

*Civil Aviation Safety Amendment Regulations 2004 (No.2)*

**DETAILS OF THE REGULATIONS**

**Regulation 1 – Name of Regulations**

Regulation 1 names the amending Regulations as the *Civil Aviation Safety Amendment Regulations 2004 (No.2)*.

**Regulation 2 – Commencement**

Regulation 2 provides that the Regulations commence on the date of their notification in the *Gazette*.

**Regulation 3 – Amendment of *Civil Aviation Safety Regulations 1998***

Regulation 3 provides that Schedule 1 amends the *Civil Aviation Safety Regulations 1998*.

**Schedule 1            Amendments**  
(regulation 3)

**Items 1 to 2 - Amendment of Subregulation 21.200 (1)**

Items 1 and 2 amends subregulation 21.200 (1) and adds a new subregulation (1A) to provide that CASA or an authorised person must not issue a special flight permit for an aircraft if the aircraft is covered by an AD and the AD states that a special flight permit must not be issued.

**Items 3 to 4 – Amendment of Subregulations 39.001 (3) and (4)**

Items 3 and 4 amends subregulations 39.001 (3) and 39.001 (4) to allow CASA to issue an AD that requires compliance with a manufacturer’s instruction, direction or requirement, which can be in force or existing at a particular time, or from time to time.

**Item 5 – Regulation 39.003**

Item 5 replaces regulation 39.003 with a new regulation. In most respects, the new regulation 39.003 is in substance the same as the one it replaces. However, the new regulation makes it clear that a person can operate an aircraft subject to an AD if the AD does not prohibit the issue of a special flight permit for the aircraft, and the aircraft is authorised to operate under a special flight permit. It also imposes the obligation not to permit operation of an aircraft subject to an AD, or containing an aeronautical product subject to an AD, on the registration holder of the aircraft, rather than the registered owner.

**Items 6 and 7- Subregulations 39.004 (1) and (2)**

Item 6 amends subregulation 39.004 (1) and Item 7 substitutes subregulation 39.004 (2) with a new requirement. This requires CASA, when making a decision about an exclusion against an AD, to take into account the reasons given by the applicant, and to preserve as paramount an acceptable level of safety.

Item 7 also deletes the requirement that CASA must not issue an exclusion unless CASA and the applicant agree with the action specified in the instrument.

**Item 8 – Dictionary, Part 1**

Item 8 amends the Dictionary, Part 1 by introducing the meaning for the term ‘European Aviation Safety Agency or EASA’.

**Item 9 – Dictionary, Part 2, after clause 10**

Item 9 inserts a new clause 12 which extends the meaning of the ‘NAA of a country’ to include ‘EASA’, if that agency carries out functions or tasks on behalf of the country.