



AC 47-01(3)

REVISED OCTOBER 2009

REGISTRATION OF AIRCRAFT AND RELATED MATTERS

CONTENTS

1. References	1
2. Purpose	1
3. Status of this AC	2
4. Background	2
5. Communicating with CASA	3
6. Internet Based Articles	3
7. Registration Forms	3
8. Who can be a Registration Holder?	6
9. Who can be a Registered Operator?	7
10. Transfer of aircraft ownership	9
11. Supporting Documents	11
12. Ferry Flight Certificates	15
13. Dealer's Marks	17
14. Privacy Provisions	18
15. Release of Registration Information	19
16. Transfer of Aircraft previously Registered Under CAR 1988 to CASR Part 47	20

1. REFERENCES

- *The Civil Aviation Act 1988*
- *The Privacy Act 1988*
- *The Commonwealth Freedom of Information Act 1982*
- CASR Part 47 — Registration of Aircraft and Related Matters
- CASR Part 21 – Certification and Airworthiness Requirements for Aircraft and Parts
- CASR Subpart 202.BF – Transitional Provisions for CASR Part 47 (Registration of Aircraft and Related Matters)
- CASR Part 45 — Display of Nationality and Registration Marks and Aircraft Registration Identification Plates

2. PURPOSE

This Advisory Circular (AC) provides guidance and information to applicants in relation to aircraft registration matters.

Advisory Circulars are intended to provide advice and guidance to illustrate a means, but not necessarily the only means, of complying with the Regulations, or to explain certain regulatory requirements by providing informative, interpretative and explanatory material.

Where an AC is referred to in a 'Note' below the regulation, the AC remains as guidance material. ACs should always be read in conjunction with the referenced regulations.

3. STATUS OF THIS AC

3.1 This is the third revision to AC 47-01 which provides updated information on the current registration application forms, the completion of the transition of aircraft registrations to CASR Part 47, and the availability of Ferry Flight Certificates. It also provides information of the amended CASR Part 47 transfer regulations.

4. BACKGROUND

4.1 Under section 20AA of the Civil Aviation Act 1988 a person must not fly an aircraft within Australian territory unless the aircraft is registered or exempted from registration under regulation 47.015 of the Civil Aviation Safety Regulations 1998 (CASR).

4.2 CASR 47.015 - Requirement for aircraft to be registered

4.2.1 For paragraph 20AA (1) (b) of the Act, an aircraft is required to be registered unless it is one of the following:

- (a) an aircraft that is not intended to be used as an aircraft;
- (b) an aircraft that, under Subpart 200.B of CASR, is exempt from Part 47 regulations;
- (c) an unmanned free balloon;
- (d) a permanently tethered balloon;
- (e) a kite;
- (f) a model aircraft;
- (g) a parachute;
- (h) a rocket;
- (i) a UAV other than a large UAV;
- (j) an aircraft that is registered under the law of a foreign country referred to in subregulation (2);
- (k) an aircraft that satisfies all the following conditions:
 - i. it has been manufactured in Australia for delivery outside Australia to a foreign operator;
 - ii. it is registered under the law of a foreign country, be a Contracting State to the Chicago Convention or any other foreign country with which Australia has an agreement that allows an aircraft registered under the law of that country to be operated in Australia;
 - iii. it displays nationality and registration marks in accordance with the law of that country;
 - iv. it has no certificate of airworthiness issued, or rendered valid, under the law of that country;
 - v. it is flown within Australia only for a purpose mentioned in paragraph 21.197 (1) (b) or (c) – Special flight permits for delivering and exporting of aircraft or for production flight testing new aircraft.

4.2.2 For paragraph (1) (j) and subparagraph (1) (k) (ii), the foreign countries are:

- (a) the Contracting States; and
- (b) any other foreign country with which Australia has an agreement that allows an aircraft registered under the law of that country to be operated in Australia.

5. COMMUNICATING WITH CASA

5.1 For the purposes of conducting aircraft registration transactions, a notice that must be given to CASA under CASR Part 47 must be:

- (a) delivered to: Australian Civil Aircraft Register, CASA, 16 Furzer Street, Phillip, ACT 2606; or
- (b) posted to: Australian Civil Aircraft Register, CASA, GPO Box 2005, Canberra, ACT, 2601; or
- (c) sent by fax (from within Australia) to 02 6217 1991;
- (d) sent by fax (from outside Australia) to +61 2 6217 1991;
- (e) sent by Email to aircraft.register@casa.gov.au.

5.2 The notice must be received at the above CASA destination prior to any expiry date or time for receipt of the documentation, and CASA may refuse to accept documents that are not legible.

6. INTERNET BASED ARTICLES

6.1 The Australian Civil Aircraft Register makes information available through CASA's web site in relation to aircraft registration matters, as referred in CASR 47.030. This information includes, but is not limited to, all current application/notification forms, guidance material and an electronic copy of the Australian Civil Aircraft Register. The specific address for the Aircraft Register page is:

<http://www.casa.gov.au/casadata/register/index.asp>

7. REGISTRATION FORMS

7.1 The Australian Civil Aircraft Register publishes a set of registration application forms that are available for printing from the Aircraft Register page on CASA's web site at: <http://www.casa.gov.au/casadata/register/forms47.htm>.

7.1.1 They comprise of a set of 6 'Approved Forms' and 2 other optional forms, which can be used to apply for, or to notify about, regulated registration matters.

