraft in relation to the maintenance in accordance with Subpart 42.H of CASR.

## Section D

This section set out the proposed changes to Subpart 42.D

### D.01 Who may carry out maintenance on aircraft outside Australian territory

[Reference: regulation 42.301 of CASR]

- (1) Outside Australian territory, an individual may carry out any maintenance on an aircraft on behalf of a foreign maintenance organisation if:
  - (a) the organisation has been approved by any of the States listed under clause (2) to carry out the maintenance; and

- (b) the aircraft is engaged in unscheduled air transport operations.
- (2) For the purpose of clause (1), the States are:
  - (a) member States of the European Aviation Safety Agency;
  - (b) New Zealand;
  - (c) Singapore;
  - (d) United States of America.

#### **D.02 Privileges of pilot licence holder to carry out maintenance on aircraft**

[Reference: regulation 42.300 of CASR; Chapter 15 of Part 42 Manual of Standards]

- (1) A continuing airworthiness management organisation will be able to authorise a pilot licence holder or flight engineer under regulation 42.630 to carry out the following maintenance on an aircraft in addition to what is currently listed under Part 42 MOS Chapter 15:
  - (a) Maintenance that the instruction for continuing airworthiness specifically allows the pilot to carry out.
  - (b) Check aircraft tyre pressure.
  - (c) Inspection after a bird strike provided the bird has not been ingested into the aircraft engine or an air inlet or has not impacted any composite structure.
  - (d) Engine compressor or turbine water wash using quick release connection.
- (2) Current training and competency requirements in Part 42 would apply for the issue of the authorisation.

#### **D.03 Deferring rectification of a defect**

[Reference: Subdivision 42.D.6.1 of CASR]

- (1) If there is a defect in an aircraft, a holder of an aircraft engineer licence may only defer the rectification of the defect if:
  - (a) the holder would be able to perform maintenance certification for the rectification of the defect; and
  - (b) the deferral is permitted under subclause (2).
- (2) The rectification of the defect may only be deferred if:
  - (a) the operation of the aircraft with the defect is permitted by:
    - (i) the instructions for continuing airworthiness for the aircraft; or
    - (ii) the minimum equipment list for the aircraft; or
    - (iii) the flight manual for the aircraft; or
    - (iv) a special flight permit; or
    - (v) an airworthiness directive; or
    - (vi) an approval under regulation 21.007 of CASR which deals with permissible unserviceability; or
    - (vii) any other provision of the CASR; or
  - (b) the defect does not adversely affect the safe operation of the aircraft and is in an equipment or a system of the aircraft that is not required:
    - (i) by the certification basis for the aircraft; and
    - (ii) under Part 121 of CASR; or

- (3) To defer the rectification of the defect the individual deferring the defect must:
- (a) make a record that includes the following information:
    - (i) a description of the defect;
    - (ii) a statement stating that the rectification of the defect is deferred;
    - (iii) the basis for deferring the rectification of the defect;
    - (iv) if the operation of the aircraft with the defect is permitted by a document mentioned in paragraph D.03(2)(a) - any conditions or limitations that applies to the operation of the aircraft with the defect as per the document;
    - (v) the date of deferral;
    - (vi) the individual's name and licence or certification authorisation number; and
  - (b) sign the record.
- (4) The record of deferral of the rectification of the defect must be made in:
- (a) the flight technical log for the aircraft if the operation of the aircraft for a flight with the defect is:
    - (i) permitted by the aircraft's minimum equipment list or the flight manual; or
    - (ii) special flight permit; or
    - (iii) subject to any condition and limitations mentioned in the record of deferral; or
  - (b) if paragraph (a) does not apply - in the flight technical log for the aircraft or in the worksheet that is used to record maintenance on the aircraft.
- (5) Subclause (1) does not apply if the defect is a superficial defect.

## Section E

This section set out the proposed changes to Subpart E of Part 42.

*Note:* CASA is proposing changes to Part 42 that would further refine and clarify the requirements for the fitting of parts to aircraft. The proposals include provisions and requirements for fitting of a part that has been removed from a registered aircraft.

### E.01 Meaning of terms used in this Section

In this Section:

**new part** means the part has not been used in an aircraft and has not had any maintenance carried out on it since its manufacture.

### E.02 Fitting parts - general requirement

[Reference: regulation 42.420 of CASR]

- (1) An individual who is carrying out maintenance on an aircraft or aeronautical product must not fit a part to the aircraft or the aeronautical product unless:
- (a) the part is eligible to be fitted to the aircraft or aeronautical product; and
  - (b) for a part that has been stored:
    - (i) the storage was in accordance with the instructions (if any) issued by the manufacturer of the part in relation to storage; and
    - (ii) the storage life for the part, if any, specified by the manufacturer of the part, has not expired; and

(c) based on the type, source or and the condition of the part – the relevant requirement of clause E.04 can be met.

