Civil Aviation Legislation Amendment Regulation 2012 (No. 1)

Select Legislative Instrument 2012 No.

I, QUENTIN BRYCE, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulation under the Civil Aviation Act 1988.

Dated 2012

Governor-General

By Her Excellency’s Command

[DRAFT ONLY – NOT FOR SIGNATURE]
Minister for Infrastructure and Transport

CONSULTATION DRAFT
25 SEPTEMBER 2012
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2. Civil Aviation Legislation Amendment Regulation 2012 (No. )  
2012,  

CONSULTATION DRAFT  
25 SEPTEMBER 2012
1 **Name of regulation**

This regulation is the *Civil Aviation Legislation Amendment Regulation 2012 (No. *)*.

2 **Commencement**

This regulation commences as follows:

(a) on 1 March 2014—sections 1 to 4 and Schedules 1 and 2;

(b) on 1 March 2018—Schedules 3 and 4.

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

Schedules 1 and 3 amend the *Civil Aviation Safety Regulations 1998*.

4 **Amendment of Civil Aviation Regulations 1988**

Schedules 2 and 4 amend the *Civil Aviation Regulations 1988*. 

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**CONSULTATION DRAFT**

**25 SEPTEMBER 2012**
Schedule 1 Amendments of Civil Aviation Safety Regulations 1998 commencing on 1 March 2014 (section 3)


Subpart 21.J Approved design organisations

Division 21.J.1 General

21.231 What Subpart 21.J is about

This Subpart sets out matters relating to approved design organisations including:
(a) requirements for approval as an approved design organisation; and
(b) the privileges and obligations of approved design organisations.


In this Subpart:
accountable manager, for an approved design organisation, means the individual, appointed by the organisation, who is responsible for:
(a) ensuring that the organisation complies with its exposition and design assurance system and these Regulations; and
(b) ensuring that the organisation is able to finance the carrying out of the design activities stated in its approval certificate; and
(c) ensuring that the organisation has adequate resources available to enable the organisation to carry out design activities in accordance with its exposition and design assurance system.

advice activity means giving advice under regulation 21.007A.

approval activity means any of the following:

(a) approving a change to an aircraft flight manual under regulation 21.006A;
(b) approving damage to an Australian aircraft as a permissible unserviceability under regulation 21.007;
(c) approving technical data under regulation 21.009;
(d) approving a minor change in a type design under regulation 21.095;
(e) approving a major change in a type design under regulation 21.098;
(f) approving the design of a Class II or Class III product under regulation 21.132A;
(g) approving a material, part, process or appliance under regulation 21.305A;
(h) granting a modification/repair design approval under regulation 21.437;
(i) approving an imported aircraft engine or propeller under regulation 21.500A;
(j) approving an imported material, part or appliance under regulation 21.502A.

approval certificate, for an approved design organisation, means the certificate issued to the organisation under regulation 21.245.

carries out a design activity: an approved design organisation carries out a design activity if the activity is carried out on the organisation’s behalf by:

(a) an employee of the organisation; or
(b) a subcontractor of the organisation.
**certification activity** means any of the following:

(a) certifying to CASA under subregulation 21.013A (3) that an applicant for a type certificate meets a criterion for entitlement to the certificate, other than the requirement under paragraph 21.021 (b) that any airworthiness provisions not complied with are compensated for by factors that provide an equivalent level of safety;

(b) certifying to CASA under subregulation 21.095 (5) that a type design, as modified by a minor change, would meet a requirement of this Part;

(c) certifying to CASA under subregulation 21.098 (3) that an applicant meets a requirement mentioned in subregulation 21.098 (1);

(d) certifying to CASA under subregulation 21.115 (3) that an altered aircraft, aircraft engine or propeller meets:
   (i) an applicable airworthiness requirement mentioned in paragraph 21.115 (1) (a); or
   (ii) the requirement mentioned in paragraph 21.115 (1) (b);

(e) certifying to CASA under subregulation 21.132A (6) that the design of a Class II or Class III product meets the applicable airworthiness standards for the product;

(f) certifying to CASA under subregulation 21.303 (4C) that a design for a part meets the airworthiness requirements of these Regulations applicable to the aircraft, aircraft engine or propeller on which the part is to be installed;

(g) certifying to CASA under subregulation 21.420 (5) that a design complies with the applicable airworthiness requirements for the design;

(h) certifying to CASA under subregulation 21.605 (7) that a design for an article complies with the applicable ATSO, ETSO or TSO for the article, including any deviations approved under regulation 21.609;

(i) conducting or observing any tests or inspections for the purpose of a certification mentioned in paragraphs (a) to (h).

**design activity** means any of the following:

(a) an advice activity;
(b) an approval activity;
(c) a certification activity;
(d) an experimental certificate activity.

**design assurance system**, for an approved design organisation, means the system described in the organisation’s design assurance system manual.

**design assurance system manual**, for an approved design organisation, means:

(a) the manual approved by CASA under paragraph 21.243 (7) (b) in relation to the organisation; and
(b) if a change to the manual is approved under regulation 21.253 or 21.255—the manual as changed; and
(c) if the manual is changed under regulation 21.257—the manual as changed.

**experimental certificate activity** means any of the following:

(a) issuing an experimental certificate under regulation 21.195A;
(b) asking the holder of an experimental certificate, under subregulation 21.195B (3), to make the certificate available for inspection;
(c) suspending or cancelling an experimental certificate under subregulation 21.195B (5);
(d) asking the holder of an experimental certificate, under subregulation 21.195B (8), to surrender the certificate.

**exposition**, for an approved design organisation, means:

(a) the document approved by CASA under paragraph 21.243 (7) (a) in relation to the organisation; and
(b) if a change to the document is approved under regulation 21.253 or 21.255—the document as changed; and
(c) if the document is changed under regulation 21.259 or 21.261—the document as changed.

**subcontractor**, in relation to an approved design organisation, means a person who:

(a) is a party to a written contract with the organisation to carry out a design activity, or part of a design activity, on behalf of the organisation; and
(b) is not an employee of the organisation.

21.235 Privileges for approved design organisations

(1) An approved design organisation may carry out a design activity, other than a certification activity, in relation to an aircraft or aeronautical product only if the organisation is approved under regulation 21.243 to carry out the activity in relation to aircraft or aeronautical products of that kind.

(2) An approved design organisation may carry out a certification activity in relation to an aircraft or aeronautical product and an application mentioned in subregulation 21.251 (1) only if:
   (a) the organisation is approved under regulation 21.243 to carry out the activity in relation to aircraft or aeronautical products of that kind; and
   (b) CASA authorises the organisation under regulation 21.251 to carry out the activity in relation to the application.

21.237 Prohibition of unauthorised carrying out of design activities

(1) A person commits an offence if:
   (a) the person carries out a design activity; and
   (b) the person does not meet the requirement mentioned in subregulation (2).

   Penalty: 50 penalty units.

