



CIVIL AVIATION
SAFETY AUTHORITY
AUSTRALIA

Notice of Proposed Rule Making
NPRM 9812FB

A More Equitable Charging System

Who this NPRM applies to:

[It is anticipated that this proposal will have an impact on the following groups in the aviation community]
All aviation industry participants, fare paying passengers, Airservices Australia, Department of Transport and Regional Development, and CASA.



Introduction

In line with the Government's 1996 election commitment to implement a fairer system for recovering CASA's costs, the CASA Board agreed that a new, but revenue neutral, charging system be proposed to industry and Government.

In April this year CASA's Discussion Paper 9804FB sought public comment on a proposed new charging system which would form part of an integrated Government approach to new funding arrangements. A summary of the responses received has now been released concurrent with this NPRM.

Following a review of the full range of regulatory services that CASA provides, it is proposed to introduce Civil Aviation (Fees) Regulations in a way that will not increase the aggregate costs to the industry, but will remove existing inequities in the system and re-distribute costs in a more equitable manner.

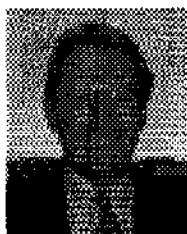
This system will provide:

- greater equity in the share of CASA's costs across industry participants;
- greater transparency of CASA costs to industry;
- greater accountability and responsibility as the safety regulator; and
- more effective allocation of CASA's resources.

The proposal will decrease the level of aviation fuel duty through an offsetting increase in the direct charges to industry for regulatory services provided by CASA.

I believe it is vital that all interested persons have the opportunity to comment on this proposal and, to assist in this regard, a response sheet is provided at the end of this proposal.

The closing date for comments is **16 November 1998** and a summary of those responses will be released together with the making of the final rule.



Mick Toller
Director of Aviation Safety

October 1998



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TERMINOLOGY

AOC	Air Operators' Certificate
ASSP	Aviation Safety Surveillance Program
CAA	Civil Aviation Authority
CAR	Civil Aviation Regulation
CASA	Civil Aviation Safety Authority
CASR	Civil Aviation Safety Regulation
CofA	Certificate of Approval
NPRM	Notice of Proposed Rule Making
SAP	Safety Audit Program



THE PROPOSAL

1. Problem

Funding for CASA and its predecessors has been an issue with the aviation industry since the release of the report by the Independent Inquiry into Aviation Cost Recovery (1984), chaired by Henry Bosch. In 1993 the then CAA, in conjunction with Andersen Consulting, undertook a detailed review of the costs of aviation safety regulation and the options available for cost recovery in the context of a long term funding strategy. This review identified the general public, the travelling public and the aviation industry as being beneficiaries of aviation safety regulation and proposed a funding strategy which shared the recovery of CASA's costs amongst these groups.

- In practice, the allocation of costs between these groups has been somewhat arbitrary and subject to ongoing debate. Government policy acknowledged this, requiring a review of CASA's funding to provide for a new system, which is fairer and revenue neutral.

The industry has contributed to CASA's funding through a combination of charges for regulatory services and a duty on aviation fuel. Its contribution via regulatory service fees has never reached the levels originally anticipated by Government in their long term funding strategy for CASA. The shortfall has been compensated for by increased revenues from aviation fuel duty. This has exacerbated the inequities in the aviation industry. For example, participants in some industry sectors have enjoyed virtual immunity from regulatory fees and have been cross-subsidised by high volume users of aviation fuel.

In line with the Government's 1996 election commitment to implement a fairer system for recovering CASA's costs, the Minister wrote to the Board of CASA in September 1997 asking CASA to review its regulatory fees. The Minister stated that the failure to charge, or failure to charge at any level worthy of the costs and the value conferred, for licences and registration is clearly not acceptable, at a time when similar services are being fully cost-recovered. He also added that the intention of any review of fees was not to form a major revenue raising exercise.

The Board addressed this issue in October 1997 and proposed that the way the aviation industry contributes to CASA's costs be changed. It is proposed that aviation fuel duty be reduced over a period of time, and agreed that a new, fairer and more equitable charging system be proposed to industry. A proposal, suggesting a new schedule of fees to recover the direct costs of regulatory services including planned audit, was subsequently developed. In line with Government's requirement for this to be revenue neutral, it is intended that a decrease in the aviation fuel duty offset the increased level of direct recovery from industry, thus ensuring no increase in CASA's overall revenue.

On 15 April 1998, CASA invited preliminary public comment on the proposal through Discussion Paper DP9804FB, A More Equitable Charging System. A report on the responses to the Discussion Paper was put to the CASA Board at its meeting in June this year.

The Board considered the responses it had received and decided to proceed with the proposal, to recommend implementation of the new charging system by 1 January 1999, subject to Ministerial approval, the outcome of the consultation process, and the necessary drafting changes to Regulations proceeding through the Parliamentary process. The CASA Board subsequently advised the Minister for Transport and Regional Development of this decision.

2. Objectives

The purpose of this NPRM is to formalise public consultation on the proposal to introduce a More Equitable Charging System for funding the Civil Aviation Safety Authority (CASA), through a reduction in the aviation fuel duty, offset by the introduction of new Civil Aviation (Fees) Regulations. Together with related amendments to the Civil Aviation Regulations 1998 and the Civil Aviation Regulations 1988, this will form a package of reform for CASA's charging system.

The objective of this proposal is to provide for:

- greater equity in the share of CASA's costs across industry participants;
- greater transparency of CASA costs to industry;
- greater accountability and responsibility as the safety regulator; and
- more effective allocation of CASA's resources

by decreasing the rate of duty on aviation fuel, with a corresponding offset by increases in direct charges to industry for regulatory services provided by CASA.

3. Options considered

In moving to a fairer system for recovery of CASA's costs, a number of funding options can be considered, for example:

- a. fees charged by CASA for provision of its regulatory services to aviation industry participants;
- b. aviation fuel duty levied on users of aviation fuel;
- c. some form of ticket tax that could be levied upon the travelling public, and a participation levy for aircraft operators; and
- d. Government appropriation funding (from tax payers)

CASA has primary responsibility to consider the first option of introducing regulatory fees, to be charged by CASA, for the regulatory services it provides to industry.

Elements of the funding strategy involving changes to taxes used to fund CASA have not been considered, as CASA does not have responsibility for implementing replacement taxes. This is a matter for consideration by Government when developing its overall policy and is being managed by the Department of Transport and Regional Development, as CASA's portfolio department.



A proposal to introduce a full range of regulatory service fees will allow a maximum reduction of cross-subsidies currently existing within the industry. It does not involve CASA getting any additional money. The aviation industry overall will contribute exactly the same amount to CASA's revenue as it does presently - all that will change is that some people in the industry will pay less and some others will pay a little more.

In developing this option to propose a full range of regulatory fees, CASA has identified all regulatory services it provides to industry. It has determined that these services will be charged where CASA believes it appropriate, given the number of times this service is provided in any given year and where the delivery of this service potentially impacts on the safety functions provided by CASA.

The schedule of fees proposed has been developed so that they clearly identify to which of CASA's regulatory functions the fee relates. In all instances, the fees have been cross referenced to the Civil Aviation Act 1988, a regulation, or an order.

CASA has used a Service Costing Model to calculate the proposed level of fees. This model was initially developed in 1993 by the then CAA and Andersen Consulting, in the context of developing a long term funding strategy. The model was rebuilt in 1995 to fit with the organisational and cost structure of CASA following separation from Airservices Australia. It has been updated progressively since that date. Using pre-determined cost drivers, algorithms and allocation statistics, the model calculated the costs for each of 27 CASA service lines, 18 of which have been identified as directly chargeable to industry, such as flight crew exams and assessment for Air Operator Certificates.

The levels of regulatory fees were then determined to recover a proportion of the direct costs of each service line category. Both the input data and cost model outputs were validated independently by Arthur Andersen in February 1998.

In setting the recovery rates, CASA has taken into consideration the sharing concept in the original funding strategy developed for the aviation safety regulator by the then CAA and Andersen's Consulting. This strategy recognised that there are a number of beneficiaries of aviation safety regulation, and that all these beneficiaries should share in the costs of the regulator. For this reason, only the direct costs of providing the services have been considered in determining the fee levels, and the targeted recovery rate has been set at a proportion of the full cost recovery of these direct costs.

4. Impact Analysis

Persons affected

All aviation industry participants – as beneficiaries of safety regulation, the recipients of CASA's safety regulatory services and significant contributors to funding of CASA's costs

Fare paying passengers – as beneficiaries of safety regulation and indirect contributors to CASA's funding

Airservices Australia – as a recipient of CASA's safety regulatory services



Department of Transport and Regional Development – as the portfolio department responsible for Government's overall policy of implementing an integrated funding strategy for the recovery of CASA's costs

PROPOSED FEES

As discussed, a full range of regulatory service fees has been developed. The fees proposed for charging for these regulatory services are either at fixed prices or hourly rates depending on nature of the services. Where the services are of a defined nature, and do not vary, regardless of who receives the service, a fixed fee has been determined.

Where there is significant variance between the length of time taken to provide the service from one person to the next, an hourly rate has been identified as being more appropriate.

The hourly rate proposed is to be increased from the current \$75 per hour to \$95 per hour to align with the current level of CASA's direct costs. The hourly rate will be charged in intervals of half an hour. Where the time taken is up to half an hour, half of \$95 (that is, \$47.50) will be charged. Where the time taken is greater than half an hour, and up to a full hour, the full \$95 will be charged.