7.1.2 'Approved Forms' must be used to apply for the following registration processes:

- Form 023 - Application for Change of Registration Mark;
- Form 027 - Part 1 – Notice of Transfer of Ownership;
- Form 027 - Part 2 – Application by New Owner to become the Registration Holder;
- Form 028 - Application for Mark Reservation;
- Form 029 - Registration Application;
- Form 031 - Application for Assignment of Aircraft Dealer's Mark; and
- Form 032 - Appointment / Cancellation of Registered Operator under CASR Part 47.

7.1.3 Optional forms are published for the following registration processes, but a letter or email may be used in their place:

- Form 026 - Cancellation of an Aircraft Registration under CASR Part 47; and
- Form 030 - Change of Aircraft Details.

7.1.4 Forms can be completed online but must be printed to be signed. All forms are to be completed in accordance with the respective guidelines and forwarded to the Australian Civil Aircraft Register as detailed in Section 4 'Communicating with CASA' in this Advisory Circular.

7.1.5 The Gliding Federation of Australia (GFA) processes registration applications for gliders and motor gliders operated under CAO 95.4 on behalf of CASA. GFA registration forms are published at: http://www.casa.gov.au/casadata/register/gfa_form47.htm.

7.1.6 GFA forms have a prefix of '13' followed by the last 2 numbers of the equivalent CASA form, i.e. Form 027 becomes 1327, and is also an 'Approved Form'. However, GFA forms can not be completed online, but need to be printed, completed and submitted to the GFA.

7.1.7 For the purposes of conducting aircraft registration transactions for gliders or powered sailplanes, a notice that must be given to CASA under CASR Part 47 must be:

- (a) delivered to: The Gliding Federation of Australia Inc. Level 1/34 Somerton Road, SOMERTON, VIC 3062; or
- (b) posted to: The Gliding Federation of Australia Inc. Level 1/34 Somerton Road, SOMERTON, VIC 3062; or
- (c) sent by fax (from within Australia) to 03 9303 7960;
- (d) sent by fax (from outside Australia) to +61 3 9303 7960.

7.2 Costs for Regulatory Services

7.2.1 In line with Australian Government policy, CASA is required to recover costs for providing regulatory services. The schedule of fees for the registration of aircraft and related matters is shown on the CASA website at:

<http://www.casa.gov.au/corporat/fees/fees.htm>.

7.2.2 The application form for each registration service attracting a fee includes a section to allow the applicant to pay the appropriate fee by cheque or credit card.

7.2.3 Registration applications for services attracting a fee will not be processed until the appropriate fee has been paid.

7.2.4 Where the schedule of fees for regulatory services shows that a fee is charged for 'processing and consideration of application' and CASA has cause to reject an application, then the registration application process will not be completed and the fee will not be refunded. If the same service is still required then a new application must be submitted together with the payment of the appropriate fee.

7.3 Summary of the forms and their purposes

7.3.1 Form 023 – Application for Change of Registration Mark (Approved Form)
<http://casa.gov.au/manuals/regulate/acrprocs/form023.pdf>

- This form should be used by the aircraft Registration Holder or, if authorised, the Registered Operator, when applying for a change of registration mark under CASR 47.165 on an aircraft that is already VH registered.

7.3.2 Form 026 - Cancellation of an Aircraft Registration Under CASR Part 47 (Optional Form) <http://casa.gov.au/manuals/regulate/acrprocs/form026.pdf>

- This form should be used by the Registration Holder of an aircraft when applying for the cancellation of the registration under CASR 47.130.

7.3.3 Form 027 - Part 1 – Notice of Transfer of Ownership (Approved Form) <http://casa.gov.au/manuals/regulate/acrprocs/form027-1.pdf>

- This form should be used by the seller (former owner and registration holder) to notify of a transfer of ownership in accordance with CASR 47.110. This form must be submitted as soon as practicable and, in any case, within 14 days after a change of ownership occurred.

7.3.4 Form 027 - Part 2 – Application by New Owner to become the Registration Holder (Approved Form) <http://casa.gov.au/manuals/regulate/acrprocs/form027-2.pdf>

- This form should be used by the buyer (new owner) to transfer the ownership of a currently registered aircraft in accordance with CASR 47.110. This form must be submitted within 28 days after a change of ownership occurred. If your aircraft is not currently VH registered and you are applying for an initial registration, use Form 029 (Registration Application).

7.3.5 Form 028 – Application for Mark Reservation (Approved Form) <http://casa.gov.au/manuals/regulate/acrprocs/form028.pdf>

- This form should be used when applying for the reservation of a registration mark under CASR 47.145. Only one reservation is permitted per form and the mark must be reserved for a specific aircraft. The reservation will lapse if, 12 months after the day on which the registration was reserved, the aircraft is not registered using the reserved mark. Extensions to reservations are not permitted. However, once a reservation has expired a new reservation application may be submitted.

7.3.6 Form 029 – Registration Application (Approved Form) <http://casa.gov.au/manuals/regulate/acrprocs/form029.pdf>

- This form should be used by the owner of an aircraft when applying for initial registration under CASR 47.060. If the aircraft is currently 'VH' registered under the name of another person or organisation and that registration is to be transferred, use Form 027 (Transfer of Ownership).

7.3.7 Form 030 - Change Personal Details/Aircraft Details (Optional Form) <http://casa.gov.au/manuals/regulate/acrprocs/form030.pdf>

- This form should be used by the Registration Holder to notify the Australian Civil Aircraft Register under CASR 47.115 of a change in aircraft details and can also be used to notify of a change in personal details for the Registration Holder or the Registered Operator.
- If you are the Registration Holder or the Registered Operator of an aircraft you may change your personal details using the 'Change your details on the web' facility at: <http://www.casa.gov.au/corporat/addrchange/>.
- If you wish to notify CASA about an appointment of a new Registered Operator or about a change of ownership (rather than just a change to a name or address) you should use Form 032 (Appointment / Cancellation of Registered Operator under CASR Part 47) or Form 027 (Transfer of Ownership).