(2) For paragraph (1) (b), the requirement is that the person is:
   (a) an approved design organisation that is permitted to carry out the design activity under regulation 21.235; or
   (b) a person mentioned in subregulation (3); or
   (c) if the provision under which the activity is carried out provides that an authorised person may carry out the activity—an authorised person for the provision; or
   (d) if the provision under which the activity is carried out provides that CASA may carry out the activity—CASA.
(3) For paragraph (2) (b), the person must be:
   (a) employed by, or a subcontractor of, an approved design organisation that is permitted to carry out the design activity under regulation 21.235; and
   (b) authorised, in writing, by the approved design organisation to carry out the design activity on behalf of the organisation.

(4) An offence against this regulation is an offence of strict liability.

21.239 Applications may be made to approved design organisation—approval activities and experimental certificates

Despite anything else in this Part, if an approved design organisation is a relevant approved design organisation in relation to an approval activity or the issue of an experimental certificate under regulation 21.195A:
   (a) an application for the approval or experimental certificate may be made to the approved design organisation; and
   (b) a reference in this Part to CASA includes the approved design organisation, in relation to:
      (i) the approval or experimental certificate; or
      (ii) an application for the approval or experimental certificate.

Division 21.J.2 Approval as approved design organisation

21.241 Applying for approval

   (1) A person may apply, in writing, to CASA for approval as an approved design organisation.

   (2) The application must include:
      (a) an outline of:
         (i) the design activities that the applicant proposes to carry out; and
(ii) the aircraft or aeronautical products in relation to which the applicant proposes to carry out those design activities; and

(iii) the applicant’s procedures for carrying out those design activities; and

(iv) the applicant’s organisational structure; and

(b) the name of the applicant’s accountable manager; and

(c) if the applicant intends to subcontract a design activity, or part of a design activity, that it proposes to carry out—a statement explaining the arrangement under which the design activity, or that part of the design activity, will be carried out by a subcontractor.

(3) The applicant must give CASA, with the application or subsequently:

(a) a copy of the applicant’s proposed exposition; and

(b) a copy of the applicant’s proposed design assurance system manual.

21.243 Granting approval

(1) If the applicant gives CASA the documents mentioned in subregulation 21.241 (3), CASA must make a decision on the application.

(2) Subject to regulation 11.055, CASA must approve the applicant as an approved design organisation if:

(a) subregulation (4) does not apply to the applicant; and

(b) CASA is satisfied that the applicant meets the requirements mentioned in subregulation (5).

(3) Subject to regulation 11.055, CASA must approve the applicant as an approved design organisation if:

(a) subregulation (4) applies to the applicant; and

(b) CASA is satisfied that:

(i) the applicant meets the requirements mentioned in subregulation (5); and

(ii) CASA would not be placed under an undue burden in administering the approval.
(4) This subregulation applies to an applicant that:
(a) is not an Australian resident or a corporation registered in Australia; or
(b) carries on business outside Australian territory.

(5) For paragraph (2) (b) and subparagraph (3) (b) (i), the requirements are the following:
(a) the applicant’s proposed exposition must:
   (i) contain the information mentioned in regulation 21.263; and
   (ii) be consistent with the applicant’s proposed design assurance system;
(b) the design assurance system described in the applicant’s proposed design assurance system manual must meet the requirements mentioned in regulations 21.269 and 21.270;
(c) the applicant must have established and be able to maintain the design assurance system;
(d) the applicant:
   (i) must have sufficient appropriately qualified and experienced personnel to carry out each design activity mentioned in the applicant’s proposed exposition; and
   (ii) must have facilities that are appropriate for carrying out each design activity mentioned in the applicant’s proposed exposition; and
   (iii) must have, or have access to, the equipment, tools and up-to-date design reference data (in electronic form or otherwise) necessary for carrying out each design activity mentioned in the applicant’s proposed exposition;
(e) the person named in the application as the applicant’s accountable manager must have suitable qualifications or experience for carrying out the responsibilities of the position.

(6) If CASA decides to approve an applicant as an approved design organisation, CASA must determine:
(a) the design activities that the applicant is approved to carry out; and
(b) the aircraft and aeronautical products in relation to which the applicant is approved to carry out those design activities; and
(c) if the applicant is approved to grant a modification/repair design approval under regulation 21.437—whether the applicant is approved to make an equivalent level of safety determination under regulation 21.436.

(7) In approving the applicant, CASA also approves the applicant’s proposed:
(a) exposition; and
(b) design assurance system manual.

21.245 Approval certificate

(1) If CASA approves an applicant as an approved design organisation, CASA must issue a certificate of approval setting out:
(a) the name of the organisation; and
(b) the matters mentioned in subregulation 21.243 (6).

(2) The certificate issued by CASA must include an approval certificate reference number determined by CASA.

(3) CASA must issue a new approval certificate to an approved design organisation if:
(a) CASA approves, under regulation 21.253, a change to the scope of the organisation’s approval; or
(b) the organisation gives CASA written notice, under regulation 21.259, that it has changed its name.

21.247 Approval subject to conditions—general

(1) It is a condition of approval of an approved design organisation that the organisation must:
(a) comply with this Subpart, its exposition and its design assurance system; and
(b) ensure that its employees and subcontractors, and the personnel holding the positions mentioned in paragraph 21.263 (c), comply with this Subpart and the organisation’s exposition and design assurance system; and

(c) ensure that its exposition is consistent with its design assurance system; and

(d) ensure that no design activity that the organisation carries out introduces an unsafe feature or characteristic into the design of the aircraft or aeronautical product to which the design activity relates; and

(e) ensure that the organisation’s design assurance system maintains satisfactory control and supervision of each design activity that the organisation carries out; and

(f) comply with each direction given to it under subregulation (2).

(2) For paragraph (1) (f), CASA may issue a direction to an approved design organisation setting out:

(a) information that the approved design organisation must give to CASA; and

(b) the times when the organisation must give that information to CASA.

21.248 Approval subject to conditions—holders of other authorisations under Part 21 and licensees

(1) If the organisation is also the holder of another authorisation (however described) under this Part, it is a condition of the organisation’s approval that the organisation must comply with its obligations under this Part as the holder of the other authorisation.

Examples of other authorisations under this Part
1 A type certificate.
2 A supplemental type certificate.
3 A production certificate.
4 An APMA.
5 A modification/repair design approval.
6 An approval granted in accordance with a legislative instrument issued under regulation 21.475.
7 An ATSO authorisation.

(2) If the organisation is also the licensee of a type certificate or supplemental type certificate, it is a condition of the organisation’s approval that the organisation must comply with its obligations under this Part as the licensee of the certificate.

21.249 Suspension and cancellation of approval

(1) CASA may suspend or cancel an approval, by written notice given to its holder, if the holder does not comply, or ceases to comply, with this Subpart.

(2) A notice under subregulation (1) must state:
   (a) the grounds for the suspension or cancellation; and
   (b) for a suspension—when the suspension stops having effect.

(3) If an approval is suspended under this regulation, the approval is not in force during the period of the suspension.

Division 21.J.3 Authorisation to carry out particular certification activity

21.251 Authorisation of approved design organisations to carry out certification activities

(1) If CASA receives an application for any of the following, CASA may authorise an approved design organisation to carry out a certification activity in relation to the application:
   (a) a type certificate;
   (b) approval of a change to a type design;
   (c) a supplemental type certificate;
   (d) approval of the design of a Class II or Class III product;
   (e) an APMA;
   (f) a modification/repair design approval;
   (g) an ATSO authorisation.
(2) However, CASA may authorise the approved design organisation to carry out the certification activity only if:

(a) the organisation is approved to carry out certification activities of that kind in relation to aircraft or aeronautical products of the kind to which the application relates; and

(b) the applicant nominates the approved design organisation to carry out the certification activity; and

(c) CASA is satisfied that the organisation is capable of determining accurately the matter to which the certification activity relates.

