

ANNEX B

Continuing airworthiness policies for air transport operation under Parts 133 and 135

Purpose of this Annex

Annex B to the Policy Proposal sets out continuing airworthiness policies, including policies for:

- (a) managing continuing airworthiness of aircraft; and
 - (b) carrying out maintenance on aircraft and on aeronautical products for those aircraft;
- that are authorised to operate under Parts 133 and 135 of CASR.

Application of 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 Parts 133 or 135 of CASR;
- (b) persons responsible for continuing airworthiness for aircraft that are authorised to operate under Parts 133 or 135 of CASR;
- (c) persons who carry out maintenance on:
 - (i) aircraft that are authorised to operate under an AOC;
 - (ii) aeronautical products for aircraft that are authorised to operate under an AOC.

Section A Preliminary

A.01 Meaning of terms used in this document

- (1) In this document:

AOC means an air operator's certificate that authorises the operation of an aircraft under Parts 133 or 135 of CASR.

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

airworthiness review certificate means a certificate that is issued in accordance with Subsection I.2

airworthiness review employee means an individual who is authorised by the person responsible for continuing airworthiness for an aircraft to:

- (a) carry out an airworthiness review of the aircraft; and
- (b) issue an airworthiness review certificate for the aircraft.

continuing airworthiness management tasks means continuing airworthiness management tasks set out in Subsection C.2 of this document.

instructions for continuing airworthiness, for an aircraft or aeronautical product, means written instructions:

- (a) that specify requirements, procedures and standards for the continuing airworthiness of the aircraft or aeronautical product; and
- (b) that are issued by:
 - (i) the holder of the type certificate or supplemental type certificate for the aircraft or aeronautical product; and
 - (ii) the holder of a modification or a repair design approval for the aircraft or aeronautical product:

maintenance program employee means an individual who is authorised by the person responsible for continuing airworthiness for an aircraft to:

- (a) approve maintenance program for the aircraft; and
- (b) approve variation to maintenance program for the aircraft.

maintenance requirements for the maintenance program for an aircraft means the following:

- (a) recurring maintenance requirements, for the aircraft and an aeronautical product fitted to the aircraft, that are included in the instructions for continuing airworthiness for the aircraft and an aeronautical product;
- (b) recurring maintenance requirements, for the aircraft and an aeronautical product fitted to the aircraft, that are included in the airworthiness directives for the aircraft and the aeronautical product;
- (c) recurring maintenance requirements, for the aircraft and aeronautical product fitted to the aircraft, that are required by an operational approval or authorisation for the aircraft, such as:
 - (i) an extended diversion time operation approval;
 - (ii) a reduced vertical separation minima approval;
 - (iii) required navigation performance authorisation.
 - (iv) an authorisation to operate single-engine turbine-powered aircraft at night and or in instrument meteorological conditions.

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.

- (2) Reference to ***carrying out maintenance on an aircraft*** includes:
 - (a) carrying out maintenance on an aeronautical product that is fitted to the aircraft at the time the maintenance is carried out; and
 - (b) carrying out maintenance on an aeronautical product that is not fitted to the aircraft at the time the maintenance is carried out, provided following conditions are met:
 - (i) the aeronautical product is removed from the aircraft and is installed back to the same location on the aircraft after the maintenance;
 - (ii) the maintenance data for the maintenance does not require the use of special tools, equipment or dedicated workshop facilities for carrying out the maintenance;
 - (iii) the aeronautical product does not require bench testing and the serviceability can be tested on the aircraft in accordance with the applicable maintenance data;
 - (iv) competency to carry out the maintenance is covered by the usual competency requirements for an aircraft maintenance licence holder.
- (3) A reference to ***carrying out maintenance on an aeronautical product*** is a reference to carrying out maintenance on an aeronautical product that is not fitted to an aircraft at the time the maintenance is carried out, with the exception mentioned in paragraph (2)(b) above.
- (4) A ***maintenance organisation carries out maintenance*** if the maintenance is carried out by an individual on behalf of the organisation.
- (5) A maintenance program for an aircraft ***complies with a maintenance requirement for the maintenance program for the aircraft***, if:
 - (a) the maintenance program includes the maintenance covered by the maintenance requirement; and;

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- (b) the scope of the maintenance as included in the program, is not less than the scope of the maintenance in the maintenance requirement for the maintenance program; and
- (c) the maintenance interval for the maintenance as included in the program, is not less restrictive than the maintenance interval in the maintenance requirement for the maintenance program;
and
- (d) the method and technique for carrying out the maintenance as included in the program is same as the method and technique for the maintenance in the maintenance requirement for the maintenance program.

Section B Continuing airworthiness responsibility of an AOC holder

B.01 Purpose of this Section

This Section sets out the continuing airworthiness responsibilities of an AOC holder for an aircraft.

B.02 Responsibility for ensuring airworthiness of an aircraft

An AOC holder for an aircraft is responsible for:

- (a) if the AOC holder is the person responsible for continuing airworthiness for the aircraft – performing the continuing airworthiness management tasks for the aircraft; or
- (b) if the AOC holder has nominated another person as the person responsible for continuing airworthiness for the aircraft – ensuring proper performance of the continuing airworthiness management tasks by the person responsible for continuing airworthiness for the aircraft; and
- (c) ensuring airworthiness of the aircraft before the aircraft is operated for a flight under the AOC.

Note: Continuing airworthiness management tasks for an aircraft are specified in Subsection C.2 of this document.

B.03 Person responsible for continuing airworthiness for an aircraft

- (1) If an aircraft is authorised to operate under one AOC, the AOC holder will be the person responsible for continuing airworthiness for the aircraft unless the AOC holder nominates another person (individual or organisation) for this role.
- (2) If an aircraft is authorised to operate under more than one AOC, the AOC holders must mutually nominate:
 - (a) one of the AOC holders; or
 - (b) another person who is not one of the AOC holders;as the person responsible for continuing airworthiness for the aircraft.
- (3) If an AOC holder for an aircraft is the person responsible for continuing airworthiness for the aircraft, the AOC holder must be approved (as part of the approval of the AOC) in accordance with Section G, for this role.

Note: The purpose of the approval is to ensure that the AOC holder is capable of performing continuing airworthiness management tasks for the aircraft.

- (4) If an AOC holder for an aircraft nominates another person as the person responsible for continuing airworthiness for the aircraft, the AOC holder must ensure that the person has been approved in accordance with Section G for this role.

Note: The purpose of the approval is to ensure that the nominated person is capable of performing continuing airworthiness management tasks for the aircraft.

- (5) If an AOC holder for an aircraft nominates another person including another AOC holder as the person responsible for continuing airworthiness for the aircraft – the AOC holder (who is not the person responsible for continuing airworthiness) will be:
 - (a) assessed by CASA for having the capability set out in Appendix B.1; and
 - (b) be approved;as part of the approval of the AOC, to be able to meet their obligation under this Section.

B.04 Contract with the person responsible for continuing airworthiness for an aircraft

- (1) If an AOC holder for an aircraft nominates another person including another AOC holder 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.
- (2) The form and the content of the contract must comply with the specification for the contract set out in Appendix B.2.
- (3) The AOC holder must give CASA a copy of the contract within 14 days after the contract has been made.
- (4) If a provision of the contract dealing with continuing airworthiness for the aircraft is varied – the AOC holder must give CASA a copy of the varied provision within 14 days after the variation has been made.
- (5) If the contract is terminated, the AOC holder must give CASA written notice of the termination within 14 days after the contract is terminated.
- (6) If the AOC holder becomes aware that the person responsible for continuing airworthiness for the aircraft has contravened a requirement in relation to performing continuing airworthiness management tasks for the aircraft, AOC holder must give CASA written notice of the contravention within 7 days after the AOC holder becomes aware of the contravention.

B.05 Ensuring airworthiness review certificate for an aircraft is in force

Before an aircraft is operated for a flight, the AOC holder for the aircraft must ensure that the airworthiness review certificate for the aircraft is in force.

B.06 Ensuring certificate of release to service for maintenance on carried on an aircraft has been issued

Before an aircraft is operated for a flight, the AOC holder 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 since the aircraft last operated for a flight.

B.07 Ensuring availability of operational or emergency equipment for a flight

Before an aircraft is operated for a flight, the AOC holder for the aircraft must ensure each item of operational or emergency equipment that is required under Parts 133 or 135 of CASR for the flight, is fitted to the aircraft and is serviceable.

Note: Parts 133 and 135 of CASR and the associated Manual of Standards sets out the requirements for operational or emergency equipment.

B.08 Responsibility for operating an aircraft for a flight with a defect

- (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 Section D; or
 - (ii) the pilot in command for a flight of the aircraft in accordance with Section L of this document; and
- (b) a record of deferral of the rectification exists as per subclause (2); and
- (c) the record of deferral is in force.

Note 1: Section D specifies the qualification of a maintenance person who may defer rectification of a defects, the circumstances under which the person may defer the defect and how the record of deferral of the rectification must be made. Section L specifies the circumstances under which a pilot in command for a flight of an aircraft may defer the rectification of a defect and how the record of deferral must be made.

Note 2: Deferral of rectification of a defect may be valid for a certain number of days or flight hours etc. after the record of deferral is made. This will be mentioned in the record of deferral. The record of deferral will no longer be in force if the days or flight hours has elapsed.

- (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.

B.09 Ensuring that the utilisation information for the aircraft and aeronautical products are recorded

An AOC holder for an aircraft must ensure that after each flight of the aircraft, the utilisation information for the aircraft and aeronautical products fitted to the aircraft, which are required for the purpose mentioned in paragraph C.16(1)(c), is recorded in the flight technical log for the aircraft.

B.10 Ensuring maintenance on aircraft or an aeronautical product is carried out by appropriate person

- (1) An AOC holder for an aircraft must ensure that any maintenance on the aircraft is carried out by a person who is permitted to carry out the maintenance under Section D.
- (2) An AOC holder for an aircraft must ensure maintenance required to be carried out on an aeronautical product for the aircraft is carried out by a person who is permitted to carry out the maintenance under Section D.

B.11 Ensuring pilot in command complies with the with the requirements of Section L

An AOC holder for an aircraft must ensure that the pilot in command for the aircraft for a flight complies with the requirements of Section L.

Note: The AOC holder is expected to comply with the above obligation by providing training to the flight crew and having procedures in the AOC holder's operations manual.

Appendix B.1

Capabilities of an AOC holder for an aircraft who nominates another person as the person responsible for continuing airworthiness for the aircraft

Reference: Paragraph B.03(5)(a)

1 Introduction

1.2 This appendix sets out the capability that an AOC holder must have to meet their continuing airworthiness obligation under Section B, if the AOC holder nominates another person as the person responsible for continuing airworthiness for the aircraft.

2 Personnel

2.1 The AOC holder must nominate the AOC holder's accountable manager as the individual who has the ultimate authority and responsibility for providing adequate resources for ensuring that the AOC holder can comply with the AOC holder's continuing airworthiness obligation as set out in Section B and the capability requirements set out in this Appendix.

2.2 The AOC holder must nominate an individual as the AOC holder's continuing airworthiness manager who is responsible for ensuring AOC holder complies with the AOC holder's:
(a) continuing airworthiness obligation under Section B; and
(b) obligation under the contract required under B.04.

2.3 The AOC holder's continuing airworthiness manager is responsible for ensuring:
(a) that the AOC holder's process and procedures contained in the manual mentioned in Section 3 of this Appendix is appropriate for complying with the AOC holder's:
(i) continuing airworthiness obligation under Section B; and
(ii) obligation under the contract required under B.04; and
(c) that the AOC holder complies with the process and procedures.