Recovery at \$95 per hour excludes the cost of travel, as it has been recognised that it would be difficult to devise a system that is fair to all. The only exception is in cases where it is necessary for CASA to travel overseas to conduct its regulatory service activities. In those instances, CASA will charge for direct overseas travel and related costs.

The draft proposed Civil Aviation (Fees) Regulations 1998 are at **Annex A**. A full table of the proposed fees, compared to the present fees and to the NZ CAA fees is at **Annex B**. To assist in identification of these charges, a comparison table against the present fees for Flight Crew Licence Examinations and the NZCAA/CANADA/USA/UK fees is set out at **Annex C**.

It is intended that any fees introduced will be subject to regular review to assess continued validity of the level of the individual fees and the relevance of the fees, in view of any proposed changes to the Civil Aviation Regulations 1988 and the Civil Aviation Regulations 1998. It is intended that the first review of the level of the individual fees will occur prior to 1 July 1999. Review of the relevance of fees will be ongoing in conjunction with any proposed changes to the Civil Aviation Regulations.

PROPOSED AMENDMENTS TO THE CIVIL AVIATION REGULATIONS 1998 AND TO THE CIVIL AVIATION REGULATIONS 1988.

The proposal to charge fees for planned audit has been developed with the concept of a safety audit program. This requires amendments to the Civil Aviation Regulations 1988 and the Civil Aviation Regulations 1998. The proposed amendments are at **Annexes D and E**.

A brief explanation of the proposed amendments follows:

Who do these amendments apply to?

Authorisation holders may be subject to a safety audit program in a financial year. An

authorisation holder means appointments under CAR 6, delegations under CAR 7, and holders of certificate of approval, aerodrome licence and air operator certificates, and individuals and employers under subregulations 201.1 (5) and 201.2 (5) and (6) of CAR 1998.

What is a safety audit program?

A safety audit program (SAP) is defined as a detailed program of inspections and tests. (In this document, the word inspection will be used to generally refer to inspection and tests).

An inspection is normally a single visit to an authorisation holder, and includes research, entry visit, conducting, exit visit and written report. A fee will only be charged for time spent at the authorisation holders premises for the conducting part of the inspection.

The inspections will be compiled from tasks identified in the *CASA ASSP Aviation Safety Surveillance Program Manual* and will, in the main, be those inspections which are currently identified in ASSP as planned surveillance.

CASA to prepare safety audit program

Before the start of the financial year, CASA must prepare SAPs which set out:

- the inspections that are planned to be included in the SAP in that financial year;
- when each of these inspections is planned to be carried out;
- the estimated fee payable for each of these inspections; and
- how the estimate has been calculated.

A matrix will be developed, to calculate an estimated fee for each task included in an inspection. Standard fee estimates for each authorisation holder will be developed from this matrix.

Preparation of a safety audit program

Before the beginning of the financial year, or as soon as practicable after the start of the year, CASA must forward to each authorisation holders the planned SAP and fee estimate for that financial year. Criteria will be established which identifies authorisation holders that are subject to a safety audit program in each financial year.

An authorisation holder can request a review of the SAP. CASA must decide, within 14 days, on this request and immediately advise the authorisation holder of its decision.

A decision to vary or not to vary a SAP is a reviewable decision under the regulations.

By the time individual inspections are conducted, any issues about the composition of the SAP, inspections included in the SAP, and the estimated cost should have been resolved.

Before CASA starts any inspection or test

Not less than 21 days prior to any inspection being undertaken, CASA must advise the authorisation holder of the date of the inspection and the fee payable.

The authorisation holder has 14 days to pay the fee and this must be paid prior to CASA conducting the inspection.

After completion of an inspection or test

After completion of the inspection CASA must provide a report of its findings to the authorisation holder, and a statement of the fee payable.

CASA must reconcile the actual time spent on an inspection against the original estimate provided and either send an account for any further amount payable, or provide a refund. An amount outstanding as a result of this account is a debt payable to CASA.

Normal debt collection procedures will apply to these outstanding and CASA must not start a subsequent inspection if there is an outstanding debt.

Safety audit program does not affect other inspections, etc

CASA can still undertake an inspection for purposes other than a SAP.

Need for a safety audit program

Amendments to the regulations impose conditions on authorisation holders, such that they must not, by act or omission, prevent or interfere with the carrying out of any inspection under the SAP.

This regulation is to be interpreted such that if a fee has not been paid, then it is implied that the authorisation holder has interfered with the carrying out of an inspection under the SAP. This is because, under the proposed regulation, an inspection cannot be undertaken unless the fee is paid.

If an authorisation holder has interfered with the conduct of an inspection, then the Regulations provide that CASA must either revoke the individual's appointment, revoke the delegation to the individual, cancel the certificate of approval, cancel an aerodrome licence, or take certificate action against the holder of an AOC, dependent on which type of authorisation holder CASA is dealing with.

Aerodrome Safety Inspection and Safety Report

It is proposed that the Civil Aviation Regulations 1988 which currently provide for Aerodrome Safety Inspection and Safety Reports conducted other than by CASA will no longer be required and therefore these regulations will be omitted.

Transitional arrangements

Transitional arrangements will provide that:

- if CASA had prepared a surveillance program (however called) in accordance with Section 9 (1) (f) of the Civil Aviation Act 1988 in relation to an authorisation holder; and
- the program provides for inspections and tests to be undertaken between 1 April 1999 and 30 June 1999, then
- this program can be taken, for the purposes of the proposed amendments, to be a SAP prepared by CASA in respect of the financial year ending 30 June 1999.

ASSESSMENT OF COSTS

The proposal is to implement a more equitable charging system by introducing a full range of regulatory service fees in a way that will not increase the aggregate costs to the aviation industry, but will remove existing inequities in the system and re-distribute costs in a more equitable manner. It is intended that this proposal be revenue neutral such that there will be a decrease in the level of aviation fuel duty equivalent to the increase in fees charged to industry for regulatory service provided by CASA. This ensures there will be no increase in CASA's overall revenue and allows the overall costs to the industry as a whole to remain at the same level.

However, by redistributing CASA's costs in a more equitable manner, participants within certain industry sectors, for example those who are currently cross-subsidised by high volume users of aviation fuel, will, under the proposal, face increased charges as they pay directly for regulatory services they receive from CASA.

This is the inevitable result of adoption of the Government's policy objective for achieving a fairer and more equitable basis for funding CASA's costs.

Many industry participants who absorb a great deal of CASA's time and resources and who purchase little or no fuel will, under the proposal, face increased charges for CASA services. These participants include, for example, Australian operators who choose to conduct commercial operations overseas, aerodrome operators, commercial balloon operators and maintenance organisations.

On the other hand, industry participants, such as those involved in aerial mustering operations, who purchase a lot of fuel but receive little in the way of surveillance or services from CASA will benefit, under the proposal, from the reductions in aviation fuel duty as the cross-subsidies are reduced.

ASSESSMENT OF BENEFITS

The proposed new funding system will put an end to the inequitable and unfair funding system which has, until now, required those who use fuel to subsidise those who do not. Operators who consume relatively more of CASA's time and resources will be required to pay more for the services they receive.

This will provide significant benefits, for example to aviation operators who use high volumes of aviation fuel but require proportionately less of CASA regulatory services. These operators will no longer be required to subsidise other industry participants who currently enjoy virtual immunity from fees for the regulatory services they receive.

The proposal will also provide a visible basis for the Government, the industry, and the public to assess the extent to which CASA's funding from regulatory fees is matched by the actual costs incurred by CASA in providing the service. This increased transparency of CASA's costs to industry should significantly improve CASA's relationship with the industry.

The proposed extension of regulatory service fees would also enable CASA to allocate its resources more effectively, and further its commitment to establishing accountability and responsibility as the safety regulator.

EFFECT ON THE ENVIRONMENT BY IMPLEMENTING PROPOSAL

The proposed extension of Civil Aviation (Fees) Regulations will not create any discernible change to, or impact on the environment.

5. Consultation

On 15 April 1998, CASA invited preliminary public comment on the proposal through Discussion Paper DP9804FB, A More Equitable Charging System.

From a circulation list of over 3000, CASA received 125 responses to the Discussion Paper.

There were 95 (74.8%) individual responses from industry, including a petition with 48 signatures, and 30 (25.2%) from CASA staff.

The comments received were grouped under seven main headings:

- funding of aviation safety regulation by the taxpayer
- surveillance/audit programs
- use of hourly rate for charging for planned audit
- perceived inequities in the new charging system
- best practice comments; and
- ticket tax; and
- other general comments.

As a result of the Discussion paper and the comments received, CASA remains committed to its stated objective of being fully open and accountable in relation to the conduct of its regulatory functions. A more equitable charging system will assist CASA to move to greater accountability in the conduct of its regulatory service activities.

Overall funding arrangements for CASA are a matter for Government. The Board's proposal for a more equitable charging system is one element of an integrated approach. Other elements of the proposal, such as a ticket tax, are matters for consideration by the Government.

A Summary of Responses (SoR) consolidating all comments received together with CASA's response and disposition of the responses has been published concurrent with this NPRM and is publicly available.



