



**Australian Government**  

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**Civil Aviation Safety Authority**

**DRAFT**

**ADVISORY CIRCULAR**

**AC 47-02**  
**Convention on international interests in  
mobile equipment**

## Audience

This Advisory Circular (AC) applies to:

- registration holders of aircraft on the Australian Civil Aircraft Register where that aircraft falls within the definition of a Protocol object
- creditors of VH-registered aircraft where that aircraft falls within the definition of a Protocol object.

## Purpose

The purpose of this AC is to provide guidance to registration holders and creditors on the procedure for submitting an Irrevocable De-registration and Export Request Authorisation (IDERA) and Certified Designee Confirmation Letter (CDCL). These applications are submitted and accepted by the Civil Aviation Safety Authority (CASA).

It also provides guidance on the removal of IDERAs and CDCLs, the de-registration of a Protocol object under an IDERA and other registration related matters that may be affected by an IDERA.

## For further information

For further information on this AC, contact CASA's Registrar - Australian Civil Aircraft (telephone 131 757).

## Status

This version of the AC is approved by the Executive Manager, Standards Division.

Version	Date	Details
v.1.0		Initial issue

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# 1 Reference material

## 1.1 Acronyms

The acronyms and abbreviations used in this AC are listed in the table below.

Acronym	y
AC	Advisory Circular
ARN	Aviation Reference Number
CAAP	Civil Aviation Advisory Publication
CAR	<i>Civil Aviation Regulations 1988</i>
CASA	Civil Aviation Safety Authority
CASR	<i>Civil Aviation Safety Regulations 1998</i>
CDCL	Certified Designee Confirmation Letter
IDERA	Irrevocable De-registration and Export Request Authorisation

## 1.2 Definitions

Terms that have specific meaning within this AC are defined in the table below.

Term	Definition
Aircraft objects	Airframes, aircraft engines and helicopters.
Airframe	Airframes (other than those used in military, customs or police services) that, when appropriate aircraft engines are installed thereon, are type certified by the competent aviation authority to transport: at least 8 persons including crew; or goods in excess of 2,750 kg, together with all installed, incorporated or attached accessories, parts and equipment (other than aircraft engines) and all data, manuals and records relating thereto.
Authorised employee	A direct employee of the organisation who has been duly authorised by that organisation to sign the relevant documentation on that organisation's behalf.
Authorised party	Holder of an IDERA. The authorised party is empowered by the registration holder. This party may request de-registration of the airframe or helicopter.
Certified designee confirmation letter (CDCL)	In respect of an IDERA, a certified designee confirmation letter issued or to be issued.
Certified designee	Holder of a CDCL - the certified designee is empowered by the authorised party. The designee may request deregistration of the airframe or helicopter. Where a certified designee exists, their designation supersedes that of the authorised party.

Term	Definition
Helicopter	Heavier-than-air machines (other than those used in military, customs or police services) supported in flight chiefly by the reactions of the air on one or more power-driven rotors on substantially vertical axes and which are type certified by the competent aviation authority to transport: at least 5 persons including crew; or goods in excess of 450 kg, together with all installed, incorporated or attached accessories, parts and equipment (including rotors), and all data, manuals and records relating thereto.
Irrevocable de-registration and export request authorisation (IDERA)	An authorisation issued or to be issued in respect of a protocol object.
International interest	An interest held by a creditor to which Article 2 of the Convention on International Interests in Mobile Equipment applies.
Protocol	The Protocol to the Convention on International Interests in Mobile Equipment on Matters Specific to Aircraft Equipment, conducted at Cape Town on 16 November 2001, as amended and in force for Australia from time to time.
Protocol object	Any Part 47 registered airframe or Part 47 registered helicopter.
Part 47 registered	In relation to any airframe or helicopter, means registered on the Australian Civil Aircraft Register pursuant to Part 47.
Registration holder	An owner of the aircraft under Part 47.