2.4 The AOC holder's continuing airworthiness manager must have:
(a) a comprehensive understanding of continuing airworthiness legislation that relates to his or her responsibilities; and
(b) a comprehensive understanding of the process and procedures in the organisation's manual mentioned in Section 3 of this Appendix that relates to his or her responsibilities; and
(c) at least 3 years' experience in the continuing airworthiness management of aircraft; and
(d) a general understanding of the structure and systems, including the propulsion system of the aircraft authorised to operate under the AOC.

2.5 The AOC holder will be able to nominate the existing head of aircraft airworthiness and maintenance control or the maintenance controller for the AOC holder's aircraft as the continuing airworthiness manager even if the individual does not meet the requirements of subsection 2.4.

2.6 The AOC holder's accountable manager may also assume the role of the AOC holder's continuing airworthiness manager if he or she meets the qualification requirements of subsection 2.4.

2.7 Depending on the size of the AOC holder fleet and the extent of their operation, the AOC may need to employ additional personnel to assist the AOC holder continuing airworthiness manager.

3 AOC holder's processes and procedures to comply with continuing airworthiness obligation

- 3.1 The AOC holder must have separate manual or include in a separate section of the AOC holder's operations manual processes and procedures that is used by the AOC holder's personnel to comply with the AOC holder's:
- (a) continuing airworthiness obligation under Section B; and
 - (b) obligation under the contract required under B.04.

4 Facility and equipment

- 4.1 The AOC holder must have appropriately equipped facilities for meeting the AOC holder obligation under Section B including:
- (a) office accommodation for AOC holder's continuing airworthiness manager and any other personnel assisting the continuing airworthiness manager; and
 - (b) facilities for retention of records and documents in accordance with the requirements of the legislation.
- 4.2 The office accommodation must be of a standard that will ensure personnel can perform their duties without undue distraction.

Appendix B.2

Form and content of contract between the AOC holder for an aircraft and the person responsible for continuing airworthiness for the aircraft.

Reference: Subclause B.04(2)

1 Introduction

- 1.2 This appendix sets out the form and the content of the contract required under subclause B.04(2).

2 Form and the content of the contract

- 1.2 A contract between the AOC holder for an aircraft authorised by the AOC and the person responsible for continuing airworthiness for the aircraft must be in writing and include provisions dealing with the following matters:
- (a) the details of the aircraft covered by the contract, including the registration mark, type, model and serial number for the aircraft;
 - (b) the AOC holder's name and address;
 - (c) name, address and approval reference number of the person responsible for continuing airworthiness for the aircraft;
 - (d) the continuing airworthiness management tasks for which the person responsible for continuing airworthiness for the aircraft is responsible.
 - (e) the information that the AOC holder will give to the person responsible for continuing airworthiness for the aircraft, to ensure proper accomplishment of the continuing airworthiness tasks;
 - (f) the information that the person responsible for continuing airworthiness will give to AOC holder, to ensure aircraft is airworthy before a flight;
 - (g) how the information mentioned in paragraphs (e) and (f) will be provided by each party;
 - (h) the date of effect of the contract.

Section C Continuing airworthiness management

Subsection C.1 - Preliminary

C.01 Purpose of this Section

This Section sets out the continuing airworthiness responsibilities of the person responsible for continuing airworthiness for an aircraft that is authorised to operate under an AOC.

Subsection C.2 - Continuing airworthiness management tasks

C.02 Rectification of defect

- (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 subclause D.11(2) and the rectification has been deferred by a maintenance person in accordance with subclauses D.11(3) and (4); or
 - (b) deferral of the rectification of the defect is permitted under clause L.08 and the rectification has been deferred by the pilot in command for a flight of the aircraft in accordance with subclause and L.09; 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.03 Ensuring a certificate of release to service for maintenance carried out on an aircraft has been issued

- (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 Section H of this document.

C.04 Compliance with airworthiness directives

The person responsible for continuing airworthiness for an aircraft must ensure that the requirements of an airworthiness directive that applies to:

- (a) the aircraft; or
 - (b) an aeronautical product that is part of, or used in, an aircraft;
- are complied with in relation to the aircraft or aeronautical product.

C.05 Approval of design for modifications or repairs to aircraft

- (1) The person responsible for continuing airworthiness for an aircraft must ensure that the aircraft is not modified unless:
 - (a) there is an approval under Part 21 of CASR for the design of the modification; and
 - (b) the modification is compatible with the configuration of the aircraft at the time the modification is made.
- (2) The person responsible for continuing airworthiness for an aircraft must ensure that a repair that involves a change to the approved design of the aircraft is not made unless:
 - (c) there is an approval under Part 21 of CASR for the design of the repair; and
 - (d) the repair is compatible with the configuration of the aircraft at the time the modification is made.

C.06 Dealing with certain instructions for continuing airworthiness

- (1) The person responsible for continuing airworthiness for an aircraft must assess instructions for continuing airworthiness issued by the type certificate holder or supplemental type certificate of the:
 - (a) aircraft; and
 - (b) aircraft's engine; and
 - (c) aircraft's propellerthat require non-recurring maintenance to be carried out.
- (2) Within the time specified in the instructions the person responsible for continuing airworthiness for the aircraft must:
 - (a) ensure that the instruction is complied with; or
 - (b) record, in writing the reason for not complying with the instruction.

Note: Examples of instructions for continuing airworthiness that must be assessed are service bulletins, service information letters etc. containing no-recurring maintenance. Instructions requiring recurring maintenance will have to be assessed for incorporation in the maintenance program.

C.07 Maintenance program

The person responsible for continuing airworthiness for an aircraft must ensure:

- (a) there is a maintenance program for the aircraft before the aircraft is operated for its first flight under an AOC; and
- (b) the maintenance program complies with the specifications for the maintenance program set out in Appendix C.1; and
- (c) the program has been approved under Section J on the basis that the program meets the maintenance program standards set out in Appendix C.1.

C.08 Need for approval if maintenance program does not comply with a requirement for the maintenance program

- (1) If a maintenance program for an aircraft does not comply with a maintenance requirement for the maintenance program for the aircraft, the person responsible for continuing airworthiness for the aircraft must ensure an approval has been issued, in accordance with Section J:
 - (a) for not complying with the requirement; or
 - (b) complying with the requirement through an alternate means.

- (2) The person responsible for continuing airworthiness for the aircraft must keep the record of the approval for the duration the approval is applicable.

C.09 Compliance with a maintenance program

The person responsible for continuing airworthiness for an aircraft must ensure that maintenance is carried out on the aircraft as required by the maintenance program for the aircraft.

C.10 Ensuring effectiveness of the maintenance program tasks

- (1) Subject to clauses (3) and (4), the person responsible for continuing airworthiness for an aircraft must, at least once every 12 months:
- (a) analyse the effectiveness of the maintenance tasks included in the maintenance program for the aircraft in ensuring the continuing airworthiness of the aircraft; and
 - (b) record the results of the analysis and information that substantiates the results of the analysis
- (2) If the results of the analysis indicate that the maintenance program should be varied, the person must, within 30 days after completing the analysis vary the maintenance program.
- (3) The person responsible for continuing airworthiness for the aircraft may use a reliability program to:
- (a) analyse the effectiveness of the maintenance program tasks; and
 - (b) amend the maintenance program;
- on an ongoing basis instead of performing the annual analysis in accordance with clause (1).
- (4) If the maintenance program for an aircraft includes maintenance tasks that have been developed using the MSG 3 process – the person responsible for continuing airworthiness for the aircraft must use a reliability program to:
- (a) analyse the effectiveness of the maintenance program tasks; and
 - (b) amend the maintenance program;
- on an ongoing basis instead of performing the annual analysis in accordance with clause (1).

C.11 Reliability program for aircraft authorised to operate for certain types of operation

- (1) The person responsible for continuing airworthiness for an aircraft that is:
- (a) authorised for extended diversion time operation; or
 - (b) a single-engine turbine-powered aircraft authorised for operation at night and or in instrument meteorological conditions;
- must use a reliability program to monitor the level of reliability of any part and system of the aircraft required under the authorisation.

C.12 Updating a maintenance program due to changes to maintenance requirements for the maintenance program

If due to any change to the maintenance requirements for the maintenance program for an aircraft, the aircraft's maintenance program no longer complies with the maintenance requirements for the maintenance program, the person responsible for continuing airworthiness for the aircraft must:

- (a) amend the maintenance program:
 - (i) if the maintenance requirements specify any period or other limitation (for example in terms of the aircraft's total time in service) for amending the maintenance program – within that period or limitation; or
 - (i) if the maintenance requirements do not specify any period or other limitation for amending the maintenance program – before the maintenance is due for carrying out in accordance with the maintenance requirement; or

- (b) ensure an approval has been issued, in accordance with Section J of this document, for not complying with the maintenance requirement, before the maintenance is due for carrying out.

C.13 Direction by CASA to vary maintenance program

If CASA directs the person responsible for continuing airworthiness for an aircraft to vary the maintenance program for the aircraft to, the person responsible for continuing airworthiness for an aircraft must comply with the direction within the time specified in the direction.

Note: CASA may give the direction only if it is necessary to do so to ensure that the program will adequately provide for the continuing airworthiness of the aircraft.

C.14 Airworthiness review

The person responsible for continuing airworthiness for an aircraft must carry out an airworthiness review and issue airworthiness review certificate as and when required under the legislation to ensure that the aircraft is not operated for a flight without a current airworthiness review certificate.

Subsection C.3 - Continuing airworthiness records

C.15 Form and format of the records

The person responsible for continuing airworthiness for an aircraft must ensure that any information recorded or kept under this Subsection is recorded or kept:

- (a) in writing; and
- (b) in a form and format that would make the record to be:
 - (i) permanent;
 - (ii) easily accessible and readable; and
 - (iii) protected from unintended alteration;at all times.

Note: The continuing airworthiness information for an aircraft recorded and kept under clause C.16 along with the substantiating documents kept under clause C.17 constitute continuing airworthiness records for the aircraft. The CASA logbooks and associated forms can be used to record the continuing airworthiness information. The information may also be recorded and kept in any other hard copy format or in electronic format provided these meet the requirement mentioned above.

C.16 Information to be recorded or kept for establishing the continuing airworthiness status of an aircraft

- (1) The person responsible for continuing airworthiness for an aircraft must ensure that the following information for the aircraft is recorded or kept for establishing the continuing airworthiness status of the aircraft, before the aircraft is operated for its first flight under an AOC:
 - (a) the identity of the aircraft by:
 - (i) its make;
 - (ii) its type and model designation;
 - (iii) its registration mark;
 - (iv) its serial number;
 - (b) for each engine and propeller fitted to the aircraft:
 - (i) its make;

- (ii) its type and model designation;
 - (iii) its serial number;
 - (c) the total time in service for the aircraft, engines, propellers and any other utilisation information for the aircraft and aeronautical products fitted to the aircraft, that are used to establish the aircraft's maintenance requirement;
 - (d) the empty weight of the aircraft and the position of the centre of gravity on the aircraft when the aircraft is in its empty weight configuration;
 - (e) details of modifications incorporated to the aircraft and aeronautical products fitted to the aircraft including repairs involving design change;
 - (f) the status of compliance with airworthiness directives;
 - (g) the status of compliance with each maintenance program task;
 - (h) the status of any life limited part.
- (2) The person responsible for continuing airworthiness for an aircraft must ensure information recorded under subclause (1) is kept up to date subsequent to any flight or maintenance of the aircraft.

C.17 Substantiating documents

The person responsible for continuing airworthiness must keep documents that substantiate the continuing airworthiness information recorded or kept under clause C.16.