(3) If CASA authorises the approved design organisation to carry out the certification activity, CASA must give written notice of the authorisation to the applicant and the organisation.

Division 21.J.4  Changes to approved design organisations

21.253 Changes to scope of approval

(1) If an approved design organisation proposes to make a change to either of the following, the organisation must apply to CASA for approval of the change:

(a) the design activities that the organisation is approved to carry out;

(b) the aircraft and aeronautical products in relation to which the organisation is approved to carry out those design activities.

(2) The application must:

(a) be in writing; and

(b) state the proposed change; and

(c) be accompanied by a copy of the part of the organisation’s exposition and design assurance system manual affected by the proposed change, clearly identifying the proposed change.

(3) Subject to regulation 11.055, CASA must approve the change if satisfied that the requirements mentioned in subregulation 21.243 (5) will continue to be met.
(4) If CASA approves the change, the changes to the organisation’s exposition and design assurance system manual covered by the application are taken to have been approved.

21.255 Application for approval of change to design assurance system manual

(1) If an approved design organisation proposes to make a change to its design assurance system manual, the organisation must apply to CASA for approval of the change.

(2) The application must:
   (a) be in writing; and
   (b) state the proposed change; and
   (c) if the proposed change requires a change to the organisation’s exposition—be accompanied by a copy of the part of the exposition affected by the proposed change, clearly identifying the proposed change.

(3) Subject to regulation 11.055, CASA must approve a change to a design assurance system manual if satisfied that the requirements mentioned in regulations 21.269 and 21.270 will continue to be met.

(4) If CASA approves the change, the change to the organisation’s exposition covered by the application is taken to have been approved.

21.257 Change to design assurance system manual at direction of CASA

(1) CASA may, if satisfied that it is necessary in the interests of the safety of air navigation, direct an approved design organisation to make a specified change to its design assurance system manual within the time specified in the direction.

(2) The organisation commits an offence if the organisation does not, within the specified time:
   (a) comply with the direction; and
(b) if the change requires a change to the organisation’s exposition:
   (i) update its exposition; and
   (ii) give CASA a copy of the updated part of the exposition.

Penalty: 50 penalty units.

(3) An offence against this regulation is an offence of strict liability.

21.258 Permanent appointment of key personnel—requirement to tell CASA

(1) An approved design organisation commits an offence if:
   (a) the organisation permanently appoints a person to a position mentioned in paragraph 21.263 (c); and
   (b) the organisation does not, within 7 days after the change, give CASA written notice of the change.

Penalty: 50 penalty units.

(2) An offence against this regulation is an offence of strict liability.

21.259 Change to exposition by organisation

(1) An approved design organisation commits an offence if:
   (a) the organisation undergoes a change that renders its exposition inaccurate; and
   (b) the change is not a change mentioned in regulation 21.253, 21.255 or 21.257; and
   (c) the organisation does not, within 30 days after undergoing the change:
      (i) update its exposition; and
      (ii) give CASA written notice of the change and a copy of the updated part of the exposition.

Penalty: 50 penalty units.
(2) An approved design organisation commits an offence if:
   (a) the organisation makes a change to its exposition; and
   (b) the change is not a change mentioned in regulation 21.253, 21.255, 21.257 or 21.261 or subregulation (1); and
   (c) the organisation does not, within 30 days after making the change, give CASA a copy of the changed part of the exposition.

   Penalty: 50 penalty units.

(3) An offence against this regulation is an offence of strict liability.

21.261 Change to exposition at direction of CASA

(1) CASA may direct an approved design organisation to change its exposition within a time specified in the direction:
   (a) to remove particular information from the exposition; or
   (b) to include particular information in the exposition; or
   (c) to revise or vary the information in the exposition.

(2) However, CASA may issue a direction under this regulation only if satisfied that it is necessary to ensure that the exposition contains the information mentioned in regulation 21.263.

(3) The organisation commits an offence if the organisation does not comply with the direction within the specified time.

   Penalty: 50 penalty units.

(4) An offence against this regulation is an offence of strict liability.

Division 21.J.5 Obligations of approved design organisations

21.263 Content of exposition

   An exposition for an approved design organisation must contain the following:
   (a) the name of the organisation;
(b) a detailed description of the matters mentioned in paragraph 21.241 (2) (a);

(c) the responsibilities of holders of the following positions in the organisation:

(i) accountable manager;
(ii) head of design;
(iii) managerial staff;
(iv) each other position the holder of which is responsible for making decisions affecting the airworthiness of an aircraft or aeronautical product;

(d) the qualifications and experience required by the organisation for each position mentioned in paragraph (c);

(e) the names, qualifications and experience of each person holding a position mentioned in paragraph (c);

(f) a description of how the organisation will manage the responsibilities of a position mentioned in paragraph (c) for any period during which the position is vacant or the occupant of the position is unable to carry out the responsibilities of the position;

(g) if the organisation subcontracts a design activity, or part of a design activity, that it carries out—a description of the procedures that the organisation uses to manage the activities of the subcontractor;

(h) if the organisation conducts a design activity, other than a certification activity, that relies on the conduct of another design activity by another approved design organisation—a description of the procedures that the organisation uses to coordinate the conduct of the design activities.

21.265 Compliance with exposition

(1) An approved design organisation commits an offence if the organisation contravenes a provision of its exposition.

Penalty: 50 penalty units.

(2) An offence against this regulation is an offence of strict liability.
21.267 Design assurance system

An approved design organisation must have a design assurance system that meets the requirements of regulations 21.269 and 21.270.

21.269 Requirements for design assurance system—general

(1) The design assurance system must include policies and procedures for the conduct of design activities that the organisation is approved to carry out.

(2) The design assurance system must enable the organisation to ensure that:

(a) each design activity that the organisation carries out is controlled and managed in a way that ensures that the aircraft or aeronautical product in relation to which the activity is carried out complies with the applicable airworthiness standards for the aircraft or aeronautical product; and

(b) no design activity that the organisation carries out introduces an unsafe feature or characteristic to an aircraft or aeronautical product to which the activity relates; and

(c) each design activity that the organisation is approved to carry out is carried out in accordance with:

(i) this Part; and

(ii) the conditions of the organisation’s approval.

(3) The design assurance system must include procedures for:

(a) independent monitoring of:

(i) the adequacy of the design assurance system to enable the organisation to ensure the matters mentioned in subregulation (2); and

(ii) compliance by the organisation and its subcontractors (if any) with the requirements of the design assurance system; and

(b) providing feedback to a person within the organisation with responsibility for ensuring the adequacy of, and compliance with, the design assurance system.
(4) The design assurance system must also include procedures for independent checking to ensure that each aircraft or aeronautical product in relation to which the organisation carries out a design activity complies with the applicable airworthiness requirements for the aircraft or aeronautical product.