## 1.3 References

### Regulations

Regulations are available on the ComLaw website <http://www.comlaw.gov.au/Home>

Document	Title
Part 47	<a href="#">Registration of aircraft and related matters</a>
<a href="#">CASR Dictionary</a>	<i>International Interests in Mobile Equipment (Cape Town Convention) Rules 2014</i> available at: <a href="https://comlaw.gov.au/Details/F2015L00113">https://comlaw.gov.au/Details/F2015L00113</a>
	<i>International Interests in Mobile Equipment (Cape Town Convention) Act 2013</i> available at: <a href="https://www.comlaw.gov.au/Details/C2013A00091">https://www.comlaw.gov.au/Details/C2013A00091</a>

### References

- [Convention on International Interests in Mobile Equipment](#)
- [Protocol to the Convention on International Interests in Mobile Equipment on Matters Specific to Aircraft Equipment](#)
- List of Contracting States to the Cape Town Convention and Protocol

## 1.4 Forms

CASA's forms are available at <http://www.casa.gov.au/forms>

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<b>Form number</b>	<b>Title</b>
<a href="#">Form 1538</a>	Request for CASA to record Irrevocable De-Registration and Export Request Authorisation (IDERA) on Australian Civil Aircraft Register
<a href="#">Form 1539</a>	Request to CASA to record a Certified Designee Confirmation Letter (CDCL)
<a href="#">Form 1540</a>	Irrevocable De-Registration and Export Request Authorisation (IDERA) - Removal Request
<a href="#">Form 1541</a>	Certified Designee Confirmation Letter (CDCL) - Removal Request
<a href="#">Form 1542</a>	Irrevocable De-Registration and Export Request Authorisation (IDERA) or Certified Designee Confirmation Letter (CDCL) - De-registration Request

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## 2 Background

### 2.1 Regulations

2.1.1 Australia is a signatory to both the:

- *Convention on International Interests in Mobile Equipment*
- *Protocol to the Convention on International Interest in Mobile Equipment on Matters Specific to Aircraft Equipment* (commonly referred to as the Cape Town Convention and Protocol).

2.1.2 Australia has made a declaration that it will apply Article XIII of the Protocol on de-registration and export request authorisation for applicable aircraft registered in Australia.

2.1.3 The *International Interests in Mobile Equipment (Cape Town Convention) Act 2013* enacts into Australian law the international legal rules established by the Cape Town Convention and Aircraft Protocol to facilitate asset-based financing and leasing of aircraft.

2.1.4 The Cape Town Convention and Protocol facilitate asset-based financing and leasing of aircraft. These international rules establish an international legal framework relating to the creation, priority and enforcement of security and leasing interests in aircraft equipment. They provide for the creation of an international interest in aircraft equipment that is recognised by all Contracting States to the Cape Town Convention and Protocol.

### 2.2 How to apply the regulations

2.2.1 The Convention and the Protocol should be read and interpreted together as a single instrument.

2.2.2 To the extent of any inconsistency between the Convention and the Protocol, the Protocol takes precedence.

2.2.3 Under the Protocol, a creditor/authorised party with an international interest may, to the extent that the registration holder has at any time so agreed and in the circumstances specified in Chapter III of the Cape Town Convention:

- procure the de-registration of the aircraft from the Australian Civil Aircraft Register
- procure the export and physical transfer of the aircraft object from Australia.

2.2.4 The Protocol also provides that CASA shall, subject to any applicable safety laws and regulations, honour a request for de-registration and export if:

- the request is properly submitted by the certified designee under a recorded certified designee confirmation letter
- or
- the request is properly submitted by the authorised party under a recorded IDERA and



- the certified designee or authorised party (as applicable) certifies to CASA that all registered interests ranking in priority to that of the creditor in whose favour the authorisation has been issued have been discharged or that the holders of such interests have consented to the de-registration and export.

2.2.5 The Protocol also provides for the following:

- where the registration holder has issued an IDERA in accordance with the regulations, that IDERA shall be recorded in the Register
- the authorised party shall be the sole party entitled to exercise the remedies specified in Article IX(1) of the Protocol, unless a CDCL has been granted. If a CDCL has been granted only the certified designee is entitled to exercise the remedies. The IDERA or CDCL may not be revoked by the debtor without the consent, in writing, of the authorised party or certified designee. CASA shall remove the IDERA from the Register at the request of the authorised party. CASA shall remove the CDCL from the Register at the request of the certified designee.