(2) A maintenance organisation must ensure that an individual who carries out maintenance on behalf of the organisation complies with subclause (1).

### **E.03 Fitting parts – traceability and authenticity requirement**

[Reference: regulation 42.450 of CASR]

- (1) For the purpose of paragraph E.03(1)(c), following are the requirement for fitting a new part:
- (a) if the part is not a standard part – an authorised release certificate has been issued for the part in relation to its manufacture; or
  - (b) if the part is a standard part – the part is accompanied by:
    - (i) information that identifies the specification with which the part complies; and
    - (ii) evidence that the standard part complies with the specification; and
    - (iii) information that allows the part to be traced to its manufacturer; or
  - (c) if the part has been fabricated by a maintenance organisation – the maintenance record for fitting the part includes a statement that the part has been fabricated during maintenance.
- (2) For the purpose of paragraph E.03(1)(c), following are the requirement for fitting a part on which maintenance has been carried:
- (a) the part has not been used in an aircraft since the maintenance was carried out; and
  - (b) an authorised release certificate or equivalent document has been issued for the part in relation to the maintenance.
- (3) For the purpose of paragraph E.03(1)(c), following are the requirement for fitting part which has been removed from an aircraft or aeronautical product and being fitted to the same aircraft or aeronautical product but in a different location:
- (a) the part has not been used on an aircraft since its removal; and
  - (b) no maintenance has been carried out on the part since its removal; and
  - (c) the maintenance record for fitting the part includes a statement that the part has been removed from and fitted to the same aircraft and aeronautical product.
- (4) For the purpose of paragraph E.03(1)(c), following are the requirement for fitting a part which has been removed from an aircraft and being fitted to another aircraft or aeronautical product:
- (a) no maintenance has been carried out on the part since its removal; and
  - (b) an authorised release certificate has been issued for the part in accordance with Subsection H.4 confirming that the part has been removed in a serviceable condition from the aircraft.
- (5) For the purpose of paragraph E.03(1)(c), following are the requirement for fitting a part which has been removed from a registered aircraft:
- (a) at the time the part was removed, a standard certificate of airworthiness was in force for the aircraft; and
  - (b) the part has been removed from the aircraft by an individual on behalf of a maintenance organisation or an independent maintainer who was permitted under these Regulations to carry out maintenance that involves removal of the part; and
  - (c) the part is fitted by the same maintenance organisation or the independent maintainer that removed the part; and
  - (d) no maintenance has been carried out on the part since its removal; and
  - (e) the aircraft from which the part has been removed did not suffer an accident or incident that may have caused the part to degrade or deteriorate; and

- (f) the life limit (if any) for the part has not been exceeded; and
- (g) the person responsible for continuing airworthiness for the aircraft agrees to the fitting of the part to their aircraft; and
- (h) the maintenance record for fitting the part identifies the aircraft from which the part was removed.

## Section F

This section set out the proposed changes to Subpart F of Part 42.

### F.01 Subpart 42.F approved maintenance organisation

This subpart will be repealed. Any future maintenance organisation approval other than Part 145 maintenance organisation approval will be covered in a separate Part.

## Section G

This section set out the proposed changes to Subpart G of Part 42.

### G.01 Management and key personnel requirements for continuing airworthiness management organisations

- (1) Part 42 MOS will be amended to ensure requirements for continuing airworthiness management organisations generally and in particular for the management personnel are less prescriptive and scalable which would allow an organisation with one full time person to be approved as a continuing airworthiness management organisation.
- (2) Management personnel will no longer be directly approved by CASA. Continuing airworthiness management organisations will be able to nominate management personnel if they meet the qualification, knowledge and experience requirements specified in Part 42 MOS. Any changes to management personnel will still be considered as significant change to the organisation and CASA will have the opportunity to assess the eligibility of these personnel for the position as part of approving the significant change.
- (3) Qualification requirements specified in Part 42 MOS for management and other key personnel position will be amended to allow experienced and competent individuals who do not meet formal qualifications requirements to be eligible for the position.
- (4) An existing maintenance controller for a charter operator will be allowed to be appointed as the continuing airworthiness manager for Part 121 operator's continuing airworthiness management organisation.

## Section H

This section set out the proposed changes to Subpart 42.H.