21.270 Requirements for design assurance system—holders of other authorisations under Part 21 and licensees

(1) If the organisation is also the holder of another authorisation (however described) under this Part, the design assurance system must include policies and procedures to enable the organisation to comply with its obligations under this Part as the holder of the other authorisation.

Examples of other authorisations under this Part
1 A type certificate.
2 A supplemental type certificate.
3 A production certificate.
4 An APMA.
5 A modification/repair design approval.
6 An approval granted in accordance with a legislative instrument issued under regulation 21.475.
7 An ATSO authorisation.

(2) If the organisation is also the licensee of a type certificate or supplemental type certificate, the design assurance system must include policies and procedures to enable the organisation to comply with its obligations under this Part as the licensee of the certificate.

21.271 Compliance with design assurance system manual

(1) An approved design organisation commits an offence if the organisation contravenes a provision of its design assurance system manual.

Penalty: 50 penalty units.

(2) An offence against this regulation is an offence of strict liability.
21.273 Audit of approved design organisation by CASA

(1) CASA may audit an approved design organisation to determine its compliance with the conditions of its approval.

(2) For the audit, CASA may, in writing, direct the organisation to give CASA, within a time specified in the direction:
   (a) specified information and records demonstrating that the organisation has complied with the conditions of its approval; and
   (b) any other information and records specified in the direction that are relevant to the audit.

(3) The organisation commits an offence if the organisation does not comply with the direction within the specified time.

   Penalty: 50 penalty units.

(4) An offence against this regulation is an offence of strict liability.

21.275 Inspections and observations

(1) To determine whether the organisation is complying with the conditions of its approval, CASA may, in writing, direct an approved design organisation to allow CASA:
   (a) to inspect the following:
      (i) facilities at which the organisation carries out design activities;
      (ii) equipment and tools used by the organisation in carrying out design activities;
      (iii) aircraft and aeronautical products in relation to which the organisation carries out design activities; or
   (b) to observe the organisation carrying out a design activity.

(2) The organisation commits an offence if the organisation does not comply with the direction.

   Penalty: 50 penalty units.
(3) An offence against this regulation is an offence of strict liability.

**21.277 Record keeping and production of records to CASA**

(1) An approved design organisation commits an offence if the organisation does not retain the documents and records mentioned in subregulation (2) until at least 12 months after the organisation’s approval ceases to be in force.

Penalty: 50 penalty units.

(2) For subregulation (1), the documents and records are:

(a) for each approval or certificate issued by the organisation—the technical data, documents and records relating to the issue of the approval or certificate; and

(b) for each occasion on which the organisation provided advice under regulation 21.007A—the technical data, documents and records relating to the provision of the advice; and

(c) a list identifying, by make, model and serial number, each aircraft or aeronautical product in relation to which the organisation has carried out a design activity; and

(d) for each aircraft or aeronautical product in relation to which the organisation has carried out a design activity—a description of the nature of the activity.

(3) Despite regulations 11.132, 21.002C and 21.249, if an approval is suspended under these Regulations, then, for subregulation (1), the approval is taken to remain in force during the period of suspension.

(4) CASA may, in writing, direct an approved design organisation to make the documents and records, or copies or extracts of them, available for inspection by CASA at a time and place specified in the direction.

(5) The organisation commits an offence if the organisation does not comply with the direction.

Penalty: 50 penalty units.
(6) An offence against this regulation is an offence of strict liability.

21.279 Directions to comply with specified procedures or instructions

(1) CASA may, in writing, direct an approved design organisation to comply with a specified procedure or instruction in carrying out a specified design activity.

(2) The organisation commits an offence if the organisation does not comply with the direction.

Penalty: 50 penalty units.

(3) An offence against this regulation is an offence of strict liability.

21.281 Investigation of potentially unsafe condition

(1) If CASA becomes aware of a potentially unsafe condition in an aircraft or aeronautical product in relation to which an approved design organisation issued an approval or certificate, CASA may direct the organisation, in writing, to give CASA specified assistance in investigating the condition.

(2) The organisation commits an offence if the organisation does not comply with the direction.

Penalty: 50 penalty units.

(3) An offence against this regulation is an offence of strict liability.

21.283 Requirement to provide employees and subcontractors with exposition and design assurance system manual

(1) An approved design organisation commits an offence if:

(a) an employee or subcontractor of the organisation carries out a design activity on behalf of the organisation; and
(b) the organisation did not, before the employee or subcontractor began carrying out the design activity, make available to the employee or subcontractor the parts of:
   (i) the organisation’s exposition; and
   (ii) the organisation’s design assurance system manual;
that relate to the carrying out of the design activity by the employee or subcontractor on behalf of the organisation.

Penalty: 50 penalty units.

(2) An approved design organisation commits an offence if:
   (a) an employee or subcontractor of the organisation carries out a design activity on behalf of the organisation; and
   (b) after the employee or subcontractor begins carrying out the design activity, the organisation updates, or makes a change to, a part of its exposition or design assurance system that relates to the carrying out of the design activity by the employee or subcontractor on behalf of the organisation; and
   (c) the organisation does not, before the completion of the design activity, make the changed or updated part available to the employee or subcontractor.

Penalty: 50 penalty units.

(3) An offence against this regulation is an offence of strict liability.
Part 2  Consequential amendments


*omit*

an authorised person to whom such an application is made.

*insert*

a reference to the authorised person to whom the application is made.


*insert*

11.026  Application of Part 11 to approved design organisations

(1) If these Regulations allow an application for an authorisation to be made to an approved design organisation, a reference in this Part to CASA includes, in relation to such an application, a reference to the approved design organisation to which the application is made.

(2) Regulations 11.040 and 11.047 apply to an approved design organisation that conducts a certification activity as if:

(a) each reference in those regulations to CASA were a reference to the approved design organisation; and

(b) each reference in those regulations to CASA considering the application were a reference to the approved design organisation satisfying itself about the matter to which the certification activity relates; and

(c) each reference in those regulations to the applicant were a reference to the applicant for the authorisation to which the certification activity relates.

(3) In this regulation:

*certification activity*: see regulation 21.233.
[4] After paragraph 21.001 (b) 

*insert*

(ba) matters relating to approved design organisations; and


*omit*

ATSO,

*insert*

ATSO authorisation,

[6] Regulation 21.007A

*substitute*

21.007A Advice about major damage

(1) A person may ask CASA, an authorised person or a relevant approved design organisation, in writing, to assess damage to an aircraft and advise whether the damage is major damage.

(2) CASA or the authorised person or approved design organisation must advise the person, in writing, whether, in the opinion of CASA or the authorised person or approved design organisation, the damage is major damage.

*Note* Under regulation 47 of CAR, damage to an aircraft is taken not to be major damage if, under this regulation, CASA or an authorised person or approved design organisation advises a person that the damage is not major damage.

[7] After paragraph 21.009 (1) (c) 

*insert*

(ca) approval of the product design of a Class II or Class III product; or
Subregulation 21.009 (2), notes

omit

After subregulation 21.009 (2)

insert

(3) In this regulation:

Class II product: see regulation 21.132.

Note For the meaning of Class III product, see the Dictionary.