## 3 Eligibility

### 3.1 Aircraft objects for the recording of an IDERA

3.1.1 An IDERA can be recorded on the Australian Civil Aircraft Register provided the following applies:

- the airframe or helicopter against which the IDERA is to be recorded is registered under Part 47
- the airframe meets the definition of ‘airframes’ (see section 1.2)  
or
- the helicopter meets the definition of ‘helicopters’ (see section 1.2)

**Note:** The exclusion from the Protocol of aircraft objects that are used in military, customs or police services is only relevant for the purposes of the application of the Rules where the registration holder of the airframe or helicopter itself uses the aircraft in military, customs or police service.

## 4 IDERA

### 4.1 Submission requirements

- 4.1.1 CASA accepts and records IDERAs for aircraft on the Australian Civil Aircraft Register, which are registered in accordance with Part 47.
- 4.1.2 An aircraft registration holder may submit an IDERA to CASA to formally transfer the right to de-register the aircraft in that IDERA to the named authorised party.
- 4.1.3 Only one IDERA can be recorded in respect of a Protocol object at any one time. If a request to record an IDERA is received while another IDERA is recorded, the second request will not be accepted, even if a request to remove the first IDERA is received at the same time.
- 4.1.4 An IDERA can only be submitted by the aircraft's registration holder as recorded on the Australian Civil Aircraft Register at the time of signing. CASA will not accept an IDERA request with a Registration Application (Form 029) or an Application by New Owner to become the Registration Holder (Form 027 Part 2).
- 4.1.5 An IDERA must be submitted through a correctly completed Form 1538 in its original form (photocopies, faxes or emails of the documents will not be accepted). One signed, original copy of the form must be submitted. CASA will return the original signed copy of Section B, duly acknowledged as required by the Convention and Protocol.
- Note:** CASA does not accept electronic signatures.
- 4.1.6 The form provides for two copies of the information outlined in Schedule 1 of the Rules—this information is noted in Form 1538 as Section B and Section C. Both of these sections must be identical in their content. Any difference between Section B and Section C will see the form returned.
- 4.1.7 Where the form requires the entry of aircraft details, those details must reflect the details recorded on the certificate of registration for that aircraft. The form will be returned to the registration holder if there are any discrepancies found against the details on the certificate of registration.
- 4.1.8 The beneficiary of an IDERA (the creditor/authorised party) must either:
- have an Aviation Reference Number (ARN)
  - provide CASA with the additional information required to issue an ARN in accordance with the IDERA recordation form. An ARN is required in order for the IDERA to meet CASA's requirements and be recorded on the Australian Civil Aircraft Register.

### 4.2 Power of Attorney

- 4.2.1 The form must be signed by the current registration holder (IDERA Rules r 4(2) (c)).
- 4.2.2 If the registration holder is an individual and the IDERA is signed by another party, a Power of Attorney must be submitted with the IDERA. The Power of Attorney must

explicitly empower the signatory to execute the IDERA on the registration holder's behalf.

- 4.2.3 If the registration holder is a company and the signatory of the IDERA is not, or does not state their position as the Director, Company Secretary, CEO or authorised employee, a Power of Attorney must be submitted with the IDERA. The Power of Attorney must explicitly empower the signatory to execute the IDERA on the registration holder's behalf.
- 4.2.4 If the Power of Attorney is executed in a foreign jurisdiction, the Power of Attorney must be accompanied by a letter from a law firm in that foreign jurisdiction. The letter must be addressed to the person submitting the IDERA and copied to CASA, and certify that the Attorney has been appointed in accordance with the laws of that foreign jurisdiction and that the Power of Attorney has been properly executed and is effective in that jurisdiction. An example of such a letter is set out in Appendix A.

### **4.3 Records**

- 4.3.1 If the IDERA meets all requirements CASA will record the IDERA (IDERA Rules r 4(2)). The authorised party will receive notification from CASA when their name has been recorded on the Australian Civil Aircraft Register. This notification will be delivered by email, where practicable.
- 4.3.2 If the IDERA meets all requirements an original copy will be returned to the registration holder duly annotated within five working days of CASA recording the authorised party on the Australian Civil Aircraft Register.
- 4.3.3 If the IDERA fails to meet all requirements it will be returned to the registration holder without the IDERA being noted. The fee for processing and consideration will be charged in all cases.