7.3.8 Form 031 – Application for Assignment of Aircraft Dealer’s Mark (Approved Form) <http://casa.gov.au/manuals/regulate/acrprocs/form031.pdf>

- This form should be used by an aircraft dealer when applying for the assignment of dealer’s marks under CASR 47.175. It is the dealer’s responsibility to ensure that evidence of the dealer’s engagement in the manufacture, sales or distribution of aircraft in Australia is included with this application.

7.3.9 Form 032 – Appointment/Cancellation of Registered Operator under CASR Part 47 (Approved Form) <http://casa.gov.au/manuals/regulate/acrprocs/form032.pdf>

- This form should be used by the Registration Holder of a registered aircraft when nominating or cancelling the appointment of a Registered Operator under CASR 47.100. A nomination must also be signed and accepted by the nominated Registered Operator.

8. WHO CAN BE A REGISTRATION HOLDER?

Note: The term 'owner' should be taken in the literal sense.

8.1 Under CASR Part 47 only an aircraft owner can apply to be a Registration Holder. The owner must be able to prove that he/she is a legal entity. Where more than one party owns the aircraft, the owners must decide which of them will be recorded as the Registration Holder in the Australian Civil Aircraft Register. Being recorded by CASA as an aircraft Registration Holder, does not give the Registration Holder a greater claim to ownership, as CASA's records do not confer legal title.

8.2 If more than one legal entity owns the aircraft, the person applying to be the Registration Holder must certify on the application form to have been duly appointed to act on behalf of multiple owners.

8.3 What is a legal entity?

8.3.1 A legal entity is an entity on which a legal system confers rights and imposes duties. [*Butterworths Concise Australian Legal Dictionary*].

8.3.2 A legal entity is one of the following:

- An individual;
- A corporation incorporated under the Corporations Act 2001;
- A body incorporated under a law (other than the Corporations Act 2001) in force in Australia;
- The Commonwealth, a State or a Territory;
- An agency of the Commonwealth, a State or a Territory; or
- A foreign corporation capable of providing some evidence of incorporation to establish that it exists as a legal entity, as described in paragraph 8.3.1.

8.4 Partnership not a legal entity

8.4.1 A partnership is not a legal entity for the purposes of conferring rights and imposing duties – it has no separate personality from its members.

8.4.2 Those intending to be a Registration Holder or a Registered Operator under a partnership must nominate one person from among themselves to apply for the position. CASA will only record and deal with the nominated legal entity.

8.5 Trust not a legal entity

8.5.1 A Trust is not a legal entity and is not eligible to be named or recorded as the Registration Holder or the Registered Operator of an aircraft. However, a Trustee Company incorporated under the *Corporations Act 2001* can be recorded as the Registration Holder or the Registered Operator of an aircraft.

8.5.2 A trustee of a trust or superannuation fund is a legal entity. They may be noted as Registration Holder on the Australian Civil Aircraft Register with a mention of the trust or superannuation fund.

8.6 Trading names not a legal entity

8.6.1 A trading name, whether or not registered under the relevant State legislation is not a legal entity for the purposes of conferring rights and imposing duties – it has no personality when separated from the name of a legal entity.

8.6.2 A trading name is not eligible to be named or recorded as the Registration Holder or the Registered Operator of an aircraft. Application should be made in the name of the legal entity with which the trading name is associated.

9. WHO CAN BE A REGISTERED OPERATOR?

9.1 Who nominates the Registered Operator?

9.1.1 The Registration Holder of an aircraft is the Registered Operator if they meet the criterion of an eligible person, and they wish to do so.

- (a) However, the Registration Holder may nominate another entity, individual or body corporate that can meet the criterion of an eligible person, to become the Registered Operator of the aircraft.
- (b) To enable CASA to endorse the nomination of a third party as a Registered Operator, the Registration Holder and the Registered Operator must jointly sign the confirmation of nomination on the relevant CASA form, depending upon the applicable registration process. Relevant CASA forms are listed in Section 7 of this AC.
- (c) Only an eligible person can be a Registered Operator. The Registered Operator must be able to prove his/her qualification as an eligible person.

9.2 What is an eligible person?

9.2.1 An *Eligible person* is defined in CASR 47.010 as one of the following:

- (a) a resident of Australia who is:
 - i. 18 years of age or older; and
 - ii. an Australian citizen or the holder of a permanent visa (within the meaning of the Migration Act 1958);
- (b) a corporation incorporated under the *Corporations Act 2001*;
- (c) a body incorporated under a law (other than the *Corporations Act 2001*) in force in Australia;
- (d) the Commonwealth, a State or a Territory;
- (e) an agency of the Commonwealth, a State or a Territory; or
- (f) a foreign corporation that is lawfully carrying on business in Australia.

9.2.2 See Section 10 of this AC for details of the supporting documents that you may be notified to provide to prove identity and eligibility.

9.3 Operational responsibilities of a Registered Operator

9.3.1 The term Registered Operator in CASR Part 47 is the same as the term Certificate of Registration Holder used in CAR 1988. Until CASA issues new aircraft maintenance regulations under CASR 1998, the meaning and applicability of the responsibilities of the Registered Operator are the same as those found in CAR 1988 for the Certificate of Registration Holder.