Regulation 21.013A

omit

Subject to

insert

(1) Subject to

Regulation 21.013A

insert

(2) Subregulation (3) applies if, under regulation 21.251, CASA authorises a relevant approved design organisation to certify that the applicant meets a criterion for entitlement to a type certificate under this Subpart.

(3) If the approved design organisation is satisfied that the applicant meets the criterion, the organisation may give CASA a certificate to that effect.

(4) For paragraph (1) (c), if an approved design organisation gives CASA a certificate under subregulation (3) in relation to a criterion, CASA need consider only that certificate in deciding whether the applicant meets the criterion.
(5) For subregulation (3), regulations 21.021, 21.024, 21.025 and 21.026 apply to consideration by an approved design organisation of an application for a type certificate as if each reference to CASA in those regulations were a reference to the approved design organisation.

[12] **Paragraph 21.031 (1) (a)**

*substitute*

(a) the drawings and specifications contained in technical data approved under regulation 21.009 for the aircraft, aircraft engine or propeller, and a list of those drawings and specifications;

[13] **Paragraph 21.031 (2) (a)**

*substitute*

(a) the drawings and specifications contained in technical data approved under regulation 21.009 for the aircraft, aircraft engine or propeller, and a list of those drawings and specifications;


*substitute*

21.047 **Transfer of type certificates**

(1) The holder of a type certificate (the *transferor*) may transfer the certificate to another person (the *transferee*) by giving to the transferee:

(a) the certificate; and

(b) a copy of each document that the holder is required to keep under these Regulations in relation to the certificate.

(2) However, the certificate may be transferred only with the written consent of the transferee.
(3) The transferor commits an offence if the transferor does not, within 30 days after transferring the certificate, give CASA a written notice stating:
(a) the date of the transfer; and
(b) the name and address of the transeree.

Penalty: 50 penalty units.

(4) An offence against this regulation is an offence of strict liability.

Source FARs section 21.047 modified.

21.048 Licensing of type certificates

(1) The holder of a type certificate (the licensor) may confer the benefits of the certificate on another person (the licensee) by making a licensing agreement with the licensee.

(2) The licensor commits an offence if the licensor does not, within 30 days after making the licensing agreement, give CASA a written notice stating:
(a) the date of the licensing agreement; and
(b) the name and address of the licensee; and
(c) the extent of the benefits conferred on the licensee.

Penalty: 50 penalty units.

(3) The licensor commits an offence if:
(a) the licensing agreement is terminated; and
(b) the licensor does not, within 30 days after the termination, give CASA a written notice stating the date of the termination.

Penalty: 50 penalty units.

(4) An offence against this regulation is an offence of strict liability.

Source FARs section 21.047 modified.
Regulation 21.095

Approval of minor changes in type design

(1) The holder of a type certificate for an aircraft, aircraft engine or propeller may apply to CASA, an authorised person or a relevant approved design organisation, in writing, for approval of a minor change in the type design of the aircraft, aircraft engine or propeller.

(2) Subregulation (3) applies if the application is made to CASA or an authorised person.

(3) Subject to regulation 11.055, CASA or the authorised person must grant the approval if the type design, as modified by the minor change, would meet the requirements of this Part for the type design.

(4) Subregulation (5) applies if, under regulation 21.251, CASA authorises a relevant approved design organisation to determine whether the design would meet a requirement.

(5) If the approved design organisation is satisfied that the design would meet the requirement, the organisation may give CASA a certificate to that effect.

(6) For subregulation (3), if an approved design organisation gives CASA a certificate under subregulation (5), CASA need consider only that certificate in deciding whether the design would meet the requirement.

(7) Subregulation (8) applies if the application is made to an approved design organisation.

(8) Subject to regulation 11.055, the approved design organisation must grant the approval if the type design, as modified by the minor change, would meet the requirements of this Part for the type design and any requirements mentioned in the organisation’s exposition.
[16] Regulation 21.098

*omit*

Subject to regulation 11.055, CASA, or an authorised person,

*insert*

(1) Subject to regulation 11.055, CASA, an authorised person or a relevant approved design organisation

[17] Regulation 21.098

*insert*

(2) Subregulation (3) applies if, under regulation 21.251, CASA authorises a relevant approved design organisation to determine whether the applicant meets a requirement mentioned in subregulation (1).

(3) If the approved design organisation is satisfied that the applicant meets the requirement, the organisation may give CASA a certificate to that effect.

(4) For subregulation (1), if an approved design organisation gives CASA a certificate under subregulation (3), CASA need consider only that certificate in deciding whether the applicant meets the requirement.


*substitute*

21.115 Entitlement to supplemental type certificate—meeting applicable airworthiness requirements

(1) An applicant is entitled to a supplemental type certificate if CASA is satisfied that:

(a) the altered aircraft, aircraft engine or propeller meets the applicable airworthiness requirements mentioned in subregulations 21.101 (1) and (2); and
(b) no feature or characteristic of the change in type design makes the altered aircraft, aircraft engine or propeller unsafe for its intended use.

(2) Subregulation (3) applies if, under regulation 21.251, CASA authorises a relevant approved design organisation to determine whether the altered aircraft, aircraft engine or propeller meets:

(a) an applicable airworthiness requirement mentioned in paragraph (1) (a); or
(b) the requirement mentioned in paragraph (1) (b).

(3) If the approved design organisation is satisfied that the altered aircraft, aircraft engine or propeller meets the requirement, the organisation may give CASA a certificate to that effect.

(4) For subregulation (1), if an approved design organisation gives CASA a certificate under subregulation (3), CASA need consider only that certificate in deciding whether the altered aircraft, aircraft engine or propeller meets the requirement.

(5) Regulations 21.033 (Inspection and tests) and 21.053 (Statement of conformity) apply in relation to the application, with respect to each change in the type design, as if it were an application for a type certificate under Subpart 21.B.

Source FARs section 21.115 modified.

21.117 What supplemental type certificates are taken to consist of

A supplemental type certificate is taken to consist of:

(a) the type certificate or type acceptance certificate previously issued for the aircraft, aircraft engine or propeller; and
(b) each change in the type design of the aircraft, aircraft engine or propeller described or identified in the supplemental type certificate.

Source FARs section 21.117 modified.

insert

21.120 Transfer of supplemental type certificates

(1) The holder of a supplemental type certificate (the *transferor*) may transfer the certificate to another person (the *transferee*) by giving to the transferee:
   (a) the certificate; and
   (b) a copy of each document that the holder is required to keep under these Regulations in relation to the certificate.

(2) However, the certificate may be transferred only with the written consent of the transferee.

(3) The transferor commits an offence if the transferor does not, within 30 days after transferring the certificate, give CASA a written notice stating:
   (a) the date of the transfer; and
   (b) the name and address of the transferee.

Penalty: 50 penalty units.

(4) An offence against this regulation is an offence of strict liability.

21.120A Licensing of supplemental type certificates

(1) The holder of a supplemental type certificate (the *licensor*) may confer the benefits of the certificate on another person (the *licensee*) by making a licensing agreement with the licensee.

(2) The licensor commits an offence if the licensor does not, within 30 days after making the licensing agreement, give CASA a written notice stating:
   (a) the date of the licensing agreement; and
   (b) the name and address of the licensee; and
   (c) the extent of the benefits conferred on the licensee.