*Note: CASA proposes to introduce requirements for maintenance certification of the maintenance of aeronautical products. This proposal is consistent with the proposed maintenance policies for air transport operation under Parts 133 and 135*



### **H.01 Who must perform maintenance certification and when it must be performed**

[Reference: regulations 42.395 and 42.715 of CASR]

- (1) If maintenance is carried out by a maintenance organisation, the organisation must ensure that maintenance certification for the maintenance is performed by an individual authorised by the organisation:
  - (a) whose 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; and
  - (c) before the organisation issues a certificate of release to service for the aircraft or aeronautical product in relation to the maintenance.
- (2) 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.

*Note: Following changes would allow salvage of aeronautical products from an un-registered aircraft under controlled environment.*

### **H.02 Who may issue certificate of release to service for aeronautical product removed from an aircraft**

- (1) A maintenance organisation may issue a certificate of release to service for an aeronautical product that has been removed from an aircraft.
- (2) If a maintenance organisation issues a certificate of release to service for the aeronautical product that has been removed from an aircraft, the organisation must ensure the certificate is issued, on behalf of the organisation by an individual:
  - (a) authorised by the organisation: and
  - (b) whose authorisation permits him or her to issue the certificate of release to service.

### **H.03 Requirements to be met for issuing a certificate of release to service for an aeronautical product removed from an aircraft**

A maintenance organisation must not issue a certificate of release to service for an aeronautical product that has been removed from an aircraft, unless the following requirements are met:

- (a) the aircraft from which the aeronautical product was removed has not suffered an accident or incident that may have caused, or may cause, the product to degrade or deteriorate; and
- (b) if the aircraft was no longer in use at the time the aeronautical product was removed - the aircraft has been preserved in a condition that prevents degradation or deterioration of the aeronautical product, taking into account any preservation requirements included in the instructions for continuing airworthiness for the aircraft and the aeronautical product; and
- (c) the aeronautical product was removed by an individual, on behalf of the maintenance organisation, who is permitted under these Regulations to carry out maintenance that includes replacing the aeronautical product on the aircraft; and
- (d) the aeronautical product was removed in accordance with the maintenance data that applies to the removal of the aeronautical product from the aircraft; and
- (e) if the aeronautical product has been stored - the storage was in accordance with any instructions issued by the manufacturer of the aeronautical product in relation to storage; and

- (f) maintenance has not been carried out on the product after its removal from the aircraft; and
- (g) the life limit (if any) for the product has not been exceeded; and
- (h) the product is serviceable; and
- (i) the form and content of the certificate complies with clause H.18

#### **H.04 Form and content of certificate of release to service**

A certificate of release to service for an aeronautical product that has been removed from an aircraft must be issued in the approved form and must include all the information required in the approved form.

#### **H.05 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 that has been removed from an aircraft, an individual must:

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

#### **H.06 Keeping records in relation to parts removed from an aircraft**

- (1) If a maintenance organisation issues a certificate of release to service for an aeronautical product that has been removed from an aircraft, the organisation must keep records that enable it to substantiate that the requirements mentioned in clause H.17 have been complied with in relation to the issuing of the certificate.
- (2) The records must include at least the following information:
  - (a) the part number and any serial number of the part;
  - (b) a description of the part;
  - (c) the location of the part on the aircraft from which it was removed;
  - (d) the date the part was removed from the aircraft;
  - (e) the type, model and serial number of the aircraft from which the part was removed;
  - (f) the name, signature and any certification authorisation number of the individual who removed the part from the aircraft;
  - (g) the name, signature and any certification authorisation number of the individual who issued the certificate of release to service for the part.
- (3) The records must be kept until whichever of the following happens first:
  - (a) the part is no longer in use;
  - (b) maintenance is carried out on the part.

#### **H.07 Dealing with a certificate of release to service**

If an approved maintenance organisation issues a certificate of release to service for an aeronautical product that has been removed from an aircraft, 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 until whichever of the following happens first:
  - (i) the part is no longer in use;
  - (ii) maintenance is carried out on the part.

## **Section I**

This section set out the proposed changes to Subpart I of Part 42.

### **I.01 How long airworthiness review certificate remains in force**

[Reference: regulation 42.870 of CASR]

- (1) An airworthiness review certificate for an aircraft remains in force for 3 years after the day of issue subject to subclauses (2), (3), (4) and (5).
- (2) If the person responsible for continuing airworthiness for the aircraft that issued the certificate ceases to be the person responsible for continuing airworthiness for the aircraft on a day that is earlier than 12 months after the day of issue, the certificate remains in force for 12 months after the day of issue.
- (3) If the person responsible for continuing airworthiness for the aircraft that issued the certificate ceases to be the person responsible for continuing airworthiness for the aircraft on a day that is
  - (a) later than 12 months after the day of issue; but
  - (b) earlier than 3 years after the day of issue;the certificate ceases to be in force on that day.
- (4) If the certificate of airworthiness stops being in force, 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.
- (5) If the certificate of airworthiness for an aircraft is suspended - the airworthiness review certificate for the aircraft suspended for the same period as the certificate of airworthiness is suspended.