Copies of the Summary Of Responses to DP9804FB can be obtained by one of the following means:

Post (no stamp required)	Reply Paid 744, NPRM Administration, Regulatory Framework Program, GPO Box 2005, CANBERRA ACT 2601
CASA Web Site:	www.casa.gov.au
E-mail:	review@casa.gov.au
Telephone (freecall):	1800 687 342
Fax (free call):	1800 653 897

6. Implementation of the Regulations

Draft legislative change - Civil Aviation (Fees) Regulations and Civil Aviation Regulations 1998 and Civil Aviation Regulations 1988

Following the consultation process, if CASA decides to proceed with its proposal to implement a more equitable charging system by introducing a full range of fees to charge for the regulatory services it provides to industry, it will recommend to the Government that changes be made to the Civil Aviation (Fees) Regulations and the Civil Aviation Regulations 1998 and the Civil Aviation Regulations 1988, with effect from 1 January 1999.

7. How to submit comments on this NPRM

CASA is seeking public opinion on the proposal from the aviation industry, Airservices Australia and the general public before proceeding further.

The NPRM process is a notification and consultation procedure. All submissions will be evaluated and assessed with a view to incorporating any necessary changes to the draft regulations prior to formal promulgation as law.

In order to simplify collation and summarising of comments, responses should be made on the response sheet provided, and additional comments attached as necessary.

**Written comments quoting *NPRM 9812FB* should be forwarded by
16 November 1998, to CASA's Regulatory Framework Program Office,
by one of the following means:**

Post (no stamp required)
Reply Paid 744, NPRM Administration, Review Programs Office, GPO Box 2005, Canberra ACT 2601
E-mail: nprm_fees@casa.gov.au
Fax (free call): 1800 653 897

The significance of the proposal contained in this NPRM is expected to generate many questions. Before seeking further information, readers should note that this NPRM contains *draft* proposed rule changes.



Additional information is available from:

Sue-Ellen Bickford
General Manager CASA Finance Branch
Post: Reply Paid 744, GPO Box 2005, Canberra City ACT 2601
E-mail: bickford@casa.gov.au
Telephone: 131 757 (cost of local call) or 02 6217 1197
Fax: 1800 653 897

8. Disposition of comments

Subsequent to the closing date for comments, a summary of responses will be prepared, and made publicly available in conjunction with the making of the final rule.

CASA **will not** acknowledge or respond to comments or submissions individually.

The names of all contributors will be acknowledged in the summary of responses unless CASA is specifically requested not to do so.



NPRM RESPONSE SHEET

A More Equitable Charging System

Please return this response sheet by **16th November 1998**,
by post or by e-mail to the address provided at page 13 of the NPRM, or by fax to 1800 653 897.

Please indicate your acceptance or otherwise of the proposal by ticking [☒] the appropriate box below.

Any additional constructive comments, suggested amendments or alternative action will be welcome and may be provided on this response sheet or by separate correspondence.

[☐] The proposal is acceptable without change.

[☐] The proposal is acceptable but would be improved if the following changes were made:

[☐] The proposal is not acceptable but would be acceptable if the following changes were made:
(Please provide explanatory comment).

[☐] The proposal is not acceptable under any circumstances. (Please provide explanatory comment).

Your name: _____
Organisation: _____
Address: _____

Consent to publish your name as a respondent to this NPRM: YES [☐] NO [☐]

Signed:

Date:



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ANNEX A

DRAFT PROPOSED

Civil Aviation (Fees) Regulations 1998



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98RS017 - Fees Regs working draft, 21/10/98

Statutory Rules 1998 No. 1

Civil Aviation (Fees) Regulations 1998

I, WILLIAM PATRICK DEANE, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Regulations under the *Civil Aviation Act 1988*.

Dated 1998.

Governor-General

By His Excellency's Command,

[Draft Only - not for Signature]

.....
Minister for Transport and Regional Development

Citation

1. These Regulations may be cited as the *Civil Aviation (Fees) Regulations 1998*.

Commencement

2. These Regulations commence on 1 January 1999.

Repeal

3. Statutory Rules 1995 No. 225 are repealed.

Interpretation

4. (1) In these Regulations, unless the contrary intention appears:
AME means aircraft maintenance engineer;
DAME means a designated aviation medical examiner.



(2) A reference in Schedule 1 to a Part, a Division, a regulation, subregulation, paragraph or subparagraph identified by a number or a group of characters is a reference to the Part, Division, regulation, subregulation, paragraph or subparagraph of the *Civil Aviation Regulations 1988* that is identified by that number or group of characters.

(3) A reference in Schedule 2 to a Part, Subpart, regulation, subregulation, paragraph or subparagraph identified by a number, a letter or a group of characters is a reference to the Part, Subpart, regulation, subregulation, paragraph or subparagraph of the *Civil Aviation Regulations 1998* that is identified by that number, letter or group of characters.

(4) A reference in Schedule 1 to "CAO" followed by a number is a reference to the section of the Civil Aviation Orders that is identified by that number.

Fees for services, etc

5. (1) Subject to this regulation, the fee in relation to a service provided by CASA, an application or a request made to CASA, or the doing of any other thing by CASA, being a service, an application or request or thing referred to in an item, or in a paragraph of an item, in column 2 of an item in Schedule 1 or Schedule 2 is:

- (a) if an amount is set out opposite that item or paragraph in column 3 of that Schedule—that amount in dollars; or
- (b) if "HR" is set out opposite that item or paragraph in column 3 of that Schedule—the amount (in dollars and cents) worked out by multiplying the hourly rate by the total number of hours spent in providing the service, considering and processing the application or request, or doing the thing; or
- (c) if "HRC" is set out opposite that item or paragraph in column 3 of that Schedule—the amount (in dollars and cents) worked out by using the formula:

Remuneration costs + Other expenses ; or

- (d) if "HRT" is set out in column 3 of the item—the amount (in dollars and cents) worked out by using the formula:

Remuneration costs + Travel costs + Other expenses.

(2) If an examination referred to in paragraph (a) or (c) of item 6.01 of Schedule 1 is to be conducted outside Australian territory, the fee is the amount (in dollars and cents) worked out by using the formula:

Scheduled amount + Travel costs.

(3) If, in addition to a number of whole hours, CASA has spent a number of minutes in providing a service, considering an application or request, or doing any other thing, then, in calculating the total number of hours so spent by CASA, that number of minutes is to be counted:



- (a) if it does not exceed 30—as being half an hour; or
- (b) if it exceeds 30—as being 1 hour.

(4) In this regulation:

CASA staff includes any person who is an officer, an employee or under contract to CASA.

hourly rate is \$95 per hour.

other expenses, in relation to a service, an application or a request, or any other thing, is the sum of the expenses (other than remuneration costs and travel costs) (if any) reasonably incurred by CASA that are attributable to providing the service, considering and processing the application or the request, or doing the thing (as the case may be).

remuneration costs, in relation to a service, an application or a request, or any other thing, is the amount (in dollars and cents) worked out by multiplying the hourly rate by the total number of hours that CASA staff have spent in providing the service, considering and processing the application or the request, or doing the thing (as the case may be).

scheduled amount is the amount specified in column 3 of Schedule 1 opposite paragraph (a) or (c) (as the case may be) of item 6.01.

travel costs, in relation to a service, an application or a request, or any other thing, in respect of which action was taken outside Australian territory, is the sum of:

- (a) all travel and accommodation expenses reasonably incurred by CASA staff having to go outside Australia to provide the service, consider and process the application or the request, or do the thing (as the case may be); and
- (b) all reasonable expenses incurred for the transport of any plant or equipment required outside of Australian territory to provide the service, consider and process the application or the request, or do the thing (as the case may be).

Apportionment of costs, etc

5. If a member of CASA's staff, engaged in more than 1 activity (that is, providing a service, considering or assessing an application or request, or doing any other thing) in respect of which a fee is payable, incurs any travel costs or other expenses that are attributable to all those activities, then, in calculating the fee for each of those activities, an equal share of travel costs or other expenses is taken to have been incurred in respect of each activity.

SCHEDULE 1 SUBREGULATION 5 (1)

Column 1 Item No	Column 2 Service, etc	Column 3 Charge
PART 1—APPROVALS		
1.01	Application under regulation 30 for a certificate of approval:	
	(a) if all the activities under the certificate are to be carried out in Australian territory	HIR
	(b) if any of the activities under the certificate are to be carried out outside Australian territory	HRT
1.02	Request under regulation 30A for a change to a certificate of approval:	
	(a) if all the activities under the certificate are to be carried out in Australian territory	HIR
	(b) if any of the activities under the certificate are to be carried out outside Australian territory	HRT
1.03	Application under regulation 42ZR, in relation to an aircraft, for an exemption from, or variation of, a requirement	HRC
1.04	Application under regulation 298AA for an approval under regulation 214 of a training programme	HR
1.05	Application under subparagraph 4.1 of CAO 45.0 for an accreditation check of a synthetic flight trainer:	
	(a) if the check is to be carried out wholly in Australian territory	HR
	(b) if any part of the check is to be carried out outside Australian territory	HRT
1.06	Application under regulation 298AA for a determination under paragraph 5.2 of CAO 100.91, or paragraph 5.2 of CAO 100.92, or paragraph 5.4 of CAO 100.93, or paragraph 5.4 of CAO 100.94, or paragraph 5.4 of CAO 100.95, that a relevant training course is acceptable to CASA:	
	(a) if all action in relation to the determination is taken in Australian territory	HR
	(b) if any action in relation to the determination is taken outside Australian territory	HRT