9.3.2 The Registered Operator is responsible for the airworthiness and maintenance control of the aircraft to ensure its safe operation. This means that the Registered Operator is required to:

- (a) Maintain the aircraft in an airworthy and serviceable condition so that it is operated safely. These responsibilities include making sure all the equipment needed for the flight is serviceable, that the aircraft has been inspected by the correct people and that the required maintenance has been completed and signed-off.
- (b) Have the aircraft maintained in accordance with a set of procedures and requirements commonly referred to as the Aircraft Maintenance Program (AMP) and to keep records of the work associated with this program. In addition, the Registered Operator should review the AMP regularly to make sure it is still effective for the aircraft and reflects any changes that have been made to the aircraft, the way the aircraft is operated or even where the aircraft is located.

9.3.3 The Registered Operator can perform these functions, or contract someone else to do so on his/her behalf.

9.4 How long does the appointment of a Registered Operator last?

9.4.1 Under CASR 47.100 the appointment of a Registered Operator lasts until it is cancelled or otherwise ceases to have effect. The Registration Holder must notify CASA of the cancellation of the appointment.

9.4.2 Cancellation of a Registered Operator is to be accompanied by a nomination of a new Registered Operator that meets the criterion of an eligible person. The nomination must be made by submitting a Form 032 – Appointment/Cancellation of Registered Operator.

- (a) Failure to do so will compel CASA to transfer the Registered Operator's responsibilities to the Registration Holder.
- (b) If the Registration Holder does not meet the criterion of an eligible person CASA will contact the Registration Holder and advise that a Registered Operator is required to be nominated. If a suitable Registered Operator is not nominated then the aircraft registration will be immediately cancelled from the Australian Civil Aircraft Register without further notice.

10. TRANSFER OF AIRCRAFT OWNERSHIP

10.1 Former Owner's Responsibilities and Action

10.1.1 Regulation 47.110(4) states:

In accordance with the timetable mentioned in subregulation (4A), the former owner, or a person acting on behalf of the former owner, must:

- (a) give CASA a transfer notice; and
- (b) give the new owner:
 - i. a transfer notice; and
 - ii. the aircraft's certificate of registration.

10.1.2 Regulation 47.110(4A) states:

The documents mentioned in subregulation (4) must be given to CASA and the new owner:

- (a) as soon as practicable after the transfer; and
- (b) in any case, within 14 days after the transfer.

10.1.3 As stated above, as soon as practicable after the transfer of ownership, the former owner is required to provide CASA with a notification that the ownership of an aircraft has changed. In relation to the above regulation 'as soon as practicable' means as soon as reasonably possible after the transfer of ownership. In any case, this must be within, but not later than, 14 days following the transfer.

10.1.4 Notification is provided by sending Form 027 - Part 1 – Notice of Transfer of Ownership to CASA. This form can be found at <http://casa.gov.au/manuals/regulate/acrprocs/form027-1.pdf> on the CASA Website.

10.1.5 Part 1 of the Form 027 is to be completed by both the former and new owner, and is to be submitted to CASA by the former owner. If CASA does not receive the Part 1 notification then the Aircraft Register (ACR) will not be aware that the change of ownership has occurred. As a result, the former owner may legally remain the registration holder, with consequent legal responsibilities.

10.1.6 The receipt of Part 1 alerts CASA to expect Form 027 - Part 2 – Application by New Owner to become the Registration Holder within 28 days after the transfer of ownership occurred. If necessary CASA will make every effort to contact the new owner to ensure that Part 2 is received within that time limit. In the event that CASA discovers or determines after the 28 days that a transfer has occurred then CASA must cancel the registration of the aircraft.

10.1.7 It is imperative that the former owner notifies CASA within 14 days that ownership of an aircraft has changed.

10.2 New Owner's Responsibilities and Action

10.2.1 Regulation 47.110(5) states:

Within 28 days after the transfer, the new owner must apply to become the registration holder.

Note: If the aircraft's new owner does not apply to be the new registration holder within 28 days after the transfer, the aircraft's registration lapses at the end of that period: see subregulation 47.130(5)

10.2.2 Regulation 47.110(6) states:

An application must:

- (a) be in an approved form; and
- (b) include the transfer notice given by the former owner; and
- (c) either be signed by the new owner; or if the application is made by a person on behalf of the new owner – include the name and signature of that person.

10.2.3 This means that the new owner must apply to become the registration holder of the aircraft within 28 days after the transfer of ownership occurring. The application is made by submitting the approved form, which is Form 027 - Transfer of Ownership – Part 2 – Application by New Owner to become the Registration Holder, to CASA. This form can be found on the CASA website at <http://casa.gov.au/manuals/regulate/acrprocs/form027-2.pdf>.

10.2.4 If the Part 2 application is not received by CASA, or is received later than the required 28 day limit, Regulation 47.130(5) states that CASA **MUST** cancel the registration.

10.3 CASA Action

10.3.1 Regulation 47.130(5) states:

- If,
- (a) the ownership of an aircraft is transferred; and
 - (b) the new owner does not make an application that complies with sub regulation 47.110(6) to be the new registration holder within 28 days after the transfer;
- CASA must cancel the aircraft's registration at the end of that period.

10.3.2 Where CASA becomes aware that CASR 47.110(6) has not been complied with, then CASA will cancel the registration of an aircraft under CASR 47.130(5) without further notice. **Aircraft owners should be aware under Section 20AA of the Civil Aviation Act 1988 it is an offence to fly an unregistered aircraft.**

10.4 Effect of registration cancellation on the aircraft's Certificate of Airworthiness (CofA)

10.4.1 If a registration is cancelled then the aircraft's CofA is automatically cancelled. In order to be able to fly the aircraft again the aircraft must be re-registered. To re-register the aircraft a Form 029 (Registration Application) must be submitted to CASA. If the same registration mark is required a Form 028 (Application for Mark Reservation) must be submitted to CASA. These Forms can be found on the CASA Website at the web address <http://casa.gov.au/casadata/register/forms47.htm>.