## **Section J**

This section set out the proposed changes to Subpart J of Part 42.

No significant change

## **Section K**

This section set out the proposed changes to Subpart 42.K

No change

## **Section L**

This section set out the proposed changes to Subpart 42.L

No change

## **Section M**

This section set out the proposed changes to Subpart 42.M

**M.01 Recording details of exceedance of operating limitations during flight**

[Reference: regulation 42.1075 of CASR]

- (1) The pilot in command of an aircraft for a flight must ensure, if during the flight an operating limit specified in the flight manual for the aircraft is exceeded, the details of the exceedance are recorded in the aircraft's flight technical log, before the aircraft begins a subsequent flight.
- (2) An exceedance of operating limitation itself is not a defect but may require investigation for defects caused by the exceedance.

**M.02 Operating aircraft with a defect**

[Reference: Subpart 42.M of CASR]

- (1) If the pilot in command of an aircraft for a flight becomes aware of a defect in the aircraft before the flight begins, the pilot in command must not begin the flight unless operation of the aircraft with the defect is permitted by subclause (2).
- (2) Operation of the aircraft with the defect is permitted if:
  - (a) the rectification of the defect has been deferred by a:
    - (i) a maintenance person in accordance with Subpart 42.D ; or
    - (ii) the pilot in command for a flight of the aircraft in accordance with this Section; and
  - (b) record of deferral of the rectification exists as per Subpart 42.D or subclause M.04; and
  - (c) the record of deferral is in force, and
  - (d) the aircraft can be operated safely for a flight with the defect in accordance with any limitation or condition mentioned in the record of the deferral of the defect.
- (3) If the pilot in command of an aircraft for a flight becomes aware of a defect in the aircraft after the flight begins but before power is applied to the aircraft's engines for take-off, the pilot in command must not begin take-off unless operation of the aircraft with the defect is permitted by subclause (4).
- (4) For the purpose of subclause M.02(3), operation of the aircraft with the defect is permitted if:
  - (a) it is permitted by any of the following:
    - (i) the minimum equipment list for the aircraft;
    - (ii) the flight manual for the aircraft;
    - (iii) any other aircraft operating instructions issued by the holder of the type certificate for the aircraft;
    - (iv) any other provision of the CASR; or
  - (b) the defect does not adversely affect the safe operation of the aircraft and is in equipment or a system of the aircraft that is not required:
    - (i) by the certification basis for the aircraft; and
    - (ii) under Part 121 of CASR; or
- (5) Subclauses (1) and (3) do not apply if the defect is a superficial defect.

**M.03 When pilot in command may defer rectification of a defect**

[Reference: Subpart 42.M of CASR]

- (1) The pilot in command of an aircraft for a flight may defer the rectification of a defect in the aircraft only if the deferral is permitted by subclause (2).

- (2) Deferral of the rectification of the defect is permitted only if:
  - (a) operation of the aircraft with the defect is permitted by any of the following:
    - (i) the minimum equipment list for the aircraft;
    - (ii) the flight manual for the aircraft;
    - (iii) any other aircraft operating instructions issued by the holder of the type certificate for the aircraft;
    - (iv) a special flight permit; or
    - (v) an approval under regulation 21.007 of CASR which deals with permissible unserviceability; or
    - (vi) any other provision of the CASR; or
  - (b) the defect does not adversely affect the safe operation of the aircraft and is in an equipment or a system of the aircraft that is not required:
    - (i) by the certification basis for the aircraft; and
    - (ii) under Part 121 of CASR;
- (3) Subclause (2) does not apply if the defect is a superficial defect.

#### **M.04 How rectification of defect is deferred**

##### **[Reference: Subpart 42.M of CASR]**

- (1) To defer the rectification of a defect in an aircraft, the pilot in command of the aircraft must:
  - (a) make a record in the flight technical log that includes the following information;
    - (i) a description of the defect;
    - (ii) a statement stating that the rectification of the defect is deferred;
    - (iii) the basis for deferring the rectification of the defect;
    - (iv) if the operation of the aircraft with the defect is permitted by a document mentioned in paragraph M.03(2)(a) - any conditions or limitations that applies to the operation of the aircraft with the defect as per the document;
    - (v) the date of deferral;
    - (vi) his or her name and pilot licence number; and
  - (b) sign the record.

#### **Section N**

This section set out the proposed changes to Subpart 42.N

No change.

#### **Section O**

This section set out the proposed changes to Subpart 42.N

No change