PART 2—MANUFACTURE AND MAINTENANCE APPROVALS

- | | | |
|------|---|-------------------------------|
| 2.01 | Application under regulation 298AA for an approval under subregulation 2A (4) of instructions for the purposes of paragraph 2A (2) (e) | HR |
| 2.02 | Application under regulation 298AA for the issue under subregulation 21 (1) of a design standard | HR |
| 2.03 | Application under regulation 35 for the approval of the design of a modification or repair of:
(a) an aircraft, or aircraft included in a type of aircraft;
or
(b) an aircraft component, or aircraft components included in a type of aircraft component;
to be charged as follows:
(c) if all action in relation to the application is to be taken in Australian territory
(d) if any action in relation to the application is to be taken outside Australian territory | HR

HRT |
| 2.04 | Application under regulation 36 for the approval of an aircraft component, or of aircraft components included in a type of aircraft component, as a replacement for another aircraft component, or aircraft components included in another type of aircraft component:
(a) if all action in relation to the application is to be taken in Australian territory
(b) if any action in relation to the application is to be taken outside Australian territory | HR

HRT |
| 2.05 | Application under regulation 298AA for an approval under regulation 37 of a defect in or, damage to an Australian aircraft, or any aircraft included in a class of aircraft, as a permissible unserviceability:
(a) if all action in relation to the approval is to be taken in Australian territory
(b) if any action in relation to the approval is to be taken outside Australian territory | HR

HRT |
| 2.06 | Request under regulation 42J for approval of a system of maintenance for an aircraft:
(a) if all action in relation to the request is to be taken in Australian territory | HR |



- (b) if any action in relation to the request is to be taken outside Australian territory HRT
- 2.07 Request under regulation 42P for approval of a change to an approved system of maintenance for an aircraft:
- (a) if all action in relation to the request is to be taken in Australian territory HR
- (b) if any action in relation to the request is to be taken outside Australian territory HRT
- 2.08 Application under regulation 298AA for an authorisation under subregulation 42ZD (3) of a person to carry out maintenance on an Australian aircraft outside Australian territory:
- (a) if all action in relation to the authorisation is taken in Australian territory HR
- (b) if any action in relation to the authorisation is taken outside Australian territory HRT
- 2.09 Request under regulation 42ZW to approve a person's appointment as a maintenance controller:
- (a) if all action in relation to the request is to be taken in Australian territory HR
- (b) if any action in relation to the request is to be taken outside Australian territory HRT

PART 3—AERODROME LICENCES

- 3.01 Application under regulation 89B for an aerodrome licence HR
- 3.02 Assessment for the purposes of regulation 89G whether the person to whom it is proposed to transfer an aerodrome licence is able properly to operate and maintain the relevant aerodrome HR
- 3.03 Application under regulation 298AA for an exemption under regulation 89ZD of an aerodrome operator from compliance with specified provisions of Part XIA HR

PART 4—AOCs

- 4.01 Application under section 27AA of the Act for the issue of, or for a variation to, an AOC:
- (a) if all action in relation to the application is to be taken in Australian territory HR
- (b) if any action in relation to the application is to be HRT



taken outside Australian territory

- | | | |
|------|---|----|
| 4.02 | Application under regulation 298AA for an approval under subregulation 5.58 of the appointment of a person to be the chief flying instructor of a flying school | HR |
| 4.03 | Application under clause 1.1 of Appendix 1 to CAO 82.0 for approval of a person's appointment as chief pilot | HR |

PART 5—AIRWORTHINESS AUTHORITIES

- | | | |
|------|--|----|
| 5.01 | Application under regulation 298AA for the issue under paragraph 33B (1) (a) of an airworthiness authority to carry out maintenance on aircraft | HR |
| 5.02 | Application under regulation 298AA for the issue under paragraph 33B (1) (c) of an airworthiness authority to conduct examinations required to be passed for the issue of aircraft maintenance engineer licences | 95 |
| 5.03 | Application under regulation 298AA for the issue under paragraph 33B (1) (d) of an airworthiness authority to conduct non-destructive testing of aircraft or aircraft components | HR |
| 5.04 | Application under regulation 298AA for the issue under paragraph 33B (1) (e) of an airworthiness authority to weigh aircraft and determine the centre of gravity of aircraft | 95 |
| 5.05 | Application under regulation 33C for an aircraft welding authority | HR |
| 5.06 | Application under regulation 33G for the renewal of an aircraft welding authority | HR |
| 5.07 | Application under regulation 298AA for the renewal under paragraph 4.2 of CAO 100.23 of an airworthiness authority referred to in item 5.01, 5.02, 5.03 or 5.04 | HR |

PART 6—AME EXAMINATIONS

- | | |
|------|--|
| 6.01 | Conduct by CASA of examinations referred to in subsection 6 of each of CAO 100.91, CAO 100.92, CAO 100.93, CAO 100.94 or CAO 100.95 to |
|------|--|



	qualify for the issue of an AME licence:	
(a)	for an examination in a core subject or in a relevant group subject	50
(b)	for each subject in an examination relating to a specific type of aircraft	175
(c)	for an examination to check a person's technical competency in the category relevant to the licence	95
(d)	for an oral examination in airworthiness administration	75
6.02	Conduct under subparagraph 33D (1) (a) of an aircraft welding examination that CASA considers necessary	HR
6.03	Conduct under subsection 3 of CAO 100.23 of an examination (whether written or oral) for the issue of an authority to conduct aircraft maintenance	75
6.04	Assessment under paragraph 1.3 of CAO 100.26 whether an applicant for an examiner authority has demonstrated satisfactory knowledge of a subject	50
6.05	Conduct under subparagraph 1.2 (b) of CAO 100.27 of a written examination on a specified syllabus	95
6.06	Conduct under subparagraph 1.2 (c) of CAO 100.27 of a practical test to allow a person to demonstrate adequate proficiency in a non-destructive testing method	HR
6.07	Conduct under paragraph 3.1 of CAO 100.28 of an examination in accordance with the syllabus for an aircraft weight control authority	175

PART 7—AME LICENCES

7.01	Application under regulation 31 by a person who has not previously held an AME licence (not being a person to whom item 7.02 applies) for the issue of an AME licence, including the endorsement of all categories and ratings specified in the application	170
7.02	Application under regulation 31 by a person who:	270
(a)	holds a licence issued by a competent authority of a foreign country other than New Zealand; and	
(b)	under subregulation 31 (6), seeks to be treated as a qualified person for the purposes of regulation 31;	



for the issue of an equivalent AME licence,
including the endorsement of all categories and
ratings specified in the application

- | | | |
|------|---|-----|
| 7.03 | Application under regulation 31 by a person: | 60 |
| | (a) who has previously held an AME licence; and | |
| | (b) whose AME licence expired not more than 2 years
before the date of the application;
for the issue of an AME licence, including the
endorsement of all categories and ratings specified
in the application | |
| 7.04 | Application under regulation 31 by a person: | 170 |
| | (a) who has previously held an AME licence; and | |
| | (b) whose AME licence expired more than 2 years
before the date of the application;
for the issue of an AME licence, including the
endorsement of all categories and ratings specified
in the application | |
| 7.05 | Application under regulation 32A for the renewal
of an AME licence | 60 |
| 7.06 | Application under regulation 298AA for an
endorsement under subsection 4 of each of CAO
100.91, CAO 100.92, CAO 100.93, CAO 100.94
or CAO 100.95 of a rating on an AME licence | 95 |

PART 8—FLIGHT CREW EXAMINATIONS

- | | | |
|------|--|-----|
| 8.01 | Conduct under regulation 5.19 of a flight test in
relation to a flight crew rating: | |
| | (a) if the flight test is conducted wholly in Australian
territory | HR |
| | (b) if any part of the flight test is conducted outside
Australian territory | HRT |
| 8.02 | Conduct under subregulation 5.41 (1) of the
following theory examinations: | |
| | (a) an air transport pilot (aeroplane) licence theory
examination—per subject | 55 |
| | (b) an air transport pilot (helicopter) licence theory
examination—per subject | 55 |
| | (c) a basic flight engineer theory examination—per
section | 75 |
| | (d) a commercial pilot (aeroplane) licence theory
examination—per subject | 75 |
| | (e) a commercial pilot (airship) licence theory
examination—per subject | 75 |



	(f) a commercial pilot (balloon) licence theory examination—per subject	75
	(g) a commercial pilot (gyroplane) licence theory examination—per subject	75
	(h) a commercial pilot (helicopter) licence theory examination—per subject	75
	(i) a flight radiotelephone theory examination	30
	(j) a private pilot (aeroplane) licence theory examination	50
	(k) a private pilot (gyroplane) licence theory examination	50
	(l) a private pilot (helicopter) licence theory examination	50
8.03	Conduct under subregulation 5.41 (3) of the following air law examinations:	
	(a) an air transport pilot (aeroplane) licence air law examination	75
	(b) an air transport pilot (helicopter) licence air law examination	75
	(c) a commercial pilot (aeroplane) licence air law examination	75
	(d) a commercial pilot (helicopter) licence air law examination	75
	(e) a private pilot (aeroplane) licence air law examination	50
	(f) a private pilot (helicopter) licence air law examination	50
8.04	Conduct under subregulation 5.41 (4) of a flight crew licence flight test:	
	(a) if the flight test is conducted wholly in Australian territory	HR
	(b) if any part of the flight test is conducted outside Australian territory	HRT
8.05	Conduct under subparagraph 4.3 (c) of CAO 40.1.7 of a written examination in the principles of teaching and learning	100
8.06	Conduct under paragraph 7.5 of CAO 40.2.1 of an examination in relation to an instrument rating	100
8.07	Conduct under paragraph 5.1 of CAO 40.2.2 of an examination for a night V.F.R. rating	75
8.08	Conduct under subsection 5 of CAO 40.3.7 of an oral examination for the issue of a flight instructor (helicopter) rating	50