Note: Examples of substantiating document includes maintenance records, authorised release certificates for parts fitted to the aircraft, copies of flight technical log for the utilisation information.

Subsection C.4 - Flight technical log

C.18 Flight technical log

- (1) The person responsible for continuing airworthiness for an aircraft must provide a document called flight technical log for the aircraft that can be used:
- (a) to record the following information:
 - (i) utilisation information for the aircraft and aeronautical products fitted to the aircraft for each flight of the aircraft, that are required for the purpose mentioned in paragraph C.16(1)(c) unless the person responsible for continuing airworthiness for an aircraft has another means of recording the information;
 - (ii) details of any defect discovered during the operation of the aircraft;
 - (iii) details of maintenance carried out including details of rectification of a defect;
 - (iv) details of the deferral of rectification of a defect;
 - (v) information regarding when the next maintenance is due according to the aircraft's maintenance program unless the person responsible for continuing airworthiness for the aircraft has another means for tracking this information; and
 - (b) to perform maintenance certification and issue a certificate of release to service for the aircraft in relation to maintenance carried out.
- (2) The flight technical log must include identification of the aircraft, including the type, model and registration mark for the aircraft.

C.19 Availability of the flight technical log

The person responsible for continuing airworthiness for an aircraft must ensure that the flight technical log for the aircraft is available to:

- (a) the aircraft's flight crew; and
- (b) any person who is carrying out maintenance on the aircraft.

Subsection C.5 - Retention and transfer of continuing airworthiness records

C.20 Retention of continuing airworthiness records

The person responsible for continuing airworthiness for an aircraft must ensure that following continuing airworthiness records for the aircraft are kept for the duration mentioned below for each kinds of records:

- (a) maintenance records for modifications and repairs made to the aircraft – for the duration the person remains the person responsible for continuing airworthiness for the aircraft;
- (b) maintenance records for maintenance carried out under the maintenance program – until such time the maintenance is carried out again;
- (c) maintenance records for maintenance that are not kept under paragraph (a) and (b) above – for 1 year from the date the record was created;
- (d) a certificate of release to service for the aircraft in relation to maintenance carried out on the aircraft – for 1 year after the date of issue of the certificate;
- (e) any substantiating document required to be kept under clause C.17 that is not kept under paragraphs (a), (b), (c) and (d) above – until such time the information substantiated by the document is superseded by other information
- (f) a record of information that is made in the flight technical log and that is not kept under paragraphs (a), (b), (c), (d) and (e) above – for 1 year from the date the record was created.

C.21 Transfer of continuing airworthiness records for aircraft

- (1) When a person ceases to be the person responsible for continuing airworthiness for an aircraft, the person must give the continuing airworthiness records for the aircraft to the new person responsible for continuing airworthiness for the aircraft.
- (2) The record must be given within 30 day of the person ceasing to be the person responsible for continuing airworthiness for the aircraft.

Subsection C.6 - Reporting and investigation of major defects

C.22 Reporting major defects

If the person responsible for continuing airworthiness for an aircraft becomes aware of a major defect in the aircraft, the person must, within 2 days after becoming aware of the defect, report the defect to:

- (a) CASA; and
- (b) if the defect does not relate to a modification mentioned in paragraph (d) – the type certificate holder for the aircraft; or
- (c) if the defect relates to the aircraft's engine or propeller but does not relate to a modification mentioned in paragraph (d) – the type certificate holder for the engine or propeller; or
- (d) if the defect relates to a modification made to the aircraft for which the type certificate holder of the aircraft, engine or propeller is not the holder of the design approval for the modification – the holder of the design approval for the modification; or

- (e) if the defect relates to a part produced in accordance with a parts manufacturer approval – the holder of the parts manufacturer approval.

C.23 Investigation of major defects

If the person responsible for continuing airworthiness for an aircraft becomes aware of a major defect in the aircraft, the person must:

- (a) investigate the cause of the defect; and
- (b) give CASA a report containing the findings of the investigation within 14 days after completing the investigation.

Appendix C.1

Standards for a maintenance program for an aircraft authorised to operate under an AOC

Reference: Paragraph C.07(b)

1 Introduction

- 1.1 This Chapter specifies for paragraph C.07(b), the standards for a maintenance program for an aircraft authorised to operate under an AOC.

2 General requirements

- 2.1 The maintenance program must:
- (a) be in writing; and
 - (b) define the meaning of any unique terms or acronyms used in the program; and
 - (c) contain the records of approval of:
 - (i) the program; and
 - (ii) any subsequent variations to the program.

3 Identification and applicability of the program

- 3.1 The maintenance program must contain the following information:
- (a) the type, model, serial number and registration mark of the aircraft covered by the program;
 - (b) the type and model of each engine fitted to the aircraft;
 - (c) the type and model of each propeller fitted to the aircraft (if applicable);
 - (d) the type and model of each auxiliary power unit fitted to the aircraft (if applicable);
 - (e) the name and address of the AOC holder for the aircraft;
 - (f) the name and approval certificate reference number of the person responsible for continuing airworthiness.

4 Identification of the maintenance requirements for the maintenance program

- 4.1 The maintenance program must identify the key maintenance requirements for the maintenance program for the aircraft, such as:
- (a) the aircraft type certificate holder's maintenance review board report or the maintenance planning document;
 - (b) relevant chapters of aircraft and engine maintenance manual;
 - (c) relevant service bulletins published by type certificate holders of aircraft, engine and propeller.

5 Aircraft utilisation limitations affecting the validity of the program

- 5.1 The maintenance program must state any limitations that may affect the effectiveness of the program, or part of the program, for example in relation to:
- (a) total flying hours or total number of flights;
 - (b) annual flying hours or annual number of flights;
 - (c) average duration of flights.

6 Schedule of maintenance

- 6.1 The maintenance program must include or refer to 1 or more schedules that set out:
- (a) the maintenance to be carried out on the aircraft or an aeronautical product for the aircraft in accordance with the maintenance requirements for the maintenance program with the exception mentioned in section 8; and

- (b) any other the maintenance to be carried out on the aircraft and on aeronautical products for the aircraft to ensure the continuing airworthiness and safe operation of the aircraft.

6.2 Each schedule must set out the following for the maintenance included in the schedule:

- (a) a description of the maintenance;
- (b) the interval for the maintenance;
- (c) the source of the maintenance, for example, a requirement of the maintenance review boards report, a requirement of an airworthiness directive, a requirement of extended diversion time operation approval or a requirement imposed by the person responsible for continuing airworthiness for the aircraft;
- (d) the maintenance data for the maintenance, or a reference to the maintenance data contained in another document;
- (e) if the maintenance program applies to more than 1 aircraft - information that shows how the maintenance applies to each aircraft;
- (f) if applicable, information that identifies that the maintenance is a condition of a design approval such as an airworthiness limitation.

7 Schedule of life limited parts

7.1 The maintenance program for an aircraft must include a separate schedule for the life-limited parts fitted to the aircraft, which contains the following information:

- (a) a description of the parts;
- (b) the location of the parts on the aircraft;
- (c) the appropriate interval for removal of the parts.

8 Compliance with maintenance requirements for the maintenance program for the aircraft

8.1 A maintenance program for an aircraft must establish compliance with the maintenance requirements for the maintenance program for the aircraft with the exception mentioned in subsection 8.2.

8.2 If a maintenance program for an aircraft does not comply with a maintenance requirement for the maintenance program for the aircraft, there must be an approval under Section J:

- (a) for not complying with the requirement; or
- (b) for complying with the requirement through an alternate means.

9 One-off extension to maintenance task interval

9.1 If the maintenance requirements for the maintenance program for an aircraft provide for a one-off extension to the interval for certain maintenance in the maintenance program, the maintenance program for the aircraft may provide for a one-off extension to the interval in accordance with the requirement.

9.2 If the maintenance requirements for the maintenance program do not provide for a one-off extension to the interval for maintenance in the maintenance program, the maintenance program may provide for a one-off extension to the interval but only in accordance with the following criteria:

- (a) for intervals expressed in calendar time such as days, months or years — the maximum permitted extension is 10% of the interval or 3 months, whichever is lesser;
- (b) for intervals expressed in units other than calendar time — the maximum permitted extension is 10% of the interval, or 200 units of the interval, whichever is lesser.

Note: For example, if the interval for a particular maintenance is 3000 cycles, the maximum permitted extension is 200 cycles and not 10% of the interval which amounts to 300 cycles.

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- 9.3 A one-off extension is not permitted under this section for any of the following:
- (a) maintenance that is a condition of a design approval, such as an airworthiness limitation or a certification maintenance requirement;
 - (b) maintenance required by an airworthiness directive;
 - (c) replacement of life-limited parts.

- 9.4 An extension under this section to the interval for certain maintenance in the maintenance program must not extend the subsequent occurrence of the maintenance.

Note: For example, if as a result of an extension, certain maintenance having an interval of 1 000 hours is carried out at 1050 hours, the maintenance must next be carried out no later than 950 hours after the previous maintenance, to preserve the 1000 hour interval.

Section D Maintenance

Subsection D.1 - Preliminary

D.01 Purpose of this Section

This Section sets out:

- (a) who is permitted to carry out maintenance on an aircraft and aeronautical products for the aircraft that is authorised to operate under an AOC;
- (b) the obligation of a person who carries out maintenance including:
 - (i) how maintenance must be performed; and
 - (ii) how defects must be dealt with; and
 - (iii) how records of maintenance must be created and kept.

D.02 Meaning of terms used in this Section

In this Section:

holder of an aircraft engineer licence means the holder of an aircraft engineer licence issued under Part 66 of CASR.

holder of a pilot licence means the holder of a pilot licence, other than a student pilot licence, issued under Part 61 of CASR.

independent maintainer means the holder of an aircraft engineer licence or the holder of a pilot licence who is permitted to carry out maintenance under clause D.03.

Australian maintenance organisation means a maintenance organisation approved under CASR

foreign maintenance organisation means a maintenance organisation approved under the legislation of a state other than Australia.

critical control system maintenance means maintenance carried out on the aircraft control system that, if not carried out correctly, may result in a failure, malfunction or defect of the system that will endanger the safe operation of the aircraft.

aircraft control system means the system of the aircraft by which the flight path, attitude or propulsive force of the aircraft is changed.

Subsection D.2 - Permission to carry out maintenance

D.03 Who may carry out maintenance on aircraft

- (1) An individual may carry out any maintenance on an aircraft on behalf of a maintenance organisation approved under CASR if the organisation has been approved to carry out the maintenance.
- (2) 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 to carry out the maintenance by any of the States listed under subclause (3); and
 - (b) the aircraft is engaged in unscheduled air transport operations.
- (3) For the purpose of subclause (2), the States are:

- (a) member States of the European Aviation Safety Agency;
 - (b) New Zealand;
 - (c) Singapore;
 - (d) United States of America.
- (4) A holder of an aircraft engineer licence may carry out any maintenance on an aircraft if:
- (a) the holder may perform maintenance certification for the maintenance; and
 - (b) the maintenance is not specified in Appendix D.1.
- (5) A holder of a pilot licence for an aircraft that authorises the holder to fly the aircraft, may carry out of maintenance on the aircraft if:
- (a) the maintenance is specified in Appendix D.2; and
 - (b) the holder has been trained by a maintenance organisation and has been authorised by the person responsible for continuing airworthiness for the aircraft to perform the maintenance based on their competency; and
 - (c) the holder is a member of the aircraft's flight crew.