Penalty: 50 penalty units.
(3) The licensor commits an offence if:
   (a) the licensing agreement is terminated; and
   (b) the licensor does not, within 30 days after the termination, give CASA a written notice stating the date of the termination.

Penalty: 50 penalty units.

(4) An offence against this regulation is an offence of strict liability.

[20] Regulation 21.132, definition of product design

 substitute

product design means:

(a) for an unapproved Class I product—the design that was submitted with the application for a foreign type certificate; and

(b) for a Class II or Class III product—the design for the product that is:
   (i) approved under regulation 21.132A; or
   (ii) if the product is manufactured under an agreement with a foreign manufacturer for supply to that manufacturer—approved by the NAA of the relevant foreign country; or
   (iii) approved in a supplemental type certificate or a foreign supplemental type certificate; or
   (iv) approved in a modification/repair design approval or in accordance with a method specified in a legislative instrument issued under regulation 21.475; or
   (v) taken to be approved under regulation 21.465 or 21.470; or
   (vi) covered by an approval that continues in force under regulation 202.054, 202.055 or 202.056.
Schedule 1
Amendments of Civil Aviation Safety Regulations 1998
commencing on 1 March 2014
Part 2
Consequential amendments

[21] Regulation 21.132, at the foot

insert

Note See also the definitions of Class I product, Class II product and Class III product in regulation 21.321.

[22] Regulation 21.132A

substitute

21.132A Approval of product design for Class II and Class III products by CASA, authorised person or relevant approved design organisation

(1) A person may apply, in writing, to CASA or an authorised person or relevant approved design organisation for approval of the design of a Class II or Class III product.

(2) Subject to regulation 11.055, CASA or the authorised person or approved design organisation must approve the design of the product if satisfied that the design:

(a) consists of drawings, specifications and other information that fully describe the product; and

(b) includes all the information necessary to manufacture the product, including:

(i) information that shows the dimensions and appearance of the product; and

(ii) the materials used in the manufacture of the product; and

(iii) information about the process or processes used to manufacture the product; and

(iv) any methods used to test or measure the product; and

(v) information that shows the structural strength of the product; and

(c) meets the applicable airworthiness standards for the product.
(3) For paragraph (2) (c), if the application is made to CASA, CASA may satisfy itself that the design meets the applicable airworthiness standards for the product on the basis of:
(a) an examination of the design; or
(b) the technical data for the design approved under regulation 21.009; or
(c) a certificate from an approved design organisation under subregulation (6).

(4) For paragraph (2) (c), if the application is made to an authorised person or approved design organisation, the authorised person or approved design organisation may satisfy itself that the design meets the applicable airworthiness standards for the product on the basis of:
(a) an examination of the design; or
(b) the technical data for the design approved under regulation 21.009.

(5) Subregulation (6) applies if, under regulation 21.251, CASA authorises a relevant approved design organisation to determine whether the design meets the applicable airworthiness standards for the product.

(6) If the approved design organisation is satisfied that the design meets the airworthiness standards, the organisation may give CASA a certificate to that effect.

[23] Paragraph 21.133 (1) (c)

omit

product.

insert

product; or
[24] After paragraph 21.133 (1) (c)

insert
(d) holds the right, under a licensing agreement, to the benefits of the supplemental type certificate or foreign supplemental type certificate for the product.


omit
subregulation 21.134 (1).
insert
regulation 21.134,

[26] Paragraph 21.193 (a)

substitute
(a) a statement of the purpose for which the aircraft is to be used;

[27] Subregulation 21.195A (4)

omit

[28] Regulation 21.195B, heading

substitute

21.195B Duration, production for inspection, suspension and cancellation of experimental certificates
[29] Subregulation 21.195B (3), including the penalty substitute

(3) The holder of an experimental certificate commits an offence if:
(a) CASA, an authorised person or a relevant approved design organisation asks the holder to make the certificate available for inspection; and
(b) the holder does not make the certificate available for inspection in accordance with the request.

Penalty: 50 penalty units.

[30] Subregulation 21.195B (8), including the penalty substitute

(8) The holder of an experimental certificate commits an offence if:
(a) the certificate stops being in force under subregulation (4), expires or is suspended or cancelled; and
(b) CASA, an authorised person or a relevant approved design organisation asks the holder to surrender the certificate; and
(c) the holder does not surrender the certificate in accordance with the request.

Penalty: 50 penalty units.
[31] After regulation 21.195B

insert

21.195C Exercise of certain powers by authorised persons and relevant approved design organisations

An authorised person or a relevant approved design organisation may exercise the following powers in relation to an experimental certificate only if the person or organisation issued the certificate:

(a) asking the holder to make the certificate available for inspection under subregulation 21.195B (3);
(b) suspending or cancelling the certificate under subregulation 21.195B (5);
(c) asking the holder to surrender the certificate under subregulation 21.195B (8).


substitute

(4) An applicant is entitled to an APMA for a replacement or modification part if CASA is satisfied that:
(a) the design meets the airworthiness requirements of these Regulations that are applicable to the aircraft, aircraft engine or propeller on which the part is to be installed; and
(b) the applicant would, if the APMA were to be granted, be able to comply with the requirements of subregulation (11).

(4A) For paragraph (4) (a), CASA may satisfy itself that the design meets the applicable airworthiness requirements on the basis of any of the following:
(a) an examination of the design;
(b) the technical data for the design approved under regulation 21.009;
(c) a certificate from an approved design organisation under subregulation (4C).
(4B) Subregulation (4C) applies if, under regulation 21.251, CASA authorises a relevant approved design organisation to determine whether the design meets the airworthiness requirements of these Regulations that are applicable to the aircraft, aircraft engine or propeller on which the part is to be installed.

(4C) If the approved design organisation is satisfied that the design meets the airworthiness requirements of these Regulations that are applicable to the aircraft, aircraft engine or propeller, the organisation may give CASA a certificate to that effect.

[33] Paragraph 21.303 (11) (e)
substitute
(e) parts in process are inspected for conformity with the technical data at points in production where their conformity can be accurately assessed; and
(ea) if, for paragraph (e), statistical quality control procedures are used in relation to a part—a satisfactory level of quality will be maintained for the part; and

[34] Regulation 21.402
substitute
In this Subpart:
proposed airworthiness standards, for a design for which a person has applied for a modification/repair design approval, means the airworthiness standards that are stated in the application to be the proposed airworthiness standards for the design.
21.403 Definition of applicable airworthiness standards for Subpart 21.M

(1) In this Subpart:

applicable airworthiness standards, for the design of a modification of, or repair to, an aircraft, aircraft engine, propeller or appliance, has the meaning given in this regulation.

(2) If, under regulation 21.414, CASA, an authorised person or a relevant approved design organisation makes a determination for the design, the applicable airworthiness standards for the design are the proposed airworthiness standards for the design and the additional standards mentioned in the determination.

(3) If, under regulation 21.416, CASA makes a determination for the design, the applicable airworthiness standards for the design are the proposed airworthiness standards for the design other than the standards determined not to apply to the design.

(4) If, under regulation 21.418, an authorised person or approved design organisation makes, and CASA agrees with, a determination for the design, the applicable airworthiness standards for the design are the proposed airworthiness standards for the design other than the standards determined not to apply to the design.