8.09	Conduct under paragraph 4.1 of CAO 40.6 of a written examination for an agricultural pilot rating	75
8.10	Conduct under paragraph 10.1 of CAO 40.6 of an oral examination for an agricultural pilot rating	50

PART 9—FLIGHT CREW LICENCES

9.01	Application under regulation 5.08 for the issue of a flight radiotelephone operator licence	20
9.02	Application under regulation 5.08 for the issue of a student pilot licence	20
9.03	Application under regulation 5.08 for the issue of a private pilot licence	30
9.04	Application under regulation 5.08 for the issue of a commercial pilot licence	45
9.05	Application under regulation 5.08 for the issue of an air transport pilot licence	60
9.06	Application under regulation 5.08 for the issue of a student flight engineer licence	30
9.07	Application under regulation 5.08 for the issue of a flight engineer licence	55
9.08	Application under regulation 298AA for the renewal under regulation 5.14 of a flight crew rating or grade of flight crew rating	20
9.09	Application under regulation 298AA for the issue under regulation 5.23 of an aircraft endorsement to the holder of a flight crew licence, a special pilot licence or a certificate of validation	20
9.10	Application under subregulation 5.27 (1) for a certificate of validation of an overseas authorisation that allows the holder to perform duties essential to the operation of aircraft engaged in commercial operations	100
9.11	Application under subregulation 5.27 (1) for a certificate of validation of an overseas authorisation that allows the holder to perform duties essential to the operation of aircraft engaged	55



in operations other than those referred to in item
9.10

- | | | |
|------|--|----|
| 9.12 | Application under regulation 5.197 for the issue of
a special pilot licence | 75 |
|------|--|----|

PART 10—AVIATION MEDICINE

- | | | |
|-------|---|----|
| 10.01 | Application under regulation 298AA for the
appointment under regulation 6.02 of a medical
practitioner to be a DAME | 90 |
| 10.02 | Application under regulation 6.05 for the issue of a
class 1 medical certificate | 55 |
| 10.03 | Application under regulation 6.05 for the issue of a
class 2 medical certificate | 30 |
| 10.04 | Application under regulation 6.05 for the issue of a
class 3 medical certificate | 55 |
| 10.05 | Application under regulation 6.09 for the issue of a
special medical certificate | HR |

PART 11—FLIGHT MANUALS

- | | | |
|-------|---|----|
| 11.01 | Application under regulation 298AA for an
approval under regulation 138 of a flight manual
for an aircraft, or any alterations to a flight manual | HR |
| 11.02 | Application under regulation 298AA for an
authorisation under regulation 138 of a
manufacturer, owner or operator of an aircraft to
issue a flight manual or alterations to the manual | HR |
| 11.03 | Application under regulation 298AA for the
preparation and issue under regulation 138 of a
flight manual for an Australian aircraft or any
alterations to the manual | HR |
| 11.04 | Application under regulation 298AA for an
exemption under subregulation 139 (3) of an
aircraft from the requirements of paragraph
139 (1) (e) | HR |

PART 12—INSTRUMENTS

- | | | |
|-------|---|----|
| 12.01 | Issue under section 23 of the Act of a permission
to consign for carriage, or carry, dangerous goods | HR |
|-------|---|----|

12.02	Application under regulation 298AA for the appointment under paragraph 6 (1) (a) of a person to be an authorised person for the purposes of a provision of the <i>Civil Aviation Regulations 1988</i>	HR
12.03	Application under regulation 298AA for the delegation under regulation 7 to a person of any of CASA's powers or functions under the <i>Civil Aviation Regulations 1988</i>	HR
12.04	Application under regulation 298AA for an approval under subregulation 5.20 (1) of a person to give flying training for the issue of a flight crew rating or grade of flight crew rating	HR
12.05	Application under regulation 298AA for an approval under subregulation 5.21 (1) of a person to give conversion training	HR
12.06	Application under regulation 298AA for the appointment under subregulation 5.34 (1) of a person to be an airship instructor	HR
12.07	Application under regulation 5.43 for an exemption from any of the requirements of regulation 5.42	50
12.08	Application under regulation 298AA for an authorisation under regulation 137 for an aircraft that is capable of being flown without a pilot to be flown without a pilot	HR
12.09	Application under regulation 298AA for an authorisation under subregulation 141 (1) of low flying or acrobatic flying over a specified part of a flying training area	HR
12.10	Application under regulation 298AA for the issue under regulation 143 of a permission to a person to carry a firearm in, or have a firearm in his or her possession while on, an aircraft	95
12.11	Application under regulation 298AA for the issue under regulation 144 of a permission to discharge a firearm while on board an aircraft	95
12.12	Application under regulation 298AA for the issue under regulation 149 of a permission, or approval,	HR



for the towing of objects by an aircraft

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|-------|--|-----|
| 12.13 | Application under regulation 298AA for the issue of a direction under paragraph 150 (2) (a), or grant of an approval under paragraph 150 (2) (c) | HR |
| 12.14 | Application under regulation 298AA for the issue under subregulation 155 (3) of a permission to engage in low level acrobatic flight | HR |
| 12.15 | Application under regulation 298AA for the issue under subregulation 156 (1) of a permission to fly an aircraft over a regatta, race meeting or public gathering | HR |
| 12.16 | Application under regulation 298AA for the issue under subregulation 157 (4) of a general permission, a specific permission or a direction to undertake low flying | HR |
| 12.17 | Application under regulation 298AA for an approval under subparagraph 163AA (1) (c) (ii) to conduct a formation flight | HR |
| 12.18 | Application under regulation 298AA for an approval under subregulation 217 (3) of a training and checking organisation and the organisation's tests and checks: | |
| | (a) if all action in relation to the approval is to be carried out in Australian territory | HR |
| | (b) if any action in relation to the approval is to be carried out outside Australian territory | HRT |
| 12.19 | Application under regulation 298AA for an authorisation under paragraph 226 (1) (b) of a person to occupy a control seat in an aircraft with dual controls | HR |
| 12.20 | Application under regulation 298AA for an approval under regulation 229 of a person to taxi an aircraft on an aerodrome | 50 |
| 12.21 | Application under regulation 298AA for an approval under subregulation 230 (5) of a person to start or run an aircraft engine | 50 |
| 12.22 | Application under regulation 298AA for an approval under subregulation 232 (2) of a flight check system | HR |



- | | | |
|-------|--|-----|
| 12.23 | Application under regulation 298AA for an exemption under subregulation 235A (4) of an aeroplane or aeroplanes of a specified type, model or series from compliance with a direction issued under subregulation 235A (1): | |
| (a) | if all action in relation to the exemption is to be taken in Australian territory | HR |
| (b) | if any action in relation to the exemption is to be taken outside Australian territory | HRT |
| 12.24 | Application under regulation 298AA for a permission under subregulation 250 (2) for the carriage of a person on or in a part of an aircraft that is not designed for the accommodation of the crew or passengers, or on or in anything attached to an aircraft | HR |
| 12.25 | Application under regulation 298AA for the issue under paragraph 256A (1) (b) of a permission to carry a live animal in an aircraft | HR |
| 12.26 | Application under regulation 298AA for a permission under regulation 259 to fly a free balloon | 95 |
| 12.27 | Application under regulation 298AA for a permission under regulation 260 to fly a fixed balloon or a kite within 4,000 metres of an aerodrome or at a height in excess of 300 feet | 95 |
| 12.28 | Application under regulation 298AA for the grant of an exemption under regulation 262U from compliance with a provision specified in that regulation | HR |
| 12.29 | Application under regulation 298AA for a permission under regulation 295 to launch or propel a rocket | HR |
| 12.30 | Application under regulation 298AA for the grant of an exemption under regulation 308 | HRC |
| 12.31 | Application under regulation 298AA for an exemption under paragraph 4.1 of CAO 48.0 of a person from the requirements set out in Part 48 of the CAOs | HR |

PART 13—AIRCRAFT REGISTRATION



13.01	Application under regulation 10 for registration of an aircraft	95
13.02	Application under regulation 13S for a new certificate of registration for an aircraft	95
13.03	Application under regulation 298AA for the reservation under subregulation 16 (3) of symbols for assignment as a registration mark to an aircraft	50
13.04	Application under regulation 16A for a new registration mark of an aircraft	140