10.4.2 After the aircraft is re-registered a new CofA will also need to be issued *before* the aircraft can be flown. There are fees applicable to applying for the re-registration and the issue of a new CofA. Additionally, depending on the condition of the aircraft the fees associated with obtaining a new CofA may be considerable.

10.4.3 Correctly following the transfer of ownership rules will avoid these consequences for the CofA. These rules are in place because aircraft registration is a critical component in the safety regulation of civil aviation in Australia which is designed to protect all aviators.

11. SUPPORTING DOCUMENTS

11.1 Letters of Authority

11.1.1 The following is a brief outline of the policy currently in place for the Australian Civil Aircraft Register in relation to ‘letters of authority’. A letter of authority is used to authorise an individual to sign on behalf of another person in matters associated with the registration on an aircraft. Such letters are required when:

- (a) an entity, that is an individual, nominates a third party to apply to or notify CASA about registration matters, as required by the forms listed in Section 7 of this AC.
- (b) an entity, that is an organisation, empowers a person other than a Director or Company Secretary or CEO or President or Vice-President, to apply to or notify CASA about registration matters, as required by the forms listed in Section 7 of this AC.

11.1.2 It should be noted that, in some situations, ‘letters of authority’ must specifically state the purpose for which they have been supplied (e.g. this letter of authority is for the purpose of requesting a mark change from VH-ABC to VH-XYZ). Check the guidelines for the form being completed for specific details in relation to the process being undertaken.

11.1.3 If the particular application/notice is from an organisation:

- (a) If the person signing the application/notice is a Director, Company Secretary, CEO, President or Vice-President of the company applying to, or notifying CASA, and the person’s position is clearly indicated under the signature, no ‘letter of authority’ is required.
- (b) If the person signing the form does not hold any of the positions above, or has not stated their position on the form, then a ‘letter of authority’ must be supplied.
- (c) A ‘letter of authority’ must be on company letterhead, be dated and be signed by a Director, a Company Secretary, a CEO or, for ‘incorporated bodies’, a President or Vice-President.
- (d) If there is no requirement for the ‘letter of authority’ to specify the purpose for which it has been supplied, CASA will accept the letter irrespective of its date provided it includes a statement similar to the following:

This ‘letter of authority’ is valid until CASA is notified in writing by this organisation that this authorisation is revoked.

Note: ‘Letters of authority’ which do not include this statement will only be accepted if dated within one month of receipt by CASA – this means you will have to have a new ‘letter of authority’ signed each time you wish to submit paperwork.

- (e) If there is a specific requirement for the ‘letter of authority’ to state the purpose for which it has been supplied (e.g. in the case of a Registered Operator applying on behalf of a Registration Holder for a change of registration mark on a particular aircraft), only a letter containing the appropriate information will be accepted, and the letter will be considered to be valid for one month after the date of issue. Check the guidelines for the form being completed for specific letter of authority requirements.

11.1.4 If the application/notice is from an individual:

Individuals may authorise another person to complete paperwork on their behalf in certain circumstances. As with organisations, the authorisation must be given in writing and must, in some circumstances, clearly set out the reason for the authorisation (as with applications for mark changes). The time limits outlined above for organisations also apply to individuals.

11.1.5 Where a letter of authority is required it must be submitted to CASA together with the associated registration application form.

11.2 Submission of Identity and Eligibility Documents

11.2.1 Some registration processes require that the applicant to be a Legal Entity or an Eligible Person. Where these requirements exist the applicant will make the necessary declarations and acknowledgments when signing the appropriate registration application form.

11.2.2 However, CASA reserves the right to require the applicant to provide original copies of certified documents as proof of identity or eligibility.

11.2.3 You do not need to provide such certified documents unless you are notified to do so by CASA. In that case you will need to comply with the conditions and requirements detailed in Sections 10.3, 10.4 and 10.5.

11.3 Identification of applicants

11.3.1 Documents that are not in English must be accompanied by a certified translation. The translation must be compiled by a translator registered with the Australian National Accreditation Authority for Translators and Interpreters (NAATI) and must include the NAATI translator's stamp.

11.3.2 One piece of identification may be used to meet more than one requirement, a driver's licence showing an Australian address would meet the requirements for both proof of age and proof of residency. You would, however, still need to supply identification to meet the Australian citizenship requirements.

11.3.3 Identification that an owner must supply to prove identity

- (a) For an individual, a certified true copy of any one of the following is acceptable:
 - (i) An Australian full birth certificate showing parental details, or a current photo birth card issued by the Registry of Births, Deaths and Marriages.
 - (ii) A current Australian passport or one that expired within the last two years.
 - (iii) A current foreign passport.
 - (iv) A current Document of Identity issued by the Australian Passport Office.
 - (v) An Australian naturalisation or citizenship document or immigration papers issued by the Commonwealth Department of Immigration and Multicultural and Indigenous Affairs.
 - (vi) A current Australian driver's licence or one that expired within the last two years.
 - (vii) A current Australian issued firearms or security industry licence or one that expired within the last two years.
 - (viii) A current identity card for an Australian police force or defence force member, excluding civilian staff or family.