D.04 Who may carry out maintenance on aeronautical products

- (1) An individual may carry out any maintenance on an aeronautical product on behalf of a maintenance organisation, if the organisation has been approved under CASR to carry out the maintenance.
- (2) Outside Australian territory, an individual may carry out any maintenance on an aeronautical product on behalf of a foreign maintenance organisation if the organisation has been approved by one of the following States to carry out the maintenance:
- (a) Canada;
 - (b) Member States of the European Aviation Safety Agency;
 - (c) New Zealand;
 - (d) Singapore;
 - (e) United States of America.

Subsection D.3 – How maintenance must be carried out

D.05 General requirements for carrying out maintenance

- (1) If an individual carries out maintenance on an aircraft or on an aeronautical product, the individual must:
- (a) carry out the maintenance:
 - (i) in accordance with current applicable maintenance data for the maintenance; and
 - (ii) using facilities that are appropriate for carrying out the maintenance; and
 - (b) if tools and equipment are specified in the maintenance data for the maintenance – use those tools and equipment or other tools and equipment that have been established as equivalent by the maintenance organisation; and
 - (c) if using measuring or testing equipment – ensure that the accuracy of the equipment:
 - (i) is appropriate for proper completion of the maintenance to the standard required by the maintenance data; and
 - (ii) has been calibrated to a nationally or internationally recognised standard, at appropriate intervals.
- (2) A maintenance organisation must ensure that an individual who carries out maintenance on behalf of the organisation complies with subclause (1).

D.06 Ensuring individuals are competent to carry out maintenance

- (1) An individual is competent to carry out maintenance on an aircraft or aeronautical product if he or she has the skills and knowledge to carry out the maintenance to the standard required by the maintenance data for the maintenance.
- (2) A maintenance organisation must ensure an individual who carries out maintenance on behalf of the organisation is either competent to carry out the maintenance or the individual is supervised by someone who is competent to carry out the maintenance.
- (3) An independent maintainer must not carry out maintenance on an aircraft unless the independent maintainer is competent to carry out the maintenance.

D.07 Maintenance involving changes to the approved design

If an individual on behalf of a maintenance organisation or an independent maintainer, carries out:

- (a) a modification to the aircraft or aeronautical product; or
- (b) a repair of the aircraft or aeronautical product that involves a change to the approved design for the aircraft or aeronautical product;

the maintenance organisation or the independent maintainer must, before a certificate of release to service is issued for the aircraft or aeronautical product in relation to the maintenance, ensure that:

- (d) there is an approval under Part 21 of CASR for the design of the modification or repair; and
- (e) the modification or repair complies with the design.

D.08 Removal of tools etc after carrying out maintenance

- (1) An individual who carries out maintenance on an aircraft or aeronautical product, must remove from the aircraft or aeronautical product any tools, equipment or other things extraneous to the aircraft or the aeronautical product before a certificate of release to service is issued for the aircraft or aeronautical product in relation to the maintenance.
- (2) A maintenance organisation must ensure that an individual who carries out maintenance on its behalf complies with subclause (1).

D.09 Independent verification of critical control system maintenance

- (1) If an individual on behalf of a maintenance organisation or an independent maintainer, carries out critical control system maintenance on an aircraft, the maintenance organisations or the independent maintainer must, before a certificate of release to service is issued for the aircraft in relation to the maintenance, ensure that an independent individual has:
 - (a) verified that:
 - (i) the part of the aircraft control system on which the maintenance was carried out is assembled and configured in accordance with the maintenance data for the maintenance; and
 - (ii) the aircraft control system is functioning correctly; and
 - (b) made a record of the verification stating that the individual has verified the matters mentioned in paragraph (1)(a) and
 - (c) included the following information in the record:
 - (i) information identifying the critical control system maintenance to which the verification relates;
 - (ii) the individual's name and licence or certification authorisation number;
 - (iii) the date the verification was performed; and
 - (d) signed the record.

- (2) The independent individual who performs verification of critical control system maintenance carried out on an aircraft must be:
 - (a) an individual who has not performed the maintenance certification for the critical control system maintenance; and
 - (b) if the maintenance is carried out by an individual on behalf of a maintenance organisation – authorised by the maintenance organisation to perform the verification; or
 - (c) if the maintenance is carried out by an independent maintainer – one of the following:
 - (i) the holder of an aircraft engineer licence who may perform maintenance certification for the critical control system maintenance.
 - (ii) the holder of an aircraft engineer licence who may perform maintenance certification for similar critical control system maintenance on an aircraft having control system of similar technology and construction.
 - (d) the holder of a pilot licence for the aircraft that authorises the holder to fly the aircraft, provided:
 - (i) the holder has been trained by a maintenance organisation and has been authorised by the person responsible for continuing airworthiness for the aircraft to perform the independent inspection based on their competency;
 - (ii) and is member of the aircraft's flight crew.

Subsection D.4 – Dealing with defects

D.10 Recording defects

- (1) If an individual becomes aware of a defect in an aircraft, while the individual is carrying out maintenance on the aircraft, the individual must ensure that the defect is recorded:
 - (a) in the aircraft's flight technical log; or
 - (b) if the maintenance is being carried out by an individual on behalf of a maintenance organisation – in the worksheet used by the maintenance organisation to record maintenance; or
 - (c) if the maintenance is being carried out by an independent maintainer – in the worksheet used by the independent maintainer to record maintenance,before a certificate of release to service is issued for the aircraft in relation to the maintenance.
- (2) Subclause (1) does not apply if the defect is a superficial defect.
- (3) A maintenance organisation must ensure that an individual who carries out maintenance on behalf of the organisation complies with subclause (1).

D.11 Deferring rectification of defect

- (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 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 Parts 133 and 135 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 (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.

D.12 Reporting major defects

- (1) If an independent maintainer becomes aware of a major defect in an aircraft while the independent maintainer is carrying out maintenance on the aircraft – the independent maintainer must report the defect to the person responsible for continuing airworthiness for the aircraft.
- (2) A maintenance organisation that becomes aware of a major defect must:
 - (a) if the defect is found while carrying out maintenance on an aircraft – report the defect to the person responsible for continuing airworthiness for the aircraft.
 - (b) if the defect is found while carrying out maintenance on an aeronautical product – report the defect to CASA.
- (3) The independent maintainer or maintenance organisation must report the major defect within 2 days after the person becomes aware of the defect.

Subsection D.5 – Maintenance records

D.13 Recording maintenance information for aircraft

- (1) If an individual on behalf of a maintenance organisation carries out maintenance on an aircraft, the maintenance organisation must ensure that the information mentioned in subclause (3) is recorded in accordance with subclause (4), before the organisation issues a certificate of release to service for the aircraft in relation to the maintenance.
- (2) If an independent maintainer carries out maintenance on an aircraft, the independent maintainer must record the information mentioned in subclause (3) in accordance with subclause (4), before the independent maintainer issues a certificate of release to service for the aircraft in relation to the maintenance.
- (3) The following information must be recorded in relation to the maintenance carried out:
 - (a) the registration mark for the aircraft;
 - (b) the date on which the maintenance was completed;
 - (c) a description of the maintenance;
 - (d) reference to the maintenance data used;
 - (e) description, part number and serial number (if any) of any part fitted, including any of the following information as applicable:
 - (i) reference to an authorised release certificate or an equivalent document;
 - (ii) if the fitted part was removed from another aircraft – information identifying the aircraft from which the part was removed
 - (iii) if the fitted part was fabricated in the course of maintenance – a statement that the part has been fabricated during maintenance;
 - (f) if the maintenance is a modification or repair involving a change to the approved design for the aircraft – information identifying the design of the modification or repair;
- (4) The information must be recorded:
 - (a) in the aircraft's flight technical log; or
 - (b) if the maintenance is being carried out by an individual on behalf of a maintenance organisation – in the worksheet used by the maintenance organisation to record maintenance; or
 - (c) if the maintenance is being carried out by an independent maintainer – in any worksheet used by the independent maintainer to record maintenancebefore a certificate of release to service is issued for the aircraft in relation to the maintenance.

D.14 Recording maintenance information for aeronautical products

- (1) If an individual on behalf of a maintenance organisation carries out maintenance on an aeronautical product, the maintenance organisation must ensure that the following information is recorded in accordance with subclause (2), before the organisation issues a certificate of release to service for the aeronautical product in relation to the maintenance:
 - (a) identification information including description, part number and serial number (if any) of the aeronautical product;
 - (b) the date on which the maintenance was completed;
 - (c) a description of the maintenance;
 - (d) reference to the maintenance data used;

- (e) description, part number and serial number (if any) of any part fitted, including reference to authorised release certificate or an equivalent document if applicable.
- (2) The information must be recorded in the worksheet used by the maintenance organisation to record the maintenance before a certificate of release to service is issued for the aeronautical product in relation to the maintenance.

D.15 Providing of maintenance record and other documents to the person responsible for continuing airworthiness for the aircraft

- (1) If an individual on behalf of a maintenance organisation carries out maintenance on an aircraft, the maintenance organisation must ensure that the maintenance record for the maintenance is given to the person responsible for continuing airworthiness for the aircraft, within 30 days after the organisation issues a certificate of release to service for the aircraft in relation to the maintenance.
- (2) If an independent maintainer carries out maintenance on an aircraft, the independent maintainer must give the maintenance record for the maintenance to the person responsible for continuing airworthiness for the aircraft, within 30 days after the independent maintainer issues a certificate of release to service for the aircraft in relation to the maintenance.

D.16 Retention of copy of maintenance record by maintenance organisations

- (1) A maintenance organisation must keep a copy of maintenance records for the maintenance it has carried out on aircraft or aeronautical product for 2 years after the organisation issued the certificate of release to service for the aircraft or aeronautical product in relation to the maintenance.
- (2) An independent maintainer must keep a copy of maintenance records for the maintenance he or she has carried on aircraft for 2 years after the independent maintainer issued the certificate of release to service for the aircraft in relation to the maintenance.

Appendix D.1

Maintenance that must not be carried out by the holder of an aircraft engineer licence who is not working for a maintenance organisation

Reference: Subclauses D.03(4)

1. Refer to Parts 1, 2, 3 and 4 of Schedule 7 of CAR 1988 for the existing list of maintenance that must not be carried out by the holder of an aircraft engineer licence not working for a maintenance organisation.
2. Current concept of listing excluded maintenance to describe privileges will continue.
3. The current level of privileges will be preserved as much as possible.
4. Any need to expand the privileges will be considered based on the public consultation on the overall continuing airworthiness policies.
5. Where possible, exclusions will be described using broad based principles linked with safety outcomes. For example, no major modification and repair.
6. There may be a need to differentiate between maintenance of aeroplane and rotorcraft

Appendix D.2

Maintenance that may be carried out on an aircraft by a pilot of the aircraft

Reference: Subclauses D.03(5)

1. Refer to Part 1 of Schedule 8 of CAR 1988 for the existing list of maintenance that may be carried out on an aircraft by a pilot of the aircraft.
2. The current level of privileges will be preserved as much as possible.
3. Any need to expand the privileges will be considered based on the public consultation on the overall continuing airworthiness policies.
4. CASA appreciates that currently pilots are permitted to carry out a wide range of maintenance under the aircraft's system of maintenance.
5. CASA appreciates that the current scope of privileges is there, to some extent to support existing charter operation.
6. There may be a need to differentiate between maintenance of aeroplane and rotorcraft.

Section E Use of parts and materials during maintenance

Subsection E.1 Preliminary

E.01 Purpose of this Section

This Section sets out requirements for:

- (a) fitting parts to, and using materials in, aircraft and aeronautical products during maintenance; and
- (b) the control of unserviceable and unsalvageable parts; and
- (c) the control of unapproved parts.

E.02 Meaning of terms used in this Section

- (1) 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.