**PART 14—INSPECTIONS AND TESTS
THAT ARE PART OF A SAFETY AUDIT
PROGRAM**

14.01	Inspections and tests that are included in the safety audit program under Division 2 of Part II of a person appointed as an authorised person under regulation 6:	
(a)	if all inspections or tests are to be carried out in Australian territory	HR
(b)	if any inspections or tests are to be carried out outside Australian territory	HRT
14.02	Inspections and tests that are included in the safety audit program under Division 2 of Part II of a delegate of CASA under regulation 7:	
(a)	if all inspections or tests are to be carried out in Australian territory	HR
(b)	if any inspections or tests are to be carried out outside Australian territory	HRT
14.03	Inspections and tests that are included in the safety audit program under Division 2 of Part II of the holder of a certificate of approval:	
(a)	if all inspections or tests are to be carried out in Australian territory	HR
(b)	if any inspections or tests are to be carried out outside Australian territory	HRT
14.04	Inspections and tests that are included in the safety audit program under Division 2 of Part II of the holder of an aerodrome licence:	
(a)	if all inspections or tests are to be carried out in Australian territory	HR
(b)	if any inspections or tests are to be carried out	HRT



outside Australian territory

- 14.05 Inspections and tests that are included in the safety audit program under Division 2 of Part II of the holder of an AOC:
- (a) if all inspections or tests are to be carried out in Australian territory HR
 - (b) if any inspections or tests are to be carried out outside Australian territory HRT

SCHEDULE 2

SUBREGULATION 5 (1)

Column 1 Item No	Column 2 Service, etc	Column 3 Charge
PART 1—CERTIFICATES OF AIRWORTHINESS		
1.01	Application under regulation 21.173 for a certificate of airworthiness:	
	(a) if all action in relation to the application is to be taken in Australian territory	HR
	(b) if any action in relation to the application is to be taken Australian territory	HRT
1.02	Application under regulation 21.192 for an experimental certificate	HR
1.03	Application under regulation 21.195 for an experimental certificate	HR
1.04	Application under regulation 21.215 for a provisional certificate of airworthiness:	
	(a) if all action in relation to the application is to be taken in Australian territory	HR
	(b) if any action in relation to the application is to be taken outside Australian territory	HRT
1.05	Application under regulation 21.327 for export airworthiness approval:	
	(a) if all action in relation to the application is to be taken in Australian territory	HR
	(b) if any action in relation to the application is to be taken outside Australian territory	HRT

PART 2—CERTIFICATES



- | | | |
|------|--|-----|
| 2.01 | Application under Subpart B of Part 21 for a type certificate or a type acceptance certificate | HR |
| 2.02 | Application under Subpart C of Part 21 for:
(a) a provisional type certificate; or
(b) approval of amendments to a provisional type certificate; or
(c) approval of provisional amendments to type certificates | HR |
| 2.03 | Approval under regulation 21.95 of a minor change in a type design | HR |
| 2.04 | Application under regulation 21.97 for approval of a major change in a type design | HR |
| 2.05 | Application under subregulation 21.113 (1) for a supplemental type certificate | HR |
| 2.06 | Application under subregulation 21.113 (2) for amendment of a type certificate | HR |
| 2.07 | Application under subregulation 21.123 (2) for an extension of the period of 6 months mentioned in subparagraph 21.123 (1) (c) (ii) | HR |
| 2.08 | Application under regulation 21.133 for a production certificate: | |
| | (a) if all action in relation to the production certificate is to be carried out in Australian territory | HR |
| | (b) if any action in relation to the production certificate is to be carried out outside Australian territory | HRT |
| 2.09 | Application under regulation 21.153 to amend a production certificate: | |
| | (a) if all action in relation to the production certificate is to be carried out in Australian territory | HR |
| | (b) if any action in relation to the production certificate is to be carried out outside Australian territory | HRT |
| 2.10 | Application under regulation 21.267 for an amendment to a production certificate to have a new model, or new type certificate, listed on it | HR |

PART 3—SPECIAL FLIGHT PERMIT



- | | | |
|------|---|----|
| 3.01 | Application under regulation 21.196 for a special flight permit | HR |
|------|---|----|

**PART 4—APPROVALS AND
AUTHORISATIONS**

- | | | |
|------|---|-----|
| 4.01 | Application under subregulation 21.235 (1) for a delegation option authorisation | HR |
| 4.02 | Application under paragraph 21.253 (a) for a type certificate or amended type certificate under a delegation option authorisation | HR |
| 4.03 | Application under regulation 21.303 for an Australian Parts Manufacturing Approval | HR |
| 4.04 | Application under subregulation 21.305A (1) for an approval of any material, part, process or appliance | HR |
| 4.05 | Application under subregulation 21.500A (1) for approval of an imported aircraft engine or propeller | HR |
| 4.06 | Application under subregulation 21.502A (1) for approval of an imported material, part or appliance | HR |
| 4.07 | Application under subregulation 21.605 (1) for an ATSO authorisation for an article: | |
| (a) | if all action in relation to the application is to be carried out in Australian territory | HR |
| (b) | if any action in relation to the application is to be carried out outside Australian territory | HRT |
| 4.08 | Request under regulation 21.609 for approval to deviate from a performance standard of an ASTO | HR |
| 4.09 | Issue under subregulation 21.617 (2) of a letter of ASTO design approval | HR |
| 4.10 | Issue under regulation 22.6 of an approval | HR |
| 4.11 | Issue under regulation 22.7 of an approval | HR |
| 4.12 | Issue under regulation 22.8 of an approval | HR |
| 4.13 | Issue under regulation 22.9 of an approval | HR |
| 4.14 | Issue under regulation 23.6 of an approval | HR |



4.15	Issue under regulation 23.7 of an approval	HR
4.16	Issue under regulation 23.8 of an approval	HR
4.17	Issue under regulation 25.5 of an approval	HR
4.18	Issue under regulation 25.6 of an approval	HR
4.19	Issue under regulation 27.4 of an approval	HR
4.20	Issue under regulation 29.4 of an approval	HR
4.21	Issue under regulation 32.4 of an approval	HR
4.22	Issue under regulation 33.4 of an approval	HR
4.23	Issue under regulation 35.4 of an approval	HR

PART 5—INSTRUMENTS

5.01	Appointment under regulation 201.1 of a person to be an authorised person for the <i>Civil Aviation Regulations 1998</i> or a particular provision of those Regulations:	
	(a) if all action in relation to the appointment is to be carried out in Australian territory	HR
	(b) if any action in relation to the appointment is to be carried out outside Australian territory	HRT
5.02	Delegation under regulation 201.2 to a person of any of CASA's powers or functions under the <i>Civil Aviation Regulations 1998</i> :	
	(a) if all action in relation to the delegation is to be carried out in Australian territory	HR
	(b) if any action in relation to the delegation is to be carried out outside Australian territory	HRT

PART 6—INSPECTIONS AND TESTS THAT ARE PART OF A SAFETY AUDIT PROGRAM

6.01	Inspections and tests that are included in the safety audit program under Division 2 of Part II of CAR 1988 of a person appointed as an authorised person under regulation 201.1:	
	(a) if all inspections or tests are to be carried out in Australian territory	HR
	(b) if any inspections or tests are to be carried out	HRT



outside Australian territory

- 6.02 Inspections and tests that are included in the safety audit program under Division 2 of Part II of CAR 1988 of a delegate of CASA under regulation 201.2:
- (a) if all inspections or tests are to be carried out in Australian territory; and HR
 - (b) if any inspections or tests are to be carried out outside Australian territory HRT
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NOTE

1. Notified in the *Commonwealth of Australia Gazette* on 1998.



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ANNEX B

SUMMARY TABLE OF PROPOSED

Civil Aviation Regulations (Fees) 1998



CIVIL AVIATION
SAFETY AUTHORITY
AUSTRALIA

Notice of Proposed Rule Making NPRM 9812FB

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Notice of Proposed Rule Making NPRM 9812FB

SERVICE ITEMS

APPROVALS (Part 1 of Schedule I of the Fees Regulations)

Issue of /change to a certificate of approval
Application for exemption

Training program conducted by an organisation under CoA
Accreditation of a synthetic flight trainer
Determination that a relevant training course is acceptable to CASA

MANUFACTURE AND MAINTENANCE APPROVALS (Part 2 of Schedule I of the Fees Regulations)

Approval of instructions related to maintenance
Issue of a design standard
Aircraft component, repair, design of a modification
Aircraft component to be used as replacement
Permissible unserviceability
Approval of changes to a system of maintenance
Maintenance of overseas operations
Approval of a Maintenance Controller

AERODROME LICENCES (Part 3 of Schedule I of the Fees Regulations)

Issue
Assessment of a person applying for transfer of a licence
Exemption for aerodrome operators under CAR 89ZD

	CASA Fees (Current) Hourly Rate = \$975	NZ CAA (NZ) Hourly Rate = \$513	ITR/INO IN THE FEDS REGS	Proposed CASA Fee Hourly Rate = \$995
	Hourly Rate	Hourly Rate	1.01 and 1.02	Hourly Rate+Travel
		Hourly Rate	1.03	Hourly Rate + Other Expense
Training program conducted by an organisation under CoA	Hourly Rate	Hourly Rate	1.04	Hourly Rate
Accreditation of a synthetic flight trainer	Hourly Rate	Hourly Rate	1.05	Hourly Rate+Travel
Determination that a relevant training course is acceptable to CASA			1.06	Hourly Rate+Travel
MANUFACTURE AND MAINTENANCE APPROVALS (Part 2 of Schedule I of the Fees Regulations)				
Approval of instructions related to maintenance			2.01	Hourly Rate
Issue of a design standard			2.02	Hourly Rate
Aircraft component, repair, design of a modification	Hourly Rate	Hourly Rate	2.03	Hourly Rate+Travel
Aircraft component to be used as replacement			2.04	Hourly Rate+Travel
Permissible unserviceability	Hourly Rate	Hourly Rate	2.05	Hourly Rate+Travel
Approval of changes to a system of maintenance	Hourly Rate		2.06 and 2.07	Hourly Rate+Travel
Maintenance of overseas operations	Hourly Rate		2.08	Hourly Rate+Travel
Approval of a Maintenance Controller			2.09	Hourly Rate+Travel
AERODROME LICENCES (Part 3 of Schedule I of the Fees Regulations)				
Issue	Hourly Rate	Hourly Rate	3.01	Hourly Rate
Assessment of a person applying for transfer of a licence			3.02	Hourly Rate
Exemption for aerodrome operators under CAR 89ZD			3.03	Hourly Rate