- (ix) A current consular photo identity card issued by the Department of Foreign Affairs and Trade.
 - (x) A current student identity card.
 - (xi) A current proof of age card.
- (b) For an organisation:
- (i) For companies registered with ASIC, insert your organisation's ACN in the appropriate space on the applicable form. The Australian Civil Aircraft Register will check the Australian Securities and Investments Commission register to validate the number provided.
 - (ii) For companies not registered with ASIC, a certified true copy of a certificate of incorporation.
 - (iii) For government bodies, a copy of the establishing statutory provision which proves it capable of exercising statutory rights in its own right.
 - (iv) For foreign corporations, a certified true copy of a certificate of incorporation, or equivalent document.

11.3.4 Identification that a Registered Operator must supply to prove eligibility

- (a) For an individual
- (i) **To prove Australian residency**, a certified true copy of one of the following:
 - A current driver's licence showing an Australian address.
 - A lease agreement and rental receipt, together with a certified copy of a rates notice or utilities bill.
 - Any other document acceptable to CASA as proof of residency.
 - (ii) **To prove age**, a certified true copy of one of the following, which must include the day, month and year of birth:
 - A current driver's licence or one that has expired within the last two years.
 - A birth certificate/extract.
 - A passport or one that has expired within the last two years.
 - A current proof of age card.
 - (iii) **To prove Australian citizenship**, a certified true copy of one of the following:
 - For those born in Australia on or before 19 August 1986, an Australian full birth certificate showing details of parents.
 - For those born in Australia on or after 20 August 1986, an Australian full birth certificate together with proof that at least one parent was either an Australian citizen or Australian permanent resident, or any document acceptable to CASA as proof of Australian citizenship.
 - An Australian citizenship certificate.
 - A declaratory citizenship certificate as issued by the Department of Immigration and Multicultural and Indigenous Affairs.
 - Any document acceptable to CASA as proof of citizenship.

(iv) **To prove that you are the holder of a permanent visa** (only for those who are not Australian citizens), a certified true copy of one of the following:

- An overseas passport with an Australian permanent residency stamp.
- A declaratory certificate from the Department of Immigration and Multicultural and Indigenous Affairs.

(b) For an organisation

- (i) If an organisation's ACN is inserted in the appropriate section of the applicable form, the Australian Civil Aircraft Register will check the Australian Securities and Investments Commission register to validate the number provided.
- (ii) For a State registered and incorporated body or a foreign corporation, a certified true copy of a certificate of incorporation.
- (iii) For government agencies, a copy of the establishing statutory provision that proves it is capable of exercising statutory rights in its own right.
- (iv) For foreign corporations, a certified true copy of a certificate of incorporation, or equivalent document.

11.4 Certified documents

11.4.1 Definition of a certified true copy:

'a certified true copy of a document is a photocopy of the original document that has been certified by an appropriate person as being 'A True Copy Of The Original'.

Note: Copies of certified copies are not acceptable. You may email or fax a copy to allow the registration process to commence, but the original certified copy must be received by CASA before the process can be completed.

11.4.2 Persons who may certify documents include:

- Justices of the Peace (with a registration number)
- Commissioner for Declarations
- CASA employee
- CASA authorised representative or delegate
- A barrister or solicitor
- A police officer
- A pharmacist
- An Engineer
- A Doctor (medical practitioner)
- An accountant
- A Post Master
- A member of the Parliament of the Commonwealth or a State
- A member of a Territory legislature
- Gliding Federation of Australia employee
- Member of the Gliding Federation of Australia Executive
- Gliding Federation of Australia Regional Technical Officer

11.4.3 The person certifying a document must:

- Write on the copy: ‘This is a true copy of the original document sighted by me’; and
- Sign the document; and
- Print the following details: name; address; contact telephone number; profession or occupation; date verified; and
- Affix the official stamp or seal of the verifier's organisation on the copy, if the organisation has such a stamp.

11.4.4 In addition to the above, a Justice of the Peace must also print his/her registration number and affirm in which State he/she is registered. A CASA authorised representative or delegate must also print his/her ARN, if one exists. A Gliding Federation of Australia Regional Technical Officer must also print his/her GFA number.

11.5 Statutory Declarations

11.5.1 Statutory Declarations required for any registration related matter should be lodged on an appropriate form, such as Form 370 available on the Aircraft Register page of CASA’s web site at <http://www.casa.gov.au/manuals/regulate/misc/form370.rtf>. This form is not required for the majority of registration related issues and is provided as a service only for use in those cases where the Register specifically requests a Statutory Declaration from an industry member.

12. FERRY FLIGHT CERTIFICATES

12.1 While flying outside Australian territory ‘VH-’ registered aircraft must carry on board a current Australian Certificate of Registration (CoR), as required by regulation 139 of the *Civil Aviation Regulations 1988* and by Article 29 of the Chicago Convention.

12.2 Endorsement of faxed copies or photocopies of CoRs is not yet a common practice among all of the ICAO contracting states. Failure to carry the original CoR on board may, at least, result in delays on the clearance of aircraft should they be ramp checked on any transiting airport by the local national aviation authority (NAA).

12.3 Therefore, owners importing newly acquired aircraft who elect to fly them into Australia under a ‘VH-’ registration must ensure the original CoR is on board before departing from the foreign airport where the aircraft is located. However, in line with similar practice by other major NAAs, CASA offers an alternative to the requirements referred in subsection 10.1 - the Ferry Flight CoR.

12.4 The Ferry Flight CoR is a substitute to, and issued simultaneously with the original CoR, and can be faxed or e-mailed to the aircraft owner at the designated foreign airport from where the aircraft will be departing under ‘VH-’ registration.

12.5 The Ferry Flight CoR offers considerable cost savings by eliminating the waiting time associated with the delivery of the original CoR to the foreign airport where the aircraft is based. The Ferry Flight CoR provides the legal basis for a ‘VH’ registered aircraft to depart from anywhere in the world immediately after its registration in the Australian Civil Aircraft Register takes place in Canberra.