(5) In any other case, the applicable airworthiness standards for the design are the proposed airworthiness standards for the design.

[35] Regulation 21.416

substitute

21.416 Determination of non-application of airworthiness standards—application to CASA

(1) This regulation applies to the design if:

(a) the application is made to CASA; and
(b) the design is for a modification of, or repair to:
   (i) an aircraft that is type certificated in the restricted
category; or
   (ii) an aircraft mentioned in subregulation 21.185 (3A); and
(c) CASA is satisfied that a proposed airworthiness standard
   for the design is inappropriate for the purpose for which
   the aircraft is to be used.

(2) CASA may determine that the airworthiness standard does not
   apply to the design.

(3) CASA must give the applicant written notice of the
determination.

21.418 Determination of non-application of airworthiness
standards—application to authorised person or
approved design organisation

(1) This regulation applies to the design if:
   (a) the application is made to an authorised person or
       approved design organisation; and
   (b) the design is for a modification of or repair to:
       (i) an aircraft that is type certificated in the restricted
           category; or
       (ii) an aircraft mentioned in subregulation 21.185 (3A); and
   (c) the authorised person or approved design organisation is
       satisfied that a proposed airworthiness standard for the
       design is inappropriate for the purpose for which the
       aircraft is to be used.

(2) The authorised person or approved design organisation may
determine that the airworthiness standard does not apply to the
design.

(3) The authorised person or approved design organisation must
give CASA written notice of the determination.
(4) CASA must:
   (a) decide whether or not CASA agrees with the determination; and
   (b) give the authorised person or approved design organisation written notice of its decision.

(5) If CASA agrees with the determination, the authorised person or approved design organisation must give the applicant written notice of the determination.

[36] After subregulation 21.420 (2)
insert

(3) For paragraph (1) (a), an applicant is taken to have shown CASA that a design complies with the applicable airworthiness requirements for the design if an approved design organisation gives CASA a certificate under subregulation (5).

(4) Subregulation (5) applies if, under regulation 21.251, CASA authorises a relevant approved design organisation to determine whether the design complies with the applicable airworthiness requirements.

(5) If the approved design organisation is satisfied that the design complies with the applicable airworthiness requirements, the organisation may give CASA a certificate to that effect.

[37] Regulation 21.430, heading
substitute

21.430 CASA, authorised person or approved design organisation may carry out or observe certain tests
[38] **Subparagraph 21.430 (2) (b) (ii)**

*omit*

CASA.

*insert*

CASA or the authorised person or approved design organisation.


*insert*

(2A) For paragraph (2) (b), CASA is taken to be satisfied that a design complies with the applicable airworthiness requirements for the design if an approved design organisation has given CASA a certificate to that effect under subregulation 21.420 (5).

[40] **After regulation 21.435**

*insert*

21.436 Application to authorised person or approved design organisation—non-compliance with applicable airworthiness standards: determination of equivalent level of safety

(1) This regulation applies if:

(a) an application for a modification/repair design approval is made to an authorised person or approved design organisation; and

(b) the authorised person or approved design organisation is not satisfied that the design complies with the applicable airworthiness standards.

(2) If the authorised person or approved design organisation is approved to make an equivalent level of safety determination, the authorised person or approved design organisation must:

(a) determine whether the non-compliance is compensated for by factors that provide an equivalent level of safety; or
(b) apply to CASA for a determination under subregulation (6) of whether the non-compliance is compensated for by factors that provide an equivalent level of safety.

(3) If the authorised person or approved design organisation determines that the non-compliance is compensated for by factors that provide an equivalent level of safety, the authorised person or approved design organisation must give CASA written notice of the following:

(a) that the design does not comply with the standard;

(b) that the non-compliance is compensated for by factors that provide an equivalent level of safety;

(c) how the non-compliance is compensated for.

(4) If CASA receives a notice under subregulation (3), CASA must:

(a) decide whether or not CASA agrees with the determination; and

(b) give the authorised person or approved design organisation written notice of its decision.

(5) If the authorised person or approved design organisation is not approved to make an equivalent level of safety determination, the authorised person or approved design organisation must apply to CASA for a determination of whether the non-compliance is compensated for by factors that provide an equivalent level of safety.

(6) If CASA receives an application under paragraph (2) (b) or subregulation (5), CASA must:

(a) determine whether the non-compliance is compensated for by factors that provide an equivalent level of safety; and

(b) give the authorised person or approved design organisation written notice of CASA’s determination.
[41] Regulation 21.437, heading

substitute

21.437 Grant of modification/repair design approvals—grant by authorised person or approved design organisation

[42] Paragraph 21.437 (3) (c)

substitute

(c) for each standard with which the authorised person or approved design organisation is not satisfied that the design complies:

(i) the authorised person or approved design organisation has made, and CASA has agreed with, a determination under paragraph 21.436 (2) (a) that the non-compliance is compensated for by factors that provide an equivalent level of safety; or

(ii) CASA has made a determination under subregulation 21.436 (6) that the non-compliance is compensated for by factors that provide an equivalent level of safety.

[43] Subregulations 21.437 (5) to (7)

omit

[44] Subregulation 21.445 (2)

omit

CASA or an authorised person the technical data for the design or any other information that CASA or the authorised person

insert

CASA or an authorised person or approved design organisation the technical data for the design or any other information that CASA or the authorised person or approved design organisation
[45] Subregulation 21.500 (1)

*omit*

  a certificate of airworthiness for export

*insert*

  an export airworthiness approval (however described)

[46] Subregulation 21.500A (2)

*substitute*

(2) An applicant must, on request by CASA or the approved design organisation, give CASA or the approved design organisation any technical data for the design of the aircraft engine or propeller.

[47] Subregulation 21.502A (2)

*substitute*

(2) An applicant must, on request by CASA or the authorised person or approved design organisation, give CASA or the authorised person or approved design organisation any technical data for the design of the material, part or appliance.

[48] After paragraph 21.601 (2) (a)

*insert*

(aa) an *ETSO* is a European Technical Standard Order issued by EASA; and
[49] Subregulation 21.605 (4), not including the source reference

*substitute*

(4) Subject to regulation 11.055, CASA must issue an ATSO authorisation for the article if CASA is satisfied that:

(a) the design of the article complies with the applicable ATSO, ETSO or TSO, including any deviations approved under regulation 21.609; and

(b) the applicant has established, and can maintain, a quality system to ensure that each article manufactured under the authorisation will comply with the applicable ATSO, ETSO or TSO, including any deviations approved under regulation 21.609.

(5) For paragraph (4) (a), CASA may satisfy itself that the design of the article complies with the applicable ATSO, ETSO or TSO, including any deviations approved under regulation 21.609 on the basis of any of the following:

(a) an examination of the design;

(b) the technical data for the design approved under regulation 21.009;

(c) a certificate from an approved design organisation under subregulation (7).

(6) Subregulation (7) applies if, under regulation 21.251, CASA authorises a relevant approved design organisation to determine whether the design of the article complies with the applicable ATSO, ETSO or TSO, including any deviations approved under regulation 21.609.