Notice of Proposed Rule Making NPRM 9812FB

AIR OPERATOR'S CERTIFICATES (Part 4 of Schedule 1 of the Fees Regulations)			
Issue/variation	Hourly Rate	Hourly Rate	Hourly Rate+Travel
Approval of Chief Flying Instructor			Hourly Rate
Subsequent approval of Chief Pilot		Hourly Rate	Hourly Rate
AIRWORTHINESS AUTHORITIES (Part 5 of Schedule 1 of the Fees Regulations)			
Issue of airworthiness authority for maintenance of aircraft	Hourly Rate		Hourly Rate
Issue of examination authority for LAME training	Hourly Rate		\$95
Issue of NDT authority	Hourly Rate		Hourly Rate
Issue of weight control authority	Hourly Rate		\$95
Issue/renewal of aircraft welding authority	Hourly Rate	5.05 and 5.06	Hourly Rate
Renewal of airworthiness authority		5.07	Hourly Rate
AME LICENCE EXAMINATIONS (Part 6 of Schedule 1 of the Fees Regulations)			
Core or relevant group subject	\$110	6.01 (a)	\$50+Travel
Specific type subject	\$175	6.01 (b)	\$175
Category technical competency	\$95	6.01 (c)	\$95+Travel
Airworthiness administration oral examination (LAME air law)		6.01 (d)	\$75
Exam for welding control authority	Hourly Rate	6.02	Hourly Rate
Written examination for maintenance authority		6.03	\$75
Examination to qualify for AME examiner authority		6.04	\$50
Written examination to conduct non-destructive testing		6.05	\$95
Practical exam to conduct non-destructive testing	\$190	6.06	Hourly Rate
Written exam for weight control authority	Hourly Rate	6.07	\$175

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AME LICENCE (Part 7 of Schedule 1 of the Fees Regulations)					
Issue	\$205	\$128	7.01		\$170
Issue based on foreign licence, other than a New Zealand licence, and endorsements			7.02		\$270
Issue of licence expired for less than 2 years			7.03		\$60
Issue of licence expired for more than 2 years			7.04		\$170
Renewal	\$60	\$128	7.05		\$60
Endorsement, category, group or type rating		\$103	7.06		\$95
FLIGHT CREW EXAMS (Part 8 of Schedule 1 of the Fees Regulations)					
Flight test for flight crew ratings		\$414 - \$1676	8.01	Hourly Rate+Travel	
PPL	\$45	\$33	8.02 (i) to (l)		\$50
CPL - per subject	\$50	\$75	8.02 (d) to (h)		\$75
ATPL - per subject	\$100	\$141	8.02 (a) and (b)		\$55
Flight radiotelephone examination			8.02 (i)		\$30
Flight engineer licence		\$75	8.02 (c)		\$75
PPL - air law			8.03 (e) and (f)		\$50
CPL - air law			8.03 (c) and (d)		\$75
ATPL - air law			8.03 (a) and (b)		\$75
Flight crew licensing flight test			8.04	Hourly Rate+Travel	
Flight Instructor (acroplane) rating written exam			8.05		\$100
Instrument rating	\$65	\$75	8.06		\$100
Night flight rating			8.07		\$75
Oral exam for flight instructor (helicopter rating)			8.08		\$50
Written exam for agricultural pilot rating	\$65	\$75	8.09		\$75

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Oral exam for agricultural pilot rating

\$50

8.10

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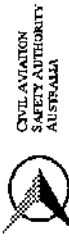
FLIGHT CREW LICENCE (Part 9 of Schedule 1 of the Fees Regulations)				
Flight radiotelephone operator licence			9.01	\$20
Student pilot licence			9.02	\$20
PPL	\$25	\$47	9.03	\$30
CPL	\$45	\$51	9.04	\$45
ATPL	\$60	\$51	9.05	\$60
Student flight engineer licence		\$42	9.06	\$30
Flight engineer	\$55	\$51	9.07	\$55
Flight crew rating	\$10	\$42	9.08	\$20
Aircraft endorsement	\$15		9.09	\$20
Certificate of validation for commercial operations		\$55	9.10	\$100
Certificate of validation for other than commercial operations		\$55	9.11	\$55
Special pilot licence	\$50		9.12	\$75
AVIATION MEDICINE (Part 10 of Schedule 1 of the Fees Regulations)				
DAME approval		\$47	10.01	\$90
Medical assessment record maintenance administration - standard (Class 1 - CPL/ATPL)		\$68 to \$138	10.02	\$55
Medical assessment record maintenance administration - standard (Class 2 - PPL)		\$68 to \$138	10.03	\$30
Medical assessment record maintenance administration - standard (Class 3 - ATC)		\$68 to \$138	10.04	\$55
Medical assessment - special		Hourly Rate	10.05	Hourly Rate
FLIGHT MANUALS (Part 11 of Schedule 1 of the Fees Regulations)				

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Flight manuals - approval, preparation, exemption	Hourly Rate	Hourly Rate	11.01 to 11.04	Hourly Rate
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INSTRUMENTS (Part 12 of Schedule 1 of the Fees Regulations)			
Permit to consign or carry dangerous goods		12.01	Hourly Rate
Appointment of an Authorised Person		12.02	Hourly Rate
Instruments of delegation of CASA's powers and functions under CAR 7		12.03	Hourly Rate
Approval for flight crew rating / conversion training		12.04 and 12.05	Hourly Rate
Appointment of an airship instructor		12.06	Hourly Rate
Exemption against notification of a flight test		12.07	\$50
Permit to fly pilotless aircraft		12.08	Hourly Rate
Permit for low flying or acrobatic flying over a training area		12.09	Hourly Rate
Permit to carry firearms		12.10	\$95
Permit to discharge firearms		12.11	\$95
Permit to tow a banner		12.12	Hourly Rate
Permit to drop articles from an aircraft		12.13	Hourly Rate
Permit to undertake a low level acrobatics		12.14	Hourly Rate
Permit to fly over public gatherings		12.15	Hourly Rate
Permit to undertake low flying		12.16	Hourly Rate
Permit for formation flying		12.17	Hourly Rate
Approval for training and checking organisation and tests and checks		12.18	Hourly Rate+Travel
Permit for a person to occupy a control seat		12.19	Hourly Rate
Permit for a non pilot person to taxi an aircraft		12.20	\$50
Permit for an unlicensed person to start and run aircraft engines		12.21	\$50
Approval for a flight check		12.22	Hourly Rate
Exemption to operate from a runway with less than		12.23	Hourly Rate+Travel

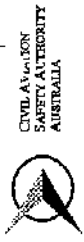


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INSTRUMENTS cont. (Part 12 of Schedule 1 of the Fees Regulations)			
Permit to carry persons on or in part of aircraft not designed for passengers		12.24	Hourly Rate
Permit to carry animals		12.25	Hourly Rate
Permit to fly a free balloon		12.26	\$95
Permit to fly a fixed balloon or kite		12.27	\$95
Exemption against the requirement for a dangerous goods course		12.28	Hourly Rate
Permit to launch or propel a rocket		12.29	Hourly Rate
Exemption under CAR 308		12.30	Hourly Rate+Other expense
Exemption against flight and/or duty time limits under CAO 48.0		12.31	Hourly Rate
MAINTENANCE OF AIRCRAFT REGISTER (Part 13 of Schedule 1 of the Fees Regulations)			
Initial registration	\$145	13.01	\$95
Change of registration holder	\$25	13.02	\$95
Reservation of an unassigned registration mark for 12 months	\$25	13.03	\$50
Change of registration mark	\$73	13.04	\$140
INSPECTIONS AND TESTS THAT ARE PART OF A SAFETY AUDIT PROGRAM (Part 14 of Schedule 1 of the Fees Regulations)			
Authorised persons and delegates	Hourly Rate	14.01 and 14.02	Hourly Rate+Travel
CoA holder	Hourly Rate	14.03	Hourly Rate+Travel
Aerodrome Licence holder	Hourly Rate	14.04	Hourly Rate+Travel
AOC holder	Hourly Rate	14.05	Hourly Rate+Travel