12.6 General conditions associated with Ferry Flight CoRs

12.6.1 In order to respect the prevailing concept of originality of documents among most of the contracting states to the Chicago Convention, CASA regards the Ferry Flight CoR as the first CoR issued to the aircraft.

12.6.2 Therefore, the owner must alert CASA when applying for registration, of the need for a Ferry Flight CoR so that it can be issued simultaneously with the first CoR. An e-mail address or a FAX number for the delivery of the certificate must also be provided with the application.

12.6.3 The Ferry Flight CoR expires immediately after the aircraft lands at the port of entry in the Australian Territory, or 30 days from the date of issue, whichever is the earlier. In the majority of the cases, by the time of arrival in Australia, the original CoR would have already arrived to the owner's address. However, regulation 139 of the Civil Aviation Regulations 1988 exempt Australian aircraft operating wholly within Australian Territory from carrying the CoR on board.

12.6.4 It must be noted that while the Ferry Flight CoR aligns with the ICAO Annex 7 provisions in respect of registration data contents, its endorsement by the NAAs of the countries where the aircraft will be landing on its route to Australia may still be subject to individual consideration by those NAAs and subject to delays pending official response by CASA to any matter they may raise as part of the aircraft identification and validation process.

12.6.5 All reasonable efforts will be made to attend a request for a Ferry Flight CoR in time and in accordance with the owner's intents. Nevertheless, CASA reserves the right to request further information as necessary to assist determining the conformity with the intent of the Ferry Flight CoR concept.

12.6.6 The Ferry Flight CoR includes a series of legally bound statements to brief foreign NAAs engaged on ramp checking on the transiting airports of the applicability and validity of the document.

12.7 Airworthiness requirements for 'VH-' aircraft operating outside Australian Territory

12.7.1 Aircraft owners must be aware that while flying outside Australian territory, 'VH-' registered aircraft must also carry on board a current Australian Certificate of Airworthiness, as required by regulation 139 of the Civil Aviation Regulations 1988 and by Articles 29 and 31 of the Chicago Convention.

12.7.2 For assistance on airworthiness matters aircraft owners must contact the nearest CASA Field Office where the aircraft is expected to be based or operate so that coordinated actions can be implemented when preparing importation of newly registered 'VH-' aircraft into Australia. Contact details for the Field Offices are available at:

<http://www.casa.gov.au/corporat/regions.htm>.

13. DEALER'S MARKS

13.1 Administrative requirements

13.1.1 Who can apply for a dealer's mark? Any individual who is at least 18 years of age or a body corporate registered as an aircraft manufacturer or distributor may apply for one or more registration marks to be used on aircraft manufactured or distributed by the applicant.

13.1.2 How to apply for a dealer's mark? By completing the Form 031 'Application for assignment of dealer's mark', which can be downloaded from CASA's Internet site at: <http://www.casa.gov.au/manuals/regulate/acrprocs/form031.pdf>, and submitting it to CASA.

13.1.3 Which marks can be assigned to a dealer? A mark that is assigned to an aircraft dealer is a mark that could be assigned to an aircraft as a registration mark. CASA places an updated list of available registration marks on CASA's Internet site each working day.

13.1.4 Certificate of Assignment of Dealer's mark. CASA will issue a Certificate of Assignment to each of the assigned marks. The dealer is responsible for making a fireproof dealer's plate in accordance with the specifications provided in CASR 47.205. The dealer's plate must only be carried on board of the aircraft using the mark at any particular time.

13.1.5 Period of validity of dealer's mark? Dealer's marks remain in force until cancelled by CASA or at the dealer's request.

13.1.6 Annual Report to CASA on aircraft using dealer's marks. CASR 47.220 requires the dealer must supply to CASA within 1 month after the completion of each 12 month reporting period, a report listing all aircraft that had operated under each of the assigned dealer's marks. Failure to supply the records may lead to cancellation of the Certificate of Assignment.

13.2 Operational requirements under a dealer's mark

13.2.1 The aircraft shall comply in all aspects, other than those related to a Certificate of Registration, a Certificate of Airworthiness or the display of nationality and registration markings, with the applicable requirements of the *Civil Aviation Regulations 1988* and *Civil Aviation Safety Regulations 1998*, as if it was an Australian Aircraft.

13.2.2 An aircraft to which a dealer's mark is assigned must:

Be an aircraft that was manufactured, or is being distributed or dealt with, by the dealer; and

- (a) Not be registered in any country, including Australia, at the time of its operation under a Dealer's Plate; and
- (b) Not be flown outside Australian territory; and
- (c) Be limited to flights for the purpose of:
 - (i) Test flying the aircraft;
 - (ii) Delivery to a person under a contract of sale, or with a view to sale;
 - (iii) Flights to and from places where demonstrations of the aircraft are to take place; or
 - (iv) Demonstration to a potential client.

13.2.3 The dealer's plate must be carried on board of the aircraft and must not be used by other than the organisation to which the dealer's plate was assigned.

13.2.4 Any reference to the aircraft, other than for operational purposes, shall identify the aircraft by its data plate identification elements that are, the manufacturer, model and serial number.

13.2.5 The aircraft shall not bear any external markings, nationality and registration mark, whether Australian or foreign.

13.2.6 For operational purposes air traffic services must be notified of the category of the mark 'Dealer's mark operations' and the 3 letter registration mark on the plate must be used as the radio callsign unless otherwise instructed by the air traffic services.