## 5 Certified designee confirmation letter

### 5.1 Submission requirements

- 5.1.1 CASA accepts and records CDCLs for Australian aircraft registered under Part 47 that already have an IDERA recorded.
- 5.1.2 The authorised party may submit a CDCL to CASA to formally transfer the right to de-register the aircraft in that CDCL to the named certified designee.
- 5.1.3 Only one CDCL can be recorded in respect of a Protocol object at any one time. If a request to record a CDCL is received while another CDCL is recorded, the second request will not be accepted, even if a request to remove the first CDCL is received at the same time.
- 5.1.4 A CDCL can only be submitted by the authorised party named in the applicable IDERA and recorded on the Australian Civil Aircraft Register at the time of signing.
- 5.1.5 CASA will not accept a CDCL request with a Registration Application (Form 029) or an Application by the New Owner to become the Registration Holder (Form 027 Part 2). CASA will also not accept a CDCL request prior to the recording of the authorised party by means of an IDERA being recorded against the protocol object on the Australian Civil Aircraft Register. As such, Form 1538 must be submitted and actioned first.
- 5.1.6 A CDCL must be submitted through a correctly completed Form 1539 in original form (photocopies, faxes or emails of the documents will not be accepted). One signed, original copy of the form must be submitted. CASA will return the original signed copy of Section B, duly acknowledged as required by the Convention and Protocol.
- Note:** CASA does not accept electronic signatures.
- 5.1.7 The form provides for two copies of the information outlined in Schedule 2 of the Rules - this information is noted in Form 1539 as Section B and Section C. Both of these sections must be identical in their content. Any difference between Section B and Section C will see the form returned.
- 5.1.8 Where the form requires the entry of aircraft details, those details must reflect the details recorded on the certificate of registration for that aircraft. The form will be returned to the authorised party if there are any discrepancies found against the details on the certificate of registration.
- 5.1.9 The beneficiary of a CDCL must either:
- have an ARN
  - or
  - provide CASA with the additional information required to issue an ARN pursuant to the CDCL recordation form, in order for the CDCL to meet CASA's requirements and be recorded on the Australian Civil Aircraft Register.

## 5.2 Power of Attorney

- 5.2.1 The form must be signed by the current authorised party (IDERA Rules r 5(2) (c)).
- 5.2.2 If the authorised party is an individual, and the CDCL is signed by another party, a Power of Attorney must be submitted with the CDCL. The Power of Attorney must explicitly empower the signatory to execute the CDCL on the authorised party's behalf.
- 5.2.3 If the authorised party is a company and the signatory of the CDCL is not, or does not state their position as the Director, Company Secretary, CEO or authorised employee, a Power of Attorney must be submitted with the CDCL. The Power of Attorney must explicitly empower the signatory to execute the CDCL on the authorised party's behalf.
- 5.2.4 If the Power of Attorney is executed in a foreign jurisdiction, the Power of Attorney must be accompanied by a letter from a law firm in that foreign jurisdiction, addressed to the person submitting the CDCL and copied to CASA, and certify that the Attorney has been appointed in accordance with the laws of that foreign jurisdiction and that the Power of Attorney has been properly executed and is effective in that jurisdiction. An example of such a letter is set out in Appendix A.

## 5.3 Records

- 5.3.1 If the CDCL meets all requirements CASA will record the CDCL (IDERA Rules r 5 (2)). The certified designee will receive notification from CASA when their name has been recorded on the Australian Civil Aircraft Register. This notification will be delivered by email, where practicable.
- 5.3.2 If the CDCL meets all requirements, an original copy will be returned to the authorised party duly annotated within five working days of CASA recording the CDCL on the Australian Civil Aircraft Register.
- 5.3.3 If the CDCL fails to meet all requirements it will be returned to the authorised party without the CDCL being noted. The fee for processing and consideration will be charged in all cases.

## 6 Request for removal

### 6.1 IDERA

6.1.1 A request to remove an IDERA can only be submitted by the authorised party as named in the applicable IDERA. This request must be submitted through a correctly completed Form 1540. This form can be submitted by fax or email.

**Note:** CASA does not accept electronic signatures.

6.1.2 If the Protocol object has a CDCL recorded, the request to remove an IDERA must be accompanied by an acceptable request to remove the CDCL (Form 1541).