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Airservices		Hourly Rate	MOU	Hourly Rate
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CERTIFICATE OF AIRWORTHINESS (Part 1 of Schedule II of the Fees Regulations)			
Issue of a certificate of airworthiness	Hourly Rate	Hourly Rate	Hourly Rate+Travel
Issue of an experimental certificate			Hourly Rate
Issue of a provisional certificate of airworthiness			Hourly Rate+Travel
Issue of an export airworthiness approval		Hourly Rate	Hourly Rate+Travel
CERTIFICATES (Part 2 of Schedule II of the Fees Regulations)			
Issue of a type certificate or a type acceptance certificate		Hourly Rate	Hourly Rate
Issue/amendment to provisional type certificates			Hourly Rate
Approval of a minor change in a type design			Hourly Rate
Approval of a major change in a type design			Hourly Rate
Issue of a supplemental type certificate			Hourly Rate
Amendment of a supplemental type certificate			Hourly Rate
Extension by 6 months of a type certificate approved production			Hourly Rate
Issue/amendment of a production certificate			Hourly Rate+Travel
Amendment to a production certificate to have a new model, or new type certificate, listed on it		Hourly Rate	Hourly Rate
SPECIAL FLIGHT PERMIT (Part 3 of Schedule II of the Fees Regulations)			
Issue of a special flight permit		Hourly Rate	Hourly Rate
APPROVALS AND AUTHORISATIONS (Part 4 of Schedule II of the Fees Regulations)			
Issue of a delegation option authorisation			Hourly Rate
Issue/amendment of a type certificate under a delegation option authorisation			Hourly Rate
Issue of an Australian Parts Manufacturing Approval			Hourly Rate

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Approval of materials, parts, processes or appliances

4.04

Hourly Rate

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APPROVALS AND AUTHORISATIONS cont. (Part 4 of Schedule II of the First Regulations)			
Approval of an imported aircraft engine or propeller		4.05	Hourly Rate
Approval of an imported material, part or appliance		4.06	Hourly Rate
Issue of an ATSO authorisation for an article		4.07	Hourly Rate+Travel
Approval to deviate from a performance standard of an ASTO		4.08	Hourly Rate
Issue of a letter of ASTO design approval		4.09	Hourly Rate
Issue of an approval under JAR-22 (sailplanes and powered sailplanes)		4.10	Hourly Rate
Issue of an approval under Section E of the British Civil Aviation requirements		4.11	Hourly Rate
Issue of an approval under airworthiness requirements for sailplanes and powered sailplanes		4.12	Hourly Rate
Issue of an approval under OSTIV airworthiness standards for sailplanes		4.13	Hourly Rate
Issue of an approval under Part 23 of the FARs		4.14	Hourly Rate
Issue of an approval under JAR-VLA		4.15	Hourly Rate
Issue of an approval under JAR-23		4.16	Hourly Rate
Issue of an approval under Part 25 of the FARs		4.17	Hourly Rate
Issue of an approval under JAR-25		4.18	Hourly Rate
Issue of an approval under Part 27 of the FARs		4.19	Hourly Rate
Issue of an approval under Part 29 of the FARs		4.20	Hourly Rate
Issue of an approval under Subpart H of JAR-22		4.21	Hourly Rate
Issue of an approval under Part 33 of the FARs		4.22	Hourly Rate
Issue of an approval under Part 35 of the FARs		4.23	Hourly Rate

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INSTRUMENTS (Part 5 of Schedule II of the Fees Regulations)			
Appointment of an authorised person under the provisions of CAR 1998			Hourly Rate+Travel
Issue of a delegation under the provisions of CAR 1998			Hourly Rate+Travel
INSPECTIONS AND TESTS THAT ARE PART OF A SAFETY AUDIT PROGRAM (Part 6 of Schedule II of the Fees Regulations)			
Authorised persons and delegates	Hourly Rate	6.01 and 6.02	Hourly Rate+Travel

Note :

Travel includes travel costs incurred by CASA for provision of services outside Australian Territory and its associated costs.

Other expenses includes sum of of expenses other than travel costs reasonably incurred by CASA that are attributable to providing the service.



CIVIL AVIATION
SAFETY AUTHORITY
AUSTRALIA

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ANNEX C

COMPARISON TABLE

OF

Flight Crew Exams Costs

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A MORE EQUITABLE CHARGING SYSTEM

COMPARISON TABLE

Flight Crew Exams	Price Comparison*				
	Australia	NZ**	Canada	USA	UK
Private Pilot Licence	\$50	\$198	\$117	\$103	\$489
Commercial Pilot Licence	\$75	\$225	\$117	\$103	\$1,430
Air Transport Pilot Licence	\$385***	\$987	\$233	\$206	\$2,112
Instrument Rating	\$100	\$225	\$117	\$103	\$680

*All prices converted to Australian dollars

**Exams are priced per subject:

- PPL $\$33 \times 6 = \198
- CPL $\$75 \times 3 = \225
- ATPL $\$141 \times 7 = \987
- IREX $\$75 \times 3 = \225

***Exams are priced per subject:

- ATPL $\$55 \times 7 = \385



ANNEX D

DRAFT PROPOSED AMENDMENTS

TO

Civil Aviation Regulations (CARs) 1988

Statutory Rules 1998 No. 1

Civil Aviation Regulations 1988² (Amendment)

I, WILLIAM PATRICK DEANE, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Regulations under the *Civil Aviation Act 1988*.

Dated 1998.

Governor-General

By His Excellency's Command,

[DRAFT ONLY - NOT FOR SIGNATURE]

.....
Minister for Transport and Regional Development

1. Commencement

1.1 These regulations commence on 1 January 1999.

2. Amendment

2.1 The *Civil Aviation Regulations 1988* are amended as set out in these Regulations.

3. Regulation 2 (Interpretation)

3.1 Subregulation 2 (1):

Insert the following definition”

“*safety audit program* means a safety audit program referred to in Division 2 of Part II;”.

4. New Division heading

4.1 After the heading to Part II, insert:

“*Division 1—General*”.

5. Regulation 6 (Authorised persons)

5.1 Add at the end:

“(3) The appointment under paragraph (1) (a) of an individual (other than an officer) as an authorised person for the purposes of a provision of these Regulations is also subject to the condition that the individual must not, by any act or omission, prevent or interfere with the carrying out by CASA of any inspection or test under the safety audit program relating to the individual.

“(4) If an individual referred to in subregulation (3) does not comply with the condition referred to in that provision, CASA must revoke the individual’s appointment.

“(5) Subregulation (4) does not affect the power that, apart from that subregulation, CASA has to revoke appointments under this regulation.

“*Note* For *safety audit program*, see Division 2; for *officer*, see subsection 3 (1) of the Act.”.

6. Regulation 7 (Delegations by CASA)

6.1 Add at the end:

“(4) Without limiting subregulation (2), a delegation to a named individual (other than an officer) is subject to the condition that the delegate must not, by any act or omission, prevent or interfere with the carrying out by CASA of any inspection or test under the safety audit program relating to the individual.

“(5) Without limiting subregulation (2) a delegation to the person for the time being holding, occupying, or performing the duties of a specified position in a specified organisation (other than CASA) is subject to the condition that the person’s employer must not, by any act or omission, prevent or interfere with the carrying out by CASA of any inspection or test under the safety audit program relating to the employer.

“(6) If:



- (a) an individual referred to in subregulation (4) does not comply with the condition set out in that subregulation; or
- (b) the employer of a person referred to in subregulation (5) does not comply with the condition set out in that subregulation;

the Director must revoke the delegation made to the individual or person.

“(7) Subregulation (6) does not affect the power that, apart from that subregulation, the Director has to revoke delegations.

“*Note* For *safety audit program*, see Division 2; for *officer*, see subsection 3 (1) of the Act.”.

7. New Division 2 in Part II

7. At the end of Part II, add:

“Division 2—Safety audit programs

Interpretation

“7A. In this Division:

authorisation holder means any of the following:

- (a) an individual referred to in subregulation 6 (3);
- (b) an individual referred to in subregulation 7 (4);
- (c) an employer referred to in subregulation 7 (5);
- (d) a certificate of approval holder referred to in subregulation 30AA (1);
- (e) an aerodrome licence holder referred to in subregulation 89ZCA (1);
- (f) an AOC holder referred to in subregulation 211 (1);
- (g) an individual referred to in subregulation 201.1 (5) of CAR 1998;
- (h) an individual referred to in subregulation 201.2 (5) of CAR 1998;
- (i) an employer referred to in subregulation 201.2 (6) of CAR 1998.

What is a safety audit program?

“7B. A *safety audit program* is a detailed program of inspections and tests that will enable CASA to assess:

- (a) to what extent, and with what degree of competency, care and diligence, an authorisation holder has done anything that is specified in the program and that the holder is required, authorised or empowered to do under the Act, these Regulations or the Civil Aviation Orders; and
- (b) whether the authorisation holder in so doing has complied with the conditions (if any) to which the authorisation holder is subject.

“*Note* For *authorisation holder*, see regulation 7A.

CASA to prepare safety audit programs

“7C. (1) Before the start of each financial year, CASA must prepare for each authorisation holder a safety audit program in respect of the financial year.

“(2) A safety audit program must set out:

- (a) the inspections and tests that are planned to be carried out under the program; and
- (b) in which month of the financial year each inspection or test in the program is planned to be carried out; and
- (c) if a fee is payable in respect of any planned inspection or test in the program:
 - (i) an estimate of the total amount of fees payable for inspections and tests included in the program; and
 - (ii) the method by which the estimate has been calculated.

“Note For authorisation holder, see regulation 7A.

Preparation of safety audit program

“7D. (1) CASA must:

- (a) before the beginning of each financial year; or
- (b) as soon as practicable after the start of each financial year;

forward to each authorisation holder the safety audit program for that year applicable to the holder.

“(2) An authorisation holder may, within