

Aviation Ruling

Equivalence of maintenance 'occupations' for the purpose of the *Trans Tasman Mutual Recognition Act 1997 (Cth)*

Effective Date:	This ruling is effective from 1 March 2003.
Catchwords:	Trans Tasman Mutual Recognition Principle 'occupation' CAR 31 CAR 31C Aircraft Maintenance Engineer Licence New Zealand Civil Aviation Rules

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‘occupation’
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Issue

- 1 The purpose of this ruling is to state CASA’s position on the application of the **TTMR Principle** to the holders of **NZ AME Licences**.

Background

- 2 Under the **TTMRA**, a person who is ‘registered’ in New Zealand for an occupation is entitled to be registered in Australia for an ‘equivalent occupation’.
- 3 The **TTMR Principle** is set out in subsection 16(1) of the **TTMRA** as follows:
The Trans-Tasman mutual recognition principle is that, subject to this Part, a person who is registered in New Zealand for an occupation is, by virtue of this Act, entitled after notifying the local registration authority of an Australian jurisdiction for the equivalent occupation:
 - (a) to be registered in the jurisdiction for the equivalent occupation; and
 - (b) pending such registration, to carry on the equivalent occupation in the jurisdiction.
- 4 ‘Occupation’ is defined in section 4 of the **TTMRA** to mean:
an occupation, trade, profession or calling of any kind that may be carried on only by registered persons, where registration is wholly or partly dependent on the attainment or possession of some qualification (for example, training, education, examination, experience, character or being fit or proper) and includes a specialisation in any of the above in which registration may be granted.
- 5 Being a **LAME** is an ‘occupation’ for the purpose of the **TTMRA**. CASA ‘registers’ a **LAME** under the **TTMRA** by granting **AME Licences** (or endorsing categories of maintenance and/or aircraft ratings on an existing **AME Licences**).
- 6 ‘Equivalent occupation’ is dealt with in subsection 28(1) of the **TTMRA**:
An occupation for which persons may be registered in New Zealand is taken to be equivalent to an occupation for which persons may be registered in an Australian jurisdiction if the activities authorised to be carried out under each registration are substantially the same (whether or not this result is achieved by means of the imposition of conditions).
- 7 It is the activities, not the legal system of registration in Australian and New Zealand, that determines if there is an ‘equivalent occupation’ in Australia or if equivalence can be obtained by imposing conditions.

Ruling

- 8 The 'occupation' of **LAME** comprises the activities authorised by an **AME Licence** or **NZ AME Licence**.
- 9 By way of example, 'occupations' for which an appropriate **TTMRA** application could be made include:
- NZ AME Licence**, airframes category, Cessna 210 aircraft (rating);
- NZ AME Licence**, avionics category, B737/700 (rating).
- 10 CASA will 'register' an **applicant** under the **TTMRA** if the **applicant** will be authorised to conduct the same activities by the **AME Licence** as the **applicant** is presently authorised to conduct by the **NZ AME Licence** held by the **applicant**. **Applicants** do not have to meet the criteria in the **CARs** for the issue of the **AME Licence**.
- 11 CASA will not 'register' an **applicant** under the **TTMRA** if the occupation for which registration is sought:
- 11.1 is not 'equivalent' to the occupation covered by the **NZ AME Licence** supporting the application for registration; and
- 11.2 equivalence cannot be achieved by the imposition of conditions.
- 12 The equivalence of occupations is to be assessed by the activities authorised to be conducted as a consequence of registration for those occupations.
- 13 Some **NZ AME Licences** covering maintenance in relation to specific aircraft are not equivalent to **AME Licences** covering maintenance on the same aircraft.
- 14 For example, the occupation of a **NZ AME Licence** holder conducting **Part 145 maintenance** may not be equivalent to the occupation of an **AME Licence** holder conducting the same maintenance. They will only be equivalent if the holder of the **NZ AME Licence** holds a **Company Authorisation** that covers the **Part 145 maintenance** forming the occupation for which registration is sought.
- 15 This is because the holder of a **NZ AME Licence** cannot certify for the release of an aircraft back into service after **Part 145 maintenance** unless the licence holder also has a **Company Authorisation**. The holder of an **AME Licence** is not subject to such a limitation in certifying for the release the aircraft into service.

Definitions

- 16 In this ruling:
- '**AME Licence**' means a licence issued under **CAR 31**, including categories of maintenance and ratings endorsed on that licence;
- '**applicant**' means the holder of a **NZ AME Licence** who is applying under the **TTMRA** for an **AME Licence** or additional endorsements for categories of maintenance or ratings on an existing **AME Licence**;
- '**CAR**' means the *Civil Aviation Regulations 1988*;

'**Company Authorisation**' means the authorisation contemplated by **NZ CAR** 145.103(a);

'**LAME**' means the holder of an **AME Licence** or a **NZ AME Licence**;

'**NZ AME Licence**' means a licence issued under Part 66 of the **NZ CAR**, including categories of maintenance and ratings endorsed on that licence;

'**NZ CAR**' means the New Zealand Civil Aviation Rules.

'**Part 145 maintenance**' means maintenance which must, under the **NZ CAR**, be performed by a person holding a certificate issued under Part 145 of the **NZ CAR**;

'**TTMRA**' means the *Trans Tasman Mutual Recognition Act 1997* (Cth);

'**TTMR Principle**' means the Principle expressed in subsection 16(1) of the **TTMRA**.

[signed by Mick Toller]

Mick Toller
Director of Aviation Safety
26 February 2003