- (2) A part is *eligible to be fitted* to an aircraft or another aeronautical product if the fitting is permitted:

- (a) by the approved design for the aircraft or the aeronautical product; or
- (b) by a parts manufacturer approval acceptable under Part 21 of CASR.

- (3) A material is *eligible to be used* in or on an aircraft or an aeronautical product if the use is permitted:

- (a) by the approved design for the aircraft or the aeronautical product; or
- (b) by maintenance data for maintenance to be carried out on the aircraft or aeronautical product.

- (4) A part is *unapproved* if:

- (a) the part is counterfeit; or
- (b) the design of the part has not been approved in accordance with Part 21 of CASR; or
- (c) the part has been produced other than in accordance with an authorisation granted by a civil aviation authority of a State; or
- (d) maintenance has been carried out on the part other than in accordance with an authorisation granted by a civil aviation authority of a State; or
- (e) the part has been modified other than in accordance with a design approved under Part 21 of CASR;
- (f) the part is unserviceable or unsalvageable and has been fraudulently represented as serviceable; or
- (g) the part is accompanied by a fraudulent document

Subsection E.2 Fitting parts and using materials

E.03 Fitting parts - general requirement

- (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.04 Fitting parts – traceability and authenticity requirement

- (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.

E.05 Using materials – traceability and authenticity requirement

- (1) An individual who is carrying out maintenance on an aircraft or aeronautical product must not use a material in or on an aircraft or aeronautical product unless:
 - (a) the material is eligible to be used in or on the aircraft or aeronautical product; and
 - (b) the material is accompanied by:
 - (i) information that identifies the specification with which the material complies; and
 - (ii) evidence that the material complies with the specification; and
 - (iii) information that allows the material to be traced to its manufacturer; and
 - (a) the material appears to be in a satisfactory condition; and
 - (b) if the manufacturer of the material has specified a storage life for the material—the storage life for the material has not expired.
- (2) An approved maintenance organisation must ensure that an individual who carries out maintenance on behalf of the organisation complies with subclause (1).

Subsection E.3 Controlling unserviceable and unsalvageable parts

E.06 Control of unserviceable parts

- (1) If a maintenance organisation or an independent maintainer have in their possession an unserviceable part, the organisation or the independent maintainer must within 2 days after becoming aware of the unserviceability of the part:
 - (a) ensure the part has been labelled with the following information:
 - (i) sufficient information to identify the part, including the part's name, part number and serial number (if any);
 - (ii) a statement that the part is unserviceable;
 - (iii) the origin of the part, including information about the aircraft or aeronautical product from which the part has been removed (if relevant and if known);
 - (iv) the reason that the part is unserviceable; and
 - (b) store the part separately from serviceable aeronautical products and in a secure location.

E.07 Control of unsalvageable parts

- (1) If a maintenance organisation or an independent maintainer have in their possession an unsalvageable part, the organisation or the independent maintainer must within 2 days after becoming aware that the part is unsalvageable:
 - (a) ensure the part has been labelled with the following information:
 - (i) sufficient information to identify the part, including the part's name, part number and serial number (if any);
 - (ii) a statement that the part is unsalvageable;
 - (iii) the origin of the part, including information about the aircraft or aeronautical product from which the part has been removed (if relevant and if known);
 - (iv) the reason that the part is unsalvageable; and
 - (b) store the part separately from serviceable aeronautical products and in a secure location; or

- (c) if the organisation or independent maintainer is not the owner of the part – give the part to the owner of the part; or
 - (d) ensure that the part is mutilated in a manner to prevent its use in aviation.
- (2) If the owner of a part receives the part under paragraph (1)(c), the owner must, within 3 days of receiving the part:
- (a) store the part separately from serviceable aeronautical products and in a secure location; or
 - (b) ensure that the part is mutilated in a manner to prevent its use in aviation.

Subsection E.4 Controlling and reporting of unapproved parts

E.08 Control of unapproved parts

If a person becomes aware that a part is unapproved, the person must within 2 days after becoming aware of the unapproved part:

- (a) if the person has possession of the part – ensure the part has been labelled with the following information:
 - (i) sufficient information to identify the part, including the part's name, part number and serial number (if any);
 - (ii) a statement that the part is unapproved;
 - (iii) the origin of the part, including information about the aircraft or aeronautical product from which the part has been removed (if relevant and if known);
 - (iv) the reason that the part is unapproved; and
- (b) if the person has possession of the part – store the part, and any documents that accompany the part, separately from serviceable aeronautical products and in a secure location; and
- (c) submit a report about the part in accordance with clause E.09.

E.09 Reporting unapproved parts

- (1) A person who is required to submit a report about an unapproved part under paragraph E.08(c), must submit the report it to:
 - (a) CASA; and
 - (b) if the part is or was fitted to an aircraft – the person responsible for continuing airworthiness for the aircraft.
- (2) If CASA receives a report about an unapproved part, CASA may:
 - (a) require the person who submitted the report to give CASA further information in relation to the part; or
 - (b) notify the person who has possession of the unapproved part that the part does not have to be kept.

E.10 Action required if an unapproved part is not required to be kept

- (1) If a person who has the possession of an unapproved part is notified by CASA that the part does not have to be kept, the person must, within 2 days after receiving the notification:
 - (a) if the person is not the owner of the part – give the part to the owner of the part; or
 - (b) store the part, and any documents that accompany the part, separately from serviceable aeronautical products and in a secure location; or
 - (c) ensure that the part is mutilated, in a manner to prevent its use in aviation.

- (2) If the owner of a part receives the part under paragraph (1)(a), the owner must, within 3 days of receiving the part:
 - (a) store the part separately from serviceable aeronautical products and in a secure location; or
 - (b) ensure that the part is mutilated, in a manner to prevent its use in aviation.

Subsection E.5 Fabrication of parts in course of maintenance

E.11 Fabrication of parts by a maintenance organisation

- (1) A maintenance organisation may fabricate parts, for use on an aircraft or aeronautical product being maintained by the organisation.
- (2) The part must be fabricated in accordance with existing design data that includes details of:
 - (a) dimensions, materials, process and any special technique to be used for the fabrication of the part;
 - (b) assembly, inspection and test procedures for the part;
 - (c) identification and marking of the part.
- (3) The organisation must have the appropriate technical capabilities such as facilities, tools, equipment and competent persons for the fabrication process.
- (4) The organisation must mark all fabricated parts, except those with inadequate space, with an appropriate part number in accordance with the fabrication data, along with the identification of the fabricating organisation. Other parts must be identified by tags.
- (5) The organisation must keep records of each part fabricated by the organisation. The records must contain at least the following information:
 - (a) the description of the part;
 - (b) the part number and if applicable the serial number of the part;
 - (c) identification of the aircraft or aeronautical product into which the part will be installed;
 - (d) identification of the design data;
 - (e) traceability information of parts and materials used in the fabrication;
 - (f) results of inspection and test;
 - (g) certification by persons involved in the fabrication process that each stage of the fabrication (such as assembly, inspection, test and marking) has been completed in accordance with the fabrication data and that the part meets the applicable inspection and test criteria.
- (6) The organisation must keep the above records unless the organisation becomes aware that the part has been permanently removed from service.
- (7) If the fabricated part is fitted to an aircraft, the organisation must record, in the aircraft's maintenance record:
 - (a) that the part fitted has been fabricated in the course of maintenance;
 - (b) a reference to the fabrication record mentioned in subclause (5).
- (8) If the fabricated part is fitted to an aeronautical product, the organisation must include information specified in subclause (5) in the certificate of release to service for the aeronautical product.

Section F

There is no content under this Section.

Section G Approval of person responsible for continuing airworthiness for an aircraft

Subsection G.1 Preliminary

G.01 Purpose of this Section

This Section sets out requirements for the initial approval and continuation of the approval of a person as the persons responsible for continuing airworthiness for the aircraft.

G.02 Meaning of terms used in this Section

In this section:

providing continuing airworthiness management services for an aircraft means performing continuing airworthiness management tasks for the aircraft and providing any of the following services by the person responsible for continuing airworthiness for the aircraft:

- (a) providing approval for maintenance program and variations to maintenance program for the aircraft;
- (b) providing approval for not complying with a maintenance requirement for the maintenance program for the aircraft.

G.03 Privileges of the person responsible for continuing airworthiness for an aircraft

The person responsible for continuing airworthiness for an aircraft may provide continuing airworthiness management services for the aircraft subject to approval of CASA.

Subsection G.2 Approval of a person responsible for continuing airworthiness for an aircraft

G.04 Applying for approval

- (1) A person (the applicant) may apply to CASA for an approval to be the person responsible for continuing airworthiness for an aircraft that is authorised to operate under an AOC.
- (2) The application must include the following:
 - (a) a copy of the applicant's proposed continuing airworthiness manual;
 - (b) the proposed scope of approval as per subclause (3);
 - (c) information to demonstrate that the applicant has or has access to relevant resources required under Appendix G.1 to provide continuing airworthiness management services covered by the proposed scope of approval including:
 - (i) personnel;
 - (ii) facilities;
 - (iii) equipment;
 - (iv) instructions for continuing airworthiness.
- (3) The applicant must apply for a scope of approval in terms of:

- (a) if the applicant proposes to provide continuing airworthiness management services for non-type rated aircraft with piston engine – the class of aircraft;
- (b) if the applicant proposes to provide continuing airworthiness management services for non-type rated aircraft with turbine engine or any type rated aircraft – the aircraft type;
- (c) whether the applicant intends to approve maintenance program or variation to maintenance program for the aircraft for which the person is responsible.

G.05 Issuing approval

- (1) CASA will approve an applicant as the person responsible for continuing airworthiness for an aircraft that is authorised under an AOC, if CASA is satisfied that the applicant complies with all the requirements set out in Appendix G.1 and any other applicable requirements of the legislation.
- (2) CASA will issue an approval certificate in an approved form setting out the approved scope of approval in terms of the scope defined in subclause G.04(3)

G.06 Continuation of the approval

Continued validity of the approval (of a person responsible for continuing airworthiness for an aircraft) will depend upon the person remaining in compliance with the requirements of Appendix G.1, any other applicable requirements of the legislation and the organisation's procedure manual.

G.07 Approval subject to conditions

- (1) The person responsible for continuing airworthiness for an aircraft must at all times comply with, and must ensure that person's employees comply with:
 - (a) the person's continuing airworthiness manual; and
 - (b) the limitations and conditions of the approval certificate; and
 - (c) applicable legislation.

Subsection G.3 Changes to the organisation of person responsible for continuing airworthiness for an aircraft

G.08 Significant change to the organisation of the person responsible for continuing airworthiness for an aircraft

A significant change to the organisation of the person responsible for continuing airworthiness for an aircraft, means any of the following changes:

- (a) a change to the name of the person's legal entity;
- (b) a change to the person's scope of approval;
- (c) a change of individual holding the position of accountable manager in the person's organisation;
- (d) any change to the person's facilities, equipment or other resources that could adversely affect the person's ability to provide continuing airworthiness management services that the person is approved to provide.

G.09 Application for approval of significant changes

- (1) If a person responsible for continuing airworthiness for an aircraft proposes to make a significant change to the person's organisation, the person must apply to CASA for approval of the change.
- (2) The application must:

- (a) set out the proposed change;
 - (b) include a copy of the part of the manual affected by the change, showing the change.
- (3) If the change is a change of individual holding the position of accountable manager, and the person was not able to apply for an approval for the change before the change took place, the person must apply within 7 days after making the change.