(7) If the approved design organisation is satisfied that the design of the article complies with the applicable ATSO, ETSO or TSO, including any deviations approved under regulation 21.609, the organisation may give CASA a certificate to that effect.
[50] **Subregulation 21.611 (4), note**

*substitute*

_Note_ A person may apply to CASA, an authorised person or an approved design organisation, in writing, for a modification/repair design approval for the design of a modification of, or a repair to, an appliance: see Subpart 21.M.

---

[51] **Subregulation 137.200 (2), including the note**

*substitute*

(2) For paragraph (1) (b), an instrument or item of equipment is properly installed if:

(a) there is a Part 21 approval that covers the installation; and

(b) the instrument or item is installed in accordance with its approved design; and

(c) the instrument or item is compatible with the configuration of the aircraft; and

(d) the instrument or item is installed by a person who:

   (i) has been trained to carry out the installation; and

   (ii) is authorised, under these Regulations, to carry out the installation.

---

[52] **After subregulation 137.200 (4)**

*insert*

(5) In this regulation:

*approved design*: see subregulation 42.015 (1).

*Part 21 approval*: see subregulation 42.015 (1).
After regulation 202.052

insert

202.052A Transitional—certificates of approval for design activities

(1) Despite the amendment of regulation 30 of CAR on 1 March 2014, a certificate of approval that covers the design of an aircraft, aircraft component or aircraft material and was in force under that regulation immediately before 1 March 2014:

(a) continues in force on and after 1 March 2014 according to its terms; and
(b) may be varied, suspended or revoked under regulation 269 of CAR as if regulation 30 of CAR had not been amended.

(2) However, the certificate of approval ceases to have effect, to the extent that it covers the design of an aircraft, aircraft component or aircraft material, at the earliest of the following times:

(a) if the certificate of approval specifies a day on which it expires, or a period for which it is to remain in force—the end of that day or period;
(b) the end of 28 February 2017;
(c) if it is revoked under regulation 269 of CAR—when it is revoked.

(3) If:

(a) before 1 March 2014, an application was made, under regulation 30 of CAR, for a certificate of approval that covers the design of an aircraft, aircraft component or aircraft material; and
(b) the application was in accordance with that regulation as in force at the time the application was made; and
(c) the application was not finally determined by CASA before 1 March 2014;

regulation 30 of CAR has effect, on and after 1 March 2014, in relation to the application as if regulation 30 of CAR had not been amended.
(4) If a certificate of approval is granted under regulation 30 of CAR, as in effect under subregulation (3), subregulations (1) and (2) apply to the certificate of approval as if the certificate had been issued under regulation 30 of CAR immediately before 1 March 2014.

[54] Dictionary, Part 1

insert

approved design organisation means a person who holds an approval under regulation 21.243 that is in force.

[55] Dictionary, Part 1, definition of delegation option authorisation

omit

[56] Dictionary, Part 1

insert

ETSO: see paragraph 21.601 (2) (aa).

[57] Dictionary, Part 1, definition of nominated person

omit

[58] Dictionary, Part 1

insert

relevant approved design organisation, in relation to a design activity, within the meaning given by regulation 21.233, and an aircraft or aeronautical product of a particular kind, means an approved design organisation that is approved under Subpart 21.J to carry out that design activity in relation to aircraft or aeronautical products of that kind.
Further amendments—approved design organisations

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<tr>
<td>Subregulation 21.097 (1)</td>
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<td>Regulation 21.193</td>
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### Part 2
Consequential amendments

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<td>Subregulation 21.437 (1)</td>
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<td>Subregulation 21.437 (3)</td>
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<td>Regulation 21.440</td>
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<td>Subregulation 21.502A (3)</td>
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[60] Additional amendments—approved design organisations

The following provisions are amended by inserting ‘or approved design organisation’ after each mention of ‘the authorised person’:

- subregulations 21.006 (2), 21.006A (2), 21.007 (2) and 21.009 (2)
- subregulation 21.437 (2)
- paragraphs 21.437 (3) (a) and (b)
- paragraph 21.437 (4) (b).

[61] Further amendments—technical data

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<td>Paragraph 21.125 (2) (e)</td>
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<td>Subregulation 21.303 (13A)</td>
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<td>Subregulation 21.303 (14)</td>
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<td>Paragraph 21.331 (1) (a)</td>
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<td>the technical data for the design of the product; and</td>
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<tr>
<td>Paragraph 21.333 (1) (a)</td>
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<td>the technical data for the design of</td>
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</table>
Further amendments—ETSOs

The following provisions are amended by omitting ‘ATSO or TSO’ and inserting ‘ATSO, ETSO or TSO’:

- subparagraph 21.601 (2) (b) (i)
- paragraphs 21.603 (1) (b), 21.605 (2) (a) and (b) and 21.607 (1) (a) and (b)
- subparagraph 21.607 (1) (c) (iv)
- subregulations 21.609 (1) and 21.611 (3)
- regulation 21.619
Schedule 2  Amendments of Civil Aviation Regulations 1988

commencing on 1 March 2014

(section 4)

[1] Subregulation 30 (1)
    *omit*
    design,

[2] Subparagraphs 30 (2C) (c) (i), (ii) and (iii)
    *omit*

[3] Subregulation 47 (1A)
    *after* an authorised person
    *insert* or approved design organisation

    *substitute*

272A Effect of suspension of approval, authority, certificate or licence

[5] Regulations 322 and 323
    *omit*
Schedule 3 Amendments of Civil Aviation Safety Regulations 1998 commencing on 1 March 2018 (section 3)

[1] Subregulation 21.033 (3), except the source reference
omit

substitute
21.418 Determination of non-application of airworthiness standards—application to approved design organisation

substitute
21.430 CASA or approved design organisation may carry out or observe certain tests

substitute
21.436 Application to approved design organisation—non-compliance with applicable airworthiness standards: determination of equivalent level of safety

21.437 Grant of modification/repair design approvals—grant by approved design organisation


Note A person may apply to CASA or an approved design organisation, in writing, for a modification/repair design approval for the design of a modification of, or a repair to, an appliance: see Subpart 21.M.

[7] Further amendments—authorised persons

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### Provision  
**omit**  
**insert**  

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### Additional amendments—authorised persons  
The following provisions are amended by omitting each mention of ‘authorised person or’:  
- subregulations 21.006 (2), 21.006A (2), 21.007 (2) and 21.007A (2)  
- subregulation 21.007A (2), note  
- subregulation 21.009 (2)
• subregulations 21.132A (2) and (4), 21.305A (2) and 21.403 (4)
• subregulations 21.502A (2) and (3).
Schedule 4 Amendments of Civil Aviation Regulations 1988 commencing on 1 March 2018

(section 4)

[1] Subregulation 47 (1A)

omit authorised person or


insert

322 Transitional—regulation 47: advice given by authorised persons under regulation 21.007A of CASR

Despite the amendment of subregulation 47 (1A) on 1 March 2018, that subregulation continues to have effect as if the reference to advice given under regulation 21.007A (2) of CASR by CASA or an approved design organisation included advice given under subregulation 21.007A (2) of CASR by an authorised person before 1 March 2018.

Note

1. All legislative instruments and compilations are registered on the Federal Register of Legislative Instruments kept under the Legislative Instruments Act 2003. See www.comlaw.gov.au.