13.2.7 Airworthiness requirements to operate under a dealer's mark. The prime airworthiness control document for an aircraft operating under a Dealer's Mark is the Special Flight Permit. Advice on Special Flight Permits to operate aircraft under Dealer's Mark is provided in Advisory Circular AC 21.09 (Special Flight Permits) available on the CASA website at: <http://www.casa.gov.au/rules/1998casr/021/021c09.pdf>.

14. PRIVACY PROVISIONS

14.1 The *Privacy Act 1988*

14.1.1 The *Privacy Act 1988* requires that applicants registering an aircraft be informed of the authority which allows the solicitation of the information and whether disclosure of such information is mandatory or voluntary, the principal purpose for which the information is intended to be used, the use which may be made of the information gathered and the effects, if any, of not providing all or part of the requested information.

14.2 The following routine uses are made of the information to:

- (a) determine that aircraft are registered in accordance with the provisions of CASR Part 47;
- (b) provide registration holders and specialised organisations with information about potential mechanical defects or unsafe conditions of aircraft, in the form of airworthiness directives;
- (c) satisfy the publication requirements of Articles 21 and 37(f) of the Convention on International Civil Aviation;
- (d) comply with CASR 47.030 in respect of access and inspection of the Australian Civil Aircraft Register by members of the public;
- (e) respond to general requests from the aviation community or the public for statistical information under the Freedom of Information Act; and
- (f) assist on search and rescue, air traffic services and accident investigation operations.

15. RELEASE OF REGISTRATION INFORMATION

15.1 Register availability

15.1.1 Regulation 47.030 of CASR requires CASA to make the Australian Civil Aircraft Register available for inspection by members of the public at reasonable times and places, and subject to reasonable conditions. This regulation provides for the Register to be accessible on the Internet or by another suitable electronic means.

15.1.2 What registration information is available to the public? Information required for registration, under the provisions of CASR 47.065, is considered public information and, therefore, made available to the public.

15.2 Use of registration information

15.2.1 CASA will only use the registration information provided by individuals or organisations for the purpose for which it has been provided. However, CASA may give this information to other government agencies authorised by law to receive such information.

15.3 Access to the Australian Civil Aircraft Register

15.3.1 Registration records maintained in the Australian Civil Aircraft Register are public records and are open for inspection by members of the public:

- (a) **In person**, by visiting the Australian Civil Aircraft Register, 16 Furzer Street, Phillip, ACT 2606, from Monday to Friday, except public holidays, between 09.00 and 12.00 and between 14.00 and 16.00 hours.
- (b) **In writing**, to GPO Box 2005 Canberra ACT 2601, by e-mail to aircraft.data@casa.gov.au or by facsimile to 02 6217 1991.
- (c) **Registration data on CASA's Internet site.** The register page at <http://www.casa.gov.au/casadata/register/index.asp> is updated every week, normally on Monday, and displays the complete list of aircraft registered in the Australian Civil Aircraft Register alongside weekly registration reports of activity and the list of registration marks available for assignment.
- (d) **Personal details published on CASA's Internet site.** CASA will publish only the address details of a Registration Holder or Registered Operator. The address shown will be that provided to CASA as the postal address. If a separate postal address has not been supplied then the person's or an organisation's physical address will be published.

15.4 Classified Registration information

15.4.1 Registration documents and some of their contents (including identification details, telephone and facsimile numbers), notifications and general correspondence are classified documents and therefore not available to the public unless requested and approved under the provisions of section 15 of the *Commonwealth Freedom of Information Act (1982)*, the FOI Act, which can be assessed on: <http://www.comlaw.gov.au>

15.4.2 If you need further information or wish to lodge a formal request for information under the FOI Act, contact the CASA FOI Coordinator:

Freedom of Information Coordinator
Civil Aviation Safety Authority
GPO Box 2005
CANBERRA ACT 2601.

Ph: 131 757 (cost of a local call), or

Ph: (02) 6217 1040

Fax: (02) 6217 1607

email: freedomofinformation@casa.gov.au

15.4.3 However, CASA may, on an individual basis, give this information to other government agencies authorised by law to receive it, for safety, security or operational reasons.

16. TRANSFER OF AIRCRAFT PREVIOUSLY REGISTERED UNDER CAR 1988 TO CASR PART 47

16.1 Background information

16.1.1 Part 47 of the *Civil Aviation Safety Regulations 1998* (CASR) commenced on 15 November 2004 and replaced Part 3 of the *Civil Aviation Regulations 1988* (old regulations).

16.1.2 The CASR Part 47 Transition Project concluded on 30 June 2006, and any registrations that had not been transitioned to CASR Part 47 were either suspended or cancelled under the provisions of CASR subregulation 202.225(6). Subsequently, suspended registrations were either transitioned to CASR Part 47 or were cancelled.

16.1.3 A list of aircraft registrations cancelled under CASR subregulation 202.225(6) is available on the CASA website at:

<http://www.casa.gov.au/casadata/register/part47/cancel.asp>

16.2 Cancellation of an aircraft registration

16.2.1 An aircraft which has had its certificate of registration cancelled by virtue of non compliance with CASR subregulation 202.225 (5) must not be flown during the period of the cancellation of the registration, as:

- (a) the aircraft loses its status of 'Australian Aircraft', as defined in the *Civil Aviation Act 1988*, by virtue of the cancellation of its Certificate of Registration; and
- (b) the Certificate of Airworthiness is, as a result, automatically cancelled.

16.3 Flying unregistered aircraft

16.3.1 Flying unregistered aircraft in Australia is a crime punishable with 2 years of imprisonment, as determined in section 20 AA of the *Civil Aviation Act 1988*.

Peter Boyd
Executive Manager
Standards Development and Future Technology