



DRAFT-IN-CONFIDENCE

This draft is supplied in confidence and should be given appropriate protection.

Civil Aviation Legislation Amendment Regulation 2013 (No. H)

Select Legislative Instrument No. , 2013

DRAFT

Contents

1	Name of regulation	1
2	Commencement	1
3	Authority	1
4	Schedule(s)	1
Schedule 1—Amendments		2
	<i>Civil Aviation Regulations 1988</i>	2
	<i>Civil Aviation Safety Regulations 1998</i>	2

DRAFT

DRAFT-IN-CONFIDENCE

This draft is supplied in confidence and should be given appropriate protection

1 Name of regulation

This regulation is the *Civil Aviation Legislation Amendment Regulation 2013 (No. H)*.

2 Commencement

This regulation commences on 4 December 2013.

3 Authority

This regulation is made under the *Civil Aviation Act 1988*.

4 Schedule(s)

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1—Amendments

Civil Aviation Regulations 1988

1 Regulation 210

Repeal the regulation.

Civil Aviation Safety Regulations 1998

2 After Part 115

Insert:

Part 117—Representations and surveys

Contents

- 117.005 What this Part is about
- 117.010 Misrepresentations about holding certain civil aviation authorisations
- 117.015 Safety-related surveys or questionnaires—holders of certain civil aviation authorisations

117.005 What this Part is about

This Part provides for offences for:

- (a) misrepresentations about holding certain civil aviation authorisations; and
- (b) not completing safety-related surveys or questionnaires.

117.010 Misrepresentations about holding certain civil aviation authorisations

- (1) A person commits an offence if:
 - (a) the person represents to another person, in any way, that the person is willing to conduct an activity using an aircraft; and
 - (b) the person does not hold a particular civil aviation authorisation authorising the person to conduct the activity using the aircraft; and

- (c) under the Act or these Regulations, it is an offence for a person to conduct the activity using the aircraft if the person does not hold the civil aviation authorisation.

Penalty: 50 penalty units.

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

Note: For the definition of *civil aviation authorisation*, see section 3 of the Act.

117.015 Safety-related surveys or questionnaires—holders of certain civil aviation authorisations

- (1) CASA may, by written notice given to a person mentioned in subregulation (2), direct the person to:
- (a) complete a safety-related survey or questionnaire by accurately answering all questions in the survey or questionnaire; and
 - (b) submit the completed survey or questionnaire to CASA within the time stated in the notice.
- (2) For subregulation (1), the persons are the following:
- (a) the holder of an AOC;
 - (b) a Part 141 operator who conducts flight training in aircraft.
- (3) The person may, before the end of the time stated in the notice, apply in writing to CASA for an extension.
- (4) CASA may, by written notice given to the person (the *notice of extension*), grant the extension.
- (5) The person commits an offence if the person does not comply with the direction within:
- (a) if CASA grants an extension under subregulation (4)—the time stated in the notice of extension; or
 - (b) if paragraph (a) does not apply—the time stated in the notice under subregulation (1).

Penalty: 50 penalty units.

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