6.1.3 Where the form requires the entry of aircraft details, those details must reflect the details recorded on the certificate of registration for that aircraft. The form will be returned to the authorised party if there are any discrepancies found against the details on the certificate of registration.

#### 6.1.4 Power of Attorney

6.1.4.1 The form must be signed by the authorised party. If the authorised party is an individual, and the request to remove the IDERA is signed by another party, a Power of Attorney must be submitted with the request. The Power of Attorney must explicitly empower the signatory to execute the removal of the IDERA on the authorised party's behalf. The process is the same as a submission request (see section 4.2).

#### 6.1.5 Records

6.1.5.1 If the removal request meets all requirements, CASA will remove the recording of the IDERA (IDERA Rules r 6 (2)).

6.1.5.2 If the IDERA removal request fails to meet all requirements, including the requirement to be accompanied by a request to remove the CDCL, where applicable, it will be returned to the authorised party without the IDERA being removed. The fee for processing and consideration will be charged in all cases.

### 6.2 CDCL

6.2.1 A request to remove a CDCL can only be submitted by the certified designee as named in the applicable CDCL. This request must be submitted through a correctly completed Form 1541. This form can be submitted by fax or email.

**Note:** CASA does not accept electronic signatures.

6.2.2 Where the form requires the entry of aircraft details, those details must be as recorded on the certificate of registration for that aircraft. The form will be returned to the authorised party if there are any discrepancies found against the details on the certificate of registration.

### 6.2.3 Power of Attorney

6.2.3.1 The form must be signed by the certified designee. If the certified designee is an individual, and the request to remove the CDCL is signed by another party, a Power of Attorney must be submitted with the request. The Power of Attorney must explicitly empower the signatory to execute the removal of the CDCL on the certified designee's behalf. The process is the same as a submission request (see section 5.2).

### 6.2.4 Records

6.2.4.1 If the removal request meets all requirements CASA will reasonably practicably thereafter remove the recording of the CDCL (IDERA Rules r 7(2)).

6.2.4.2 If the CDCL removal request fails to meet all requirements it will be returned to the authorised party without the CDCL being removed. The fee for processing and consideration will be charged in all cases.



## 7 De-registration

### 7.1 IDERA or CDCL

7.1.1 A de-registration request can only be submitted by the authorised party as named in the applicable IDERA or, if a CDCL has been recorded in respect of that IDERA, the certified designee.

7.1.2 Where both an IDERA and a CDCL are recorded, the CDCL takes precedence and the de-registration request must be submitted by the certified designee.

7.1.3 A de-registration request must be submitted through a correctly completed Form 1542. This form can be submitted by fax or email.

**Note:** CASA does not accept electronic signatures.

7.1.4 Where the form requires the entry of aircraft details, those details must reflect the details recorded on the certificate of registration for that aircraft. The form will be returned to the authorised party or, if a CDCL has been recorded in respect of that IDERA, the certified designee, if there are any discrepancies found against the details on the certificate of registration.

7.1.5 The form must include a signed certification that meets the requirements of IDERA Rules r 8(2) (a) or (b). The requirement for the signed certification can be met by ticking the applicable box and completing the signature block in section 3.2 of Form 1542.

7.1.6 If there is no CDCL recorded, the form must be signed by the authorised party. If there is a CDCL recorded, the certified designee must sign the form (IDERA Rules r 8 (1)).

#### 7.1.7 Power of Attorney

7.1.7.1 If the authorised party or certified designee is an individual, and the de-registration request is signed by another party, a Power of Attorney must be submitted with the de-registration request. The Power of Attorney must explicitly empower the signatory to execute the de-registration request on the authorised party or certified designee's behalf. The same requirements apply as those for a submission of an IDERA or CDCL. See section 4.2 (IDERA) or 5.2 (CDCL).

### 7.2 Confirmation of de-registration

7.2.1 If the de-registration request meets all requirements, CASA will de-register the Protocol object from the Australian Civil Aircraft Register as soon as practicable (within 5 working days of receipt).

7.2.2 The cancellation will take effect on the day the written notice of cancellation is given to the registration holder (subregulation 47.132 (4)).