G.10 Actions in relation to unforeseen significant changes

- (1) If the change is an unforeseen change, mentioned in paragraph G.08(d), the person must notify CASA of the change within 3 days of the change taking place.
- (2) If the change is not expected to be permanent, the person must cease to provide any continuing airworthiness management service that the person is not able to provide properly due to the change.
- (3) If the change is expected to be permanent, the person must:
- (a) cease to provide any continuing airworthiness management service that the person is not able to provide properly due to the change; and
 - (b) apply to CASA for a change to the person's scope of approval based on the person's inability to provide any continuing airworthiness management service.

Appendix G.1

Requirements to be met by the person responsible for continuing airworthiness for an aircraft for the issue and continuation of the approval

Reference: Paragraph G.04(2)(c), Subclause G.05(1), Clause G.06

1 Introduction

- 1.1 This appendix sets out the capability that a person responsible for continuing airworthiness for an aircraft must have to provide continuing airworthiness management services for the aircraft.

2 Continuing airworthiness manual

- 2.1 The person responsible for continuing airworthiness for an aircraft must have a manual called continuing airworthiness manual that includes process and procedures to ensure continuing airworthiness management service provided by the person is provided in accordance with the requirements of the legislation; and
- 2.2 The procedures manual must include:
- (a) the person's name, registered address and contact details;
 - (b) a description of the person's scope of approval;
 - (c) a brief description of the person's facilities;
 - (d) an organisation chart showing the person's organisational structure and chains of responsibility of positions within the organisation;
 - (e) the names of individuals nominated to the following positions:
 - (i) accountable manager;
 - (ii) if applicable, head of aircraft airworthiness and maintenance control;
 - (iii) responsible manager;
 - (iv) head of internal audit;
 - (f) the responsibilities of all positions identified in the organisational structure;
 - (g) procedures for amending the manual;
 - (h) a statement signed by the accountable manager confirming that the manual and associated procedures establish compliance to the relevant requirements of the legislation.
- 2.3 The person responsible for continuing airworthiness for an aircraft must amend the manual as and when necessary to ensure information in the manual remains up to date and continues to provide compliance with the legislation.
- 2.4 The person responsible for continuing airworthiness for an aircraft must provide the manual and subsequent amendment of the manual to all the personnel involved with providing continuing airworthiness management services and to CASA.

3 Facility and equipment

- 3.1 The person responsible for continuing airworthiness for an aircraft must have appropriately equipped facilities for providing the continuing airworthiness management services it is approved to provide, including:
- (a) office accommodation for all personnel providing continuing airworthiness management services; and
 - (b) facilities for the completion and retention of records and documents in accordance with the requirements of the legislation.

3.2 The office accommodation must be of a standard that will ensure personnel can perform their duties without undue distraction or discomfort.

4 Personnel – general

4.1 The person responsible for continuing airworthiness for an aircraft must have sufficient personnel for providing the continuing airworthiness management services it is approved to provide.

4.2 The person responsible for continuing airworthiness for an aircraft must ensure that personnel required under subsection 4.1 are competent to perform the tasks they are required to perform.

Note: The need for personnel will depend on extent of continuing airworthiness management services that the person responsible for continuing airworthiness is required to provide.

5 Management personnel

5.1 The person responsible for continuing airworthiness for an aircraft must nominate an individual as accountable manager who has the ultimate authority and responsibility for ensuring that the person:

- (a) has adequate resources to provide the continuing airworthiness management services it is approved to provide; and
- (b) complies with:
 - (i) the continuing airworthiness manual; and
 - (ii) the limitations and conditions of the approval; and
 - (iii) applicable legislation.

5.2 The accountable manager must have:

- (a) a comprehensive understanding of his or her obligations under the legislation; and
- (b) a general understanding of the legislation related to continuing airworthiness of aircraft; and
- (c) a general understanding of the continuing airworthiness manual.

5.3 If the person responsible for continuing airworthiness for an aircraft is the AOC holder for the aircraft, then the accountable manager must be the accountable manager of the AOC holder's organisation. In this case the AOC holder's head of aircraft airworthiness and maintenance control must be nominated to assist the accountable manager to discharge his or her continuing airworthiness obligation and the accountable manager does not have to meet the requirements of paragraphs 5.2(b) and (c).

5.4 The head of aircraft airworthiness and maintenance control must have:

- (a) a comprehensive understanding of the legislation related to continuing airworthiness of aircraft; and
- (b) a comprehensive understanding of the continuing airworthiness manual; and
- (c) at least 3 years' experience in the continuing airworthiness management of aircraft.

5.5 The existing head of aircraft airworthiness and maintenance control does not have to meet the requirements of subsection 5.4.

5.6 The person responsible for continuing airworthiness for an aircraft must nominate one or more appropriately qualified individual as responsible manager with the responsibility for controlling the activities of the person that are assigned to the position, to ensure that the activities are carried out according to:

- (a) the continuing airworthiness manual; and
- (c) applicable legislation.

- 5.7 The responsible managers must report to the accountable manager or if the person responsible for continuing airworthiness for the aircraft is the AOC holder for the aircraft – to the head of aircraft airworthiness and maintenance control.
- 5.8 The responsible managers must have:
- (a) a comprehensive understanding of continuing airworthiness legislation that relate to their responsibilities; and
 - (b) a comprehensive understanding of the process and procedures in the continuing airworthiness manual that relates to their responsibilities; and
 - (c) if the responsible manager is responsible for the provision of continuing airworthiness management services for aircraft – he or she must have a general understanding of the structure and systems, including the propulsion system of the aircraft.
- 5.9 The person responsible for continuing airworthiness for an aircraft must nominate an appropriately qualified individual as head of internal audit with the responsibility for:
- (a) managing the person’s internal audit system, and
 - (b) ensuring that the individual who performs internal audits is:
 - (i) competent to perform audits; and
 - (ii) independent of the activities being audited.
- 5.10 The head of internal audit system must report to the accountable manager in relation to their responsibility and ensure that the accountable manager is properly informed of matters relating to non-compliance.
- 5.11 One individual may fill several or all of the management personnel positions provided the individual meets the qualification requirements for the relevant positions and is able to fulfil the responsibilities of each position considering the extent and complexity of the of the continuing airworthiness management services provided by the person.
- 6 Airworthiness review employees**
- 6.1 The person responsible for continuing airworthiness for an aircraft must have airworthiness review employees to carry out airworthiness reviews and issue airworthiness review certificates in accordance with Section I.
- 6.2 The airworthiness review employee must:
- (a) have at least 5 years’ experience in continuing airworthiness management activities; or
 - (b) have at least 2 years’ experience in continuing airworthiness management activities, provided he or she holds or has held:
 - (i) a maintenance certification licence in category B1, B2 or C; or
 - (ii) a licence that is equivalent to a licence in category B1, B2 or C.
- 6.3 An airworthiness review employee must have a comprehensive knowledge of regulations and standards applicable to the airworthiness of the aircraft for which the employee is authorised.
- 6.4 An airworthiness review employee must have knowledge of the following for the aircraft for which the employee is authorised:
- (a) the aircraft’s certification basis;
 - (b) the aircraft’s structure and systems, including the propulsion system.
- 7 Maintenance program approval employees**
- 7.1 If the person responsible for continuing airworthiness for an aircraft wants the privilege to approve a maintenance program or approve variation to a maintenance program, the person must have maintenance program approval employees.

- 7.2 The maintenance program approval employee must:
- (a) hold, or have held, an aircraft engineer licence in category B1, B2 or C; or
 - (b) hold, or have held, an aircraft engineer licence in category B1, B2 or C; or
 - (c) hold, or have held, a licence that is equivalent to a licence in category B1, B2 or C; or
 - (d) have a qualification in aircraft maintenance at least at Certificate IV level; or
 - (e) have a qualification in aviation maintenance management at least at diploma level; or
- 7.3 The maintenance program approval employee must have at least 3 years' experience in the development and management of a maintenance program for aircraft that are the same, or of a similar type, as the aircraft for which the employee is authorised.
- 7.4 The maintenance program approval employee must have a comprehensive knowledge of the following:
- (a) the regulations and standards applicable to the maintenance program for the aircraft for which the employee is authorised;
 - (b) the regulations and standards applicable to aircraft reliability programs, if applicable;
 - (c) maintenance requirements for the maintenance program for the aircraft for which the employee is authorised;
 - (d) the maintenance program approval employee must have knowledge of the specifications and standards that have been used by the type certificate holder to develop regular maintenance requirements for the aircraft for which the employee is authorised;
 - (e) The maintenance program approval employee must have knowledge of the following for the aircraft for which the employee is authorised:
 - (i) the aircraft's certification basis;
 - (ii) the aircraft's structure and systems, including the propulsion system, to a level that is at least equivalent to Level 1 as set out in Appendix III of the Part 66 MOS.
- 8 Internal audit**
- 8.1 The person responsible for continuing airworthiness for an aircraft must carry out independent audits to monitor:
- (a) the person's compliance with the requirements of the legislation and the person's manual; and
 - (b) the adequacy of the person's process and procedures in ensuring compliance with requirements of the legislation; and
 - (c) the standard of continuing airworthiness management services provided under the person's approval meets the requirements of legislation.
- 8.2 The audit must be carried out in accordance with a documented plan which ensures all items to be audited under subsection 8.1 are audited once every 12 months.
- 8.3 The person responsible for continuing airworthiness for an aircraft must ensure all audit findings are recorded and:
- (a) reported to:
 - (i) the accountable manager; and
 - (ii) the responsible manager who is responsible for the process and procedures to which the finding relates or is responsible for complying with a requirement to which the finding relates.
- 8.4 The person responsible for continuing airworthiness for an aircraft must ensure:
- (a) corrective and preventative actions are implemented for any deficiencies identified in the audit findings; and

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- (b) feedback is provided to the head of internal audit about the corrective and preventative action implemented.
- 8.5 The audits must be carried out by individuals who are independent of the items being audited and who:
- (a) have comprehensive knowledge of the person's continuing airworthiness manual; and
 - (b) have knowledge of the legislation applicable to continuing airworthiness of aircraft and aeronautical products; and
 - (c) have:
 - (i) successfully completed a course in quality audit which is at least equivalent to the type of course required for a person to gain certification as a lead auditor; or
 - (ii) 3 years' experience in performing audits of organisation's process and procedures.
- 8.6 The person responsible for continuing airworthiness for an aircraft must keep records containing the following information in relation to the audit:
- (a) the scope and contents of the audit;
 - (b) when the audit was carried out;
 - (c) the identity of each individual performing the audit;
 - (d) the findings of the audit;
 - (e) details of preventive and corrective actions implemented for any deficiencies identified in the findings of the audit.
- 8.7 The records mentioned in subsection 8.6 must be kept for at least 2 years from the date the audit was conducted.

Section H Maintenance certification and certificate of release to service

Subsection H.1 Preliminary

H.01 Purpose of this Section

This Section sets out requirements for the performance of maintenance certification and the issue of certificates of release to service when maintenance has been carried out.

Subsection H.2 Maintenance certification for aircraft and aeronautical products

H.02 Who must perform maintenance certification and when it must be performed

- (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.

H.03 Requirements to be met before performing maintenance certification

- (1) An individual must not perform maintenance certification for the maintenance unless he or she has ensured that:
 - (a) the maintenance has been carried out in accordance with the requirements:
 - (i) set out in Section D of this document; and
 - (ii) if the maintenance has been performed by a maintenance organisation - any additional requirements that applies to maintenance organisation in relation to carrying out maintenance; and
 - (b) details of maintenance carried out on the aircraft or aeronautical product has been recorded as required by Subsection D.5.
- (2) A maintenance organisation must ensure that an individual who performs maintenance certification on its behalf complies with subclause (1).