7.2.3 If the party requesting de-registration is exporting the aircraft and nominates a foreign national aviation authority to be notified of the Australian de-registration, CASA will notify that foreign national aviation authority within 1 working day of the cancellation taking effect.

- 7.2.4 If the de-registration request fails to meet all requirements it will be returned to the authorised party or certified designee without the protocol object being de-registered. The fee for processing and consideration will be charged in all cases.

## **8 Requests for changes to registration records with an IDERA recorded**

### **8.1 Change of registration holder**

8.1.1 The registration holder of an aircraft against which an IDERA is recorded by CASA must either:

- arrange for the IDERA, and the CDCL (where applicable), to be removed prior to a change in the registration holder being processed:
  - o the forms requesting the removal of the IDERA and the CDCL (where applicable) can be lodged along with the Notice of Transfer of Ownership (Form 027 Part 1)
  - o if the IDERA, and the CDCL (where applicable), are removed, a new IDERA request may be submitted by the new registration holder after the change of registration holder has been finalised;
- or
- provide written evidence to CASA that effectively demonstrates that the certified designee or authorised party has consented to the change of registration holder (paragraphs 47.110(9) (a) and (b)).

8.1.2 If satisfactory written evidence of the consent of the certified designee or authorised party is provided, CASA will transfer the registration of the Protocol object in accordance with regulation 47.110.

8.1.3 For an organisation, satisfactory written evidence may consist of a signed letter from a Director, Company Secretary, CEO or authorised employee of the certified designee or authorised party.

8.1.4 For an individual, satisfactory written evidence may consist of a signed letter from the certified designee or authorised party.

### **8.2 Change of registered operator or registration mark**

8.2.1 CASA is required to action changes in relation to registered operators or registrations marks in accordance with the applicable provisions of Part 47, regardless of whether or not the aircraft has an IDERA or CDCL recorded.

### **8.3 Suspension of registration**

8.3.1 CASA is required to suspend an aircraft registration in accordance with the applicable provisions of Part 47, regardless of whether or not the aircraft has an IDERA or CDCL recorded.

## **8.4 Cancellation of registration on request of registration holder**

8.4.1 CASA cannot cancel the registration of an aircraft under Subpart 11.D if that aircraft has either:

- an IDERA recorded and if the person who requested the cancellation was not the authorised party
- or
- a CDCL recorded and if the person who requested the cancellation was not the certified designee.

## **8.5 Cancellation of registration on other grounds**

8.5.1 CASA is required to cancel the registration of an aircraft in accordance with the provisions of regulations 47.131, 47.131A or 47.132, regardless of whether or not the aircraft has an IDERA or CDCL recorded.

## 9 Delivery of Documents to CASA

### 9.1 Requirements

- 9.1.1 All forms and required documents for recording an IDERA or CDCL under the *International Interests in Mobile Equipment (Cape Town Convention) Rules 2014* must be submitted in original form (photocopies, faxes or emails of the documents will not be accepted).

### 9.2 Addresses

- 9.2.1 Documents can be mailed to:

Registrar - Civil Aircraft Register  
CASA  
GPO Box 2005  
CANBERRA ACT 2601  
AUSTRALIA

- 9.2.2 Alternatively, documents can be delivered by courier to:

Registrar - Civil Aircraft Register  
CASA  
Aviation House  
16 Furzer Street  
PHILLIP ACT 2606  
AUSTRALIA

- 9.2.3 All other forms and documents will be accepted by mail, email or fax.

Email: [aircraftregistration@casa.gov.au](mailto:aircraftregistration@casa.gov.au)  
Fax: +61 2 6217 1991  
Mail: as above

## APPENDIX A

# SAMPLE POWER OF ATTORNEY CERTIFICATION

To: [Registration holder, creditor/authorised party or certified designee]

Copy to: Civil Aviation Safety Authority, Australia

Certification of Proper Execution of Power of Attorney

We refer to the Power of Attorney executed by [name] in relation to the [Irrevocable De-registration and Export Request Authorisation or Certified Designee Confirmation Letter] relating to [VH-registration mark, manufacturer, model and aircraft serial number].

We certify that the Power of Attorney has been properly executed in accordance with the laws of [name of country] and is effective for its purpose under the laws of [name of country].

[signed]

[dated]