H.04 How maintenance certification is performed

To perform maintenance certification for the maintenance, an individual must:

- (a) sign the record that is created under Subsection D.5 that contains the details of maintenance carried out on the aircraft or aeronautical product; and
- (b) enter the following information in the record:
 - (i) the date of the maintenance certification; and
 - (ii) if he or she carried out the maintenance on behalf of a maintenance organisation - his or her authorisation number issued by the organisation; and
 - (iii) if he or she carried out the maintenance as an independent maintainer - his or her aircraft engineer licence number, pilot licence number or flight engineer licence number.

Subsection H.3 Certificate of release to service for aircraft

H.05 Who may issue a certificate of release to service for aircraft

- (1) If maintenance is carried out on an aircraft by a maintenance organisation, the organisation may issue a certificate of release to service for the aircraft in relation to the maintenance.
- (2) If a maintenance organisation issues the certificate of release to service for the aircraft in relation to the maintenance, 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.
- (3) If the maintenance is carried out on an aircraft by an independent maintainer, the independent maintainer may issue a certificate of release to service for the aircraft in relation to the maintenance.

H.06 Requirements to be met for issuing certificates of release to service for aircraft

- (1) A maintenance organisation or independent maintainer must not issue a certificate of release to service for an aircraft in relation to maintenance the organisation or independent maintainer has carried out on the aircraft, unless the following requirements are met:
 - (a) the organisation or independent maintainer has finished carrying out the maintenance;
 - (b) maintenance certification has been performed for all of the maintenance;
 - (c) if the maintenance included critical control system maintenance - an independent verification of the critical control system maintenance has been performed;
 - (d) if there is a defect in the aircraft, and the rectification of the defect has not been deferred:
 - (i) the certificate includes details of the defect;
 - (ii) the person responsible for continuing airworthiness for the aircraft has been notified that there is a defect in the aircraft, and that the rectification of the defect has not been deferred; and
 - (e) if maintenance requested for the aircraft, other than the defect mentioned in paragraph (d) has not been carried out:
 - (i) the certificate includes details of the maintenance that has not been carried out; and
 - (ii) the person responsible for continuing airworthiness for the aircraft has been notified that the maintenance requested for the aircraft has not been carried out.
 - (f) the form and content of the certificate complies with clause H.07.
- (2) An individual must not issue a certificate of release to service for an aircraft in relation to maintenance carried out on the aircraft unless the requirements mentioned in subclause (1) are met.

H.07 Form and content of certificate of release to service

- (1) A certificate of release to service for an aircraft in relation to maintenance carried out on the aircraft must include the following information:
 - (a) information identifying the certificate as a certificate of release to service;
 - (b) the aircraft's registration mark;

- (c) if the maintenance was carried out by a maintenance organisation—the organisation's approval certificate reference number and the authorisation number of the employee issuing the certificate;
 - (d) if the maintenance was carried out by an independent maintainer—the name and licence number of the individual issuing the certificate.
 - (e) a description of, or reference to, the maintenance to which the certificate relates.
- (2) The certificate must be included in the flight technical log for the aircraft.

H.08 How a certificate of release to service is issued

To issue a certificate of release to service for an aircraft in relation to maintenance carried out on the aircraft, an individual must:

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

H.09 Retaining copy of certificate of release to service

If a maintenance organisation or an independent maintainer issues a certificate of release to service for an aircraft in relation to maintenance carried out on the aircraft, the organisation or an independent maintainer must ensure that a copy of the certificate is retained for 1 year from the date the certificate is issued.

Subsection H.4 Certificate of release to service for aeronautical products on which maintenance has been carried out

H.10 Obligation not to release an aeronautical product without a certificate of release to service

If a maintenance organisation carries out maintenance on an aeronautical product, the organisation must not release the aeronautical product for use in an aircraft or another aeronautical product unless the organisation has issued a certificate of release to service for the aeronautical product in relation to the maintenance.

H.11 Who may issue a certificate of release to service for aeronautical products on which maintenance has been carried out

- (1) If maintenance is carried out on aeronautical product by a maintenance organisation, the organisation may issue a certificate of release to service for the product in relation to the maintenance.
- (2) If a maintenance organisation issues the certificate of release to service for the aeronautical product in relation to the maintenance, 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.12 Requirements to be met for issuing a certificate of release to service for an aeronautical product on which maintenance has been carried out

A maintenance organisation must not issue a certificate of release to service for an aeronautical product in relation to maintenance the organisation has carried out on the product, unless the following requirements are met:

- (a) the organisation has finished carrying out the maintenance on the aeronautical product;
- (b) maintenance certification has been performed for all the maintenance carried out on the aeronautical product;
- (c) the aeronautical product is serviceable or, if the aeronautical product is not serviceable, the certificate includes the reason for unserviceability;
- (d) the form and content of the certificate complies with clause H.13.

H.13 Form of certificate of release to service for aeronautical products on which maintenance has been carried out

A certificate of release to service for an aeronautical product must be issued in the approved form and must include all the information required in the approved form.

H.14 How a certificate of release to service is issued for aeronautical products on which maintenance has been carried out

To issue a certificate of release to service on behalf of an approved maintenance organisation for an aeronautical product in relation to maintenance carried out on the product, an individual must:

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

H.15 Dealing with a certificate of release to service for aeronautical products on which maintenance has been carried out

If an approved maintenance organisation issues a certificate of release to service for an aeronautical product in relation to maintenance carried out on the product, the organisation must:

- (a) give the certificate to the person to whom the aeronautical product is released for use in an aircraft or another aeronautical product; and
- (b) retain a copy of the certificate for 2 years from date the certificate is issued.

Subsection H.5 Certificate of release to service for aeronautical products removed from an aircraft (on which no maintenance has been carried out)

H.16 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.17 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.18 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.19 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.20 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.21 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 Airworthiness reviews and airworthiness review certificates

Subsection I.1 Preliminary

I.01 Purpose of this Section

This Section sets out the requirements in relation to airworthiness reviews and airworthiness review certificates.

Subsection I.2 Issue of airworthiness review certificates

I.02 Who may issue an airworthiness review certificate

The person responsible for continuing airworthiness for an aircraft may issue an airworthiness review certificate for the aircraft provided the certificate is issued by an airworthiness review employee on behalf of the person responsible for continuing airworthiness for the aircraft.

I.03 Requirements to be met for issue of an airworthiness review certificate

- (1) The person responsible for continuing airworthiness for an aircraft must ensure that the following requirements are met for the issue of an airworthiness review certificate for the aircraft:
 - (a) an airworthiness review employee has carried out an airworthiness review for the aircraft in accordance with Appendix I.1;
 - (b) a record of the findings of the review has been made in accordance with clause I.09;
 - (c) any corrective action that was necessary as per the findings of the review has been taken;
 - (d) a record of corrective action mentioned in paragraph (c) has been made in accordance with clause I.10.
- (2) An airworthiness review employee must not issue an airworthiness review certificate for an aircraft unless he or she has carried out an airworthiness review for the aircraft in accordance with Appendix I.1 and requirements of paragraphs (b), (c) and (d) have been met.

I.04 Form of airworthiness review certificate

- (1) An airworthiness review certificate must be issued in the approved form and must include all the information required by the approved form.

I.05 How airworthiness review certificate is issued

To issue an airworthiness review certificate for an aircraft, the airworthiness review employee who carried out the airworthiness review for the aircraft must:

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

I.06 How long airworthiness review certificate remains in force

- (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.

I.07 Copies of certificate to be given to the AOC holder and CASA

If the person responsible for continuing airworthiness for an aircraft issues an airworthiness review certificate for the aircraft, the person must give a copy of the certificate to:

- (a) if the person is not the AOC holder for the aircraft – the AOC holder for the aircraft; and
 - (b) CASA;
- within 10 days after issuing the certificate.

I.08 Notice of decision not to issue airworthiness review certificate

- (1) If a person responsible for continuing airworthiness for an aircraft carries out an airworthiness review for the aircraft but decides not to issue an airworthiness review certificate for the aircraft because a requirement mentioned in Appendix I.1 is not met, the person must within 2 days after making the decision, notify:
 - (a) if the person is not the AOC holder for the aircraft – the AOC holder for the aircraft; and
 - (b) CASA.
- (2) The person responsible for continuing airworthiness for the aircraft must notify of the decision within 2 days after making the decision

Subsection I.3 Records of findings of airworthiness review and records corrective action taken

I.09 Record of findings of airworthiness review

The person responsible for continuing airworthiness for an aircraft must ensure that the findings of the review, including whether the requirements of Appendix I.1 have met for the aircraft, are recorded in writing before the issue of the airworthiness review certificate.

I.10 Record of corrective action taken

If the person responsible for continuing airworthiness for an aircraft takes corrective action in relation any findings of airworthiness review recorded under clause I.09, the person must ensure that the action taken is recorded in writing before the issue of the airworthiness review certificate for the aircraft.

I.11 Retaining records relating to airworthiness review certificates

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- (1) If the person responsible for continuing airworthiness for an aircraft issues an airworthiness review certificate for the aircraft, the person must keep:
 - (a) the records of findings as mentioned in clause I.09; and
 - (b) the records of any corrective actions taken as mentioned in clause I.10.
- (2) The records must be kept for 3 years after the date of issue of the certificate.

Appendix I.1

Procedures for carrying out an airworthiness review

Reference: Paragraph I.04(1)(a)

1 Introduction

1.2 An airworthiness review is a review of an aircraft's continuing airworthiness records to establish that the key continuing airworthiness requirements have been complied with for the aircraft. This appendix sets out the procedures for carrying out an airworthiness review for an aircraft.

2 Procedures for carrying out an airworthiness review

- 2.1.1 The individual carrying out the airworthiness review of an aircraft must examine the continuing airworthiness records for the aircraft to determine whether the following requirements are met:
- (a) the details of the utilisation of the airframe, engine and propeller of the aircraft have been recorded in accordance requirements of the legislation and is up to date;
 - (b) record of the empty weight and empty weight centre of gravity position of the aircraft have been recorded and is up to date;
 - (c) no maintenance required under the aircraft's maintenance program is overdue at the time of review;
 - (d) no airworthiness directives that applies to the aircraft or an aeronautical product fitted to the aircraft are overdue at the time of review;
 - (e) for each modification made to the aircraft, there is a Part 21 approval for the design of the modification;
 - (f) for each aeronautical product fitted to the aircraft that has a life limit, the records:
 - (i) correctly identify the aeronautical product; and
 - (ii) show that the aeronautical product has not exceeded its life limit at the time the review;

Note: For paragraph (c), sampling of maintenance program task will be permitted to ensure that no maintenance is overdue.

- 2.1.2 The individual carrying out the airworthiness review of an aircraft must carry out a survey of the aircraft to determine whether the following requirements are met:
- (a) markings that are required under the legislation or by the aircraft's type certification basis, to be on the aircraft are correct are in the correct position on the aircraft;
 - (b) placards and decals required by the aircraft's type certification basis and legislation are present;
 - (c) the configuration of the aircraft complies with the aircraft's approved design;
 - (d) the aircraft's flight manual is up to date and reflects the aircraft's configuration.

Note: For paragraph (a), refer to Parts 45 and 90 and the Part 90 Manual of Standards. For paragraph (b), refer to Part 90 and the Part 90 Manual of Standards.

Section J Approval of a maintenance program and approval of variation to a maintenance program

Subsection J.1 Preliminary

J.01 Purpose of this Section

This Section sets out the requirements for the approval of:

- (a) a maintenance program for an aircraft; and
- (b) variation to a maintenance program for an aircraft.

Subsection J.2 Approval of a maintenance program and approval of a variation to a maintenance programs by CASA

J.02 Approval of a maintenance program by CASA

- (1) The person responsible for continuing airworthiness for an aircraft may apply to CASA for the approval of a maintenance program for the aircraft.
- (2) An application to CASA must:
 - (a) be in writing; and
 - (b) include a copy of the proposed program.
- (3) If the proposed maintenance program for an aircraft does not comply with a maintenance requirement for the maintenance program for the aircraft, the person responsible for continuing airworthiness for the aircraft must provide technical justification for:
 - (a) for not complying with the requirement; or
 - (b) complying with the requirement through an alternate means.
- (4) CASA must approve the program if CASA is satisfied that the program:
 - (a) complies with the standards for the maintenance program set out in Appendix C.1;
 - (b) adequately provides for the continuing airworthiness of the aircraft.

J.03 Approval of variation to a maintenance program by CASA

- (1) The person responsible for continuing airworthiness for an aircraft may apply to CASA for the approval of a variation to a maintenance program for the aircraft.
- (2) An application to CASA must:
 - (a) be in writing; and
 - (b) include a copy of the variation to the program.
- (3) If the maintenance program after the variation would not comply with a maintenance requirement for the maintenance program for the aircraft, the person responsible for continuing airworthiness for the aircraft must provide technical justification for:
 - (a) for not complying with the requirement; or
 - (b) complying with the requirement through an alternate means.
- (4) CASA must approve the variation to the program if CASA is satisfied that the program after the variation would:
 - (a) comply with the standards for the maintenance program set out in Appendix C.1;
 - (b) adequately provides for the continuing airworthiness of the aircraft.

Subsection J.3 Approval of a maintenance program and approval of a variation to a maintenance program by the person responsible for continuing airworthiness for the aircraft

J.04 Approval of a maintenance program by the person responsible for continuing airworthiness for an aircraft – maintenance program complies with the maintenance requirements for the maintenance program for the aircraft

- (1) The person responsible for continuing airworthiness for an aircraft may approve maintenance program for the aircraft if the program:
 - (a) complies with the maintenance requirement for the maintenance program for the aircraft; and
 - (b) complies with the standards for the maintenance program set out in Appendix C.1; and
 - (c) adequately provides for the continuing airworthiness of the aircraft.
- (2) The program must be approved, on behalf of the person responsible for continuing airworthiness for the aircraft, by the responsible manager whose responsibility includes oversight of the maintenance program.

J.05 Approval of variation to a maintenance program by the person responsible for continuing airworthiness for an aircraft – variation complies with the maintenance requirements for the maintenance program for the aircraft

- (1) The person responsible for continuing airworthiness for an aircraft may approve a variation to a maintenance program for the aircraft if the program after the variation:
 - (a) complies with the maintenance requirement for the maintenance program for the aircraft; and
 - (b) complies with the standards for the maintenance program set out in Appendix C.1; and
 - (c) adequately provides for the continuing airworthiness of the aircraft.
- (2) The variation must be approved, on behalf of the person responsible for continuing airworthiness for the aircraft, by the responsible manager whose responsibility includes oversight of the maintenance program.

J.06 Approval of a maintenance program by the person responsible for continuing airworthiness for an aircraft – approval by a maintenance program approval employee

- (1) The person responsible for continuing airworthiness for an aircraft may approve maintenance program for the aircraft, if the approval held by person under Section G permits the person to approve the maintenance program for the aircraft.
- (2) If the maintenance program for the aircraft does not comply with a maintenance requirement for the maintenance program for the aircraft, the person responsible for continuing airworthiness for the aircraft must, before approving the program, establish technical justification for:
 - (a) not complying with the requirement; or
 - (b) complying with the requirement through an alternate means.
- (3) The program must be approved on behalf of the person by a maintenance program approval employee whose authorisation permits him or her to approve the maintenance program for the aircraft.
- (4) The maintenance program approval employee must not approve the program unless the employee is satisfied that the maintenance program:

- (a) complies with the standards for the maintenance program set out in Appendix C.1; and
 - (b) adequately provides for the continuing airworthiness of the aircraft; and
- (5) The person responsible for continuing airworthiness for an aircraft must not consider the approval if the maintenance program does not comply with a maintenance requirement for the maintenance program for the aircraft that is a condition of a design approval.

Note: An example of a maintenance requirement that is a condition of a design approval is airworthiness limitation.

J.07 Approval of variation of a maintenance program by the person responsible for continuing airworthiness for an aircraft – approval by a maintenance program approval employee

- (1) The person responsible for continuing airworthiness for an aircraft may approve a variation to a maintenance program for the aircraft, if the approval held by the person under Section G permits the person to approve the maintenance program for the aircraft.
- (2) If the maintenance program after the variation would not comply with a maintenance requirement for the maintenance program for the aircraft, the person responsible for continuing airworthiness for the aircraft must, before approving the variation, establish technical justification for:
 - (a) not complying with the requirement; or
 - (b) complying with the requirement through an alternate means.
- (3) The variation must be approved on behalf of the person responsible for continuing airworthiness for an aircraft, by a maintenance program approval employee, whose authorisation permits him or her to approve the maintenance program for the aircraft.
- (4) The maintenance program approval employee must not approve the variation unless the employee is satisfied that the maintenance program after the variation:
 - (a) would comply with the standards for the maintenance program set out in Appendix C.1; and
 - (b) would adequately provide for the continuing airworthiness of the aircraft; and
- (5) The person responsible for continuing airworthiness for an aircraft must not consider approval of the variation if the program after variation would not comply with a maintenance requirement for the maintenance program for the aircraft that is a condition of a design approval.

Note: An examples of maintenance requirement that is a condition of a design approval is airworthiness limitation.

Subsection J.4 Approval for not complying with a maintenance requirement for the maintenance program for the aircraft

J.08 Approval for not complying with a maintenance requirement for the maintenance program for the aircraft – approval by CASA

- (1) The person responsible for continuing airworthiness for an aircraft may apply to CASA for an approval for not complying with a maintenance requirement for the maintenance program for the aircraft.
- (2) An application to CASA must be in writing and include the technical justification for:
 - (a) not complying with the requirement; or
 - (b) complying with the requirement through an alternate means.

- (3) CASA may provide the approval if CASA is satisfied based on the technical justification that not complying with the requirement would not affect the containing airworthiness and safe operation of the aircraft.

J.09 Approval for not complying with a maintenance requirement for the maintenance program for the aircraft – approval by the person responsible for continuing airworthiness for an aircraft

- (1) The person responsible for continuing airworthiness for an aircraft may provide an approval for not complying with a maintenance requirement for the maintenance program for the aircraft, if the approval held by person under Section G permits the person to approve the maintenance programs for the aircraft.
- (2) The person responsible for continuing airworthiness for the aircraft must, before providing the approval, establish technical justification for:
- (a) not complying with the requirement; or
 - (b) complying with the requirement through an alternate means.
- (3) The approval must be provided, on behalf of the person responsible for continuing airworthiness for the aircraft, by a maintenance program approval employee whose authorisation permits him or her to approve the maintenance program for the aircraft.
- (4) A maintenance program approval employee must not provide the approval unless he or she is satisfied based on the technical justification that not complying with requirement would not affect containing airworthiness and safe operation of the aircraft.
- (5) The person responsible for continuing airworthiness for an aircraft must not provide the approval if the maintenance requirement for the maintenance program for the aircraft is a condition of a design approval.

Note: An example of a maintenance requirement that is a condition of a design approval is airworthiness limitation.

Section K Approval of reliability programs

Subsection J.1 Preliminary

K.01 Purpose of this Section

This Section sets out the requirements for:

- (c) the approval of a reliability program for an aircraft; and
- (d) approval of variations to a reliability program.

Subsection J.2 Approval of reliability programs and variation to a reliability program

K.02 Approval of reliability programs

- (1) Person responsible for continuing airworthiness for an aircraft may apply, in writing, to CASA for approval of a reliability program for the aircraft.
- (2) The application must include a copy of the program.
- (3) CASA must approve the program if CASA is satisfied that the program complies with the standards for the reliability program included in the legislation.

K.02 Approval of variation to reliability programs

- (1) Person responsible for continuing airworthiness for an aircraft may apply, in writing, to CASA for approval of a variation to a reliability program for the aircraft.
- (2) The application must include a copy of variation.
- (3) CASA must approve the program if CASA is satisfied that the program after the variation would comply with the standards for the reliability program included in the legislation.

Note: CASA will consider devolving responsibility for approval of reliability program to person responsible for continuing airworthiness of aircraft in future. This would require establishing qualification requirement for the individuals who would be permitted to approve the reliability program.

Section L Continuing airworthiness responsibilities of pilot in command

L.01 Purpose of this Section

This Section sets out the responsibilities of the pilot in command of an aircraft for a flight in relation to continuing airworthiness of the aircraft.

L.02 Pre-flight inspection

If an aircraft's flight manual requires a pre-flight inspection of the aircraft to be carried out before the aircraft is operated for a flight, the pilot in command of the aircraft must ensure that a pre-flight inspection of the aircraft is carried out before the aircraft is operated for the flight.

L.03 Recording details of abnormal occurrences during flight

The pilot in command of an aircraft for a flight must ensure that if any of the following occur during the flight, details of the occurrence are recorded in the aircraft's flight technical log, before the aircraft begins a subsequent flight:

- (a) an instrument displays an abnormal indication;
- (b) the aircraft behaves abnormally;
- (c) the aircraft is subjected to abnormal flight conditions;

L.04 Recording details of exceedance of operating limitations during flight

- (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.

L.05 Recording details of defects found during flight

- (1) The pilot in command of an aircraft for a flight must ensure, if during the flight the pilot becomes aware of a defect in the aircraft, the details of the defect are recorded in the flight technical log for the aircraft before the aircraft begins a subsequent flight.
- (2) Subclause (1) does not apply if the defect is a superficial defect.

L.06 Recording information about the utilisation of an aircraft for a flight

The pilot in command of an aircraft for a flight must ensure that any information about the utilisation of the aircraft for the flight, that must be recorded under C.16(1)(c) is recorded in the flight technical log for the aircraft, before the aircraft begins a subsequent flight.

L.07 Operating aircraft with a defect

- (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 Section 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 subclause D.11(3) or clause L.09; 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.

Note: Deferral of rectification of a defect may be valid for a certain number of days or flight hours etc. after the record of deferral is made. This will be mentioned in the record of deferral. The record of deferral will no longer be in force if the days or flight hours has elapsed.

- (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) 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 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 Parts 133 and 135 of CASR; or
- (5) Subclauses (1) and (3) do not apply if the defect is a superficial defect.

L.08 When pilot in command may defer rectification of a defect

- (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 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 Parts 133 and 135 of CASR; or
- (3) Subclause (2) does not apply if the defect is a superficial defect.

L.09 How rectification of defect is deferred

- (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.08(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 M Record keeping requirements

M.01 Purpose of this Section

This Section sets out sets out requirements in relation to making and keeping records.

M.02 Ensuring records are legible and retrievable

If a person is required to record information or is required to ensure that information is recorded, under the legislation proposed in this Annex, the person must ensure that the record:

- (a) is written in a legible form in English; and
- (b) will remain legible for the time for which the record must be kept; and
- (c) kept in a manner that allows the record to be retrieved.

M.03 Ensuring records are secured

If a person is required to record information or is required to ensure that information is recorded, under the legislation proposed in this Annex, the person must ensure that the record is kept in a manner that protects the record from being lost, damaged or accidentally altered.

M.04 Making change to records

If a person makes a change to a record made or kept by the person under the legislation proposed in this Annex, the person must make the change in a manner:

- (a) that retains the original record; and
- (b) that identifies the person as the person making the change; and
- (c) that includes the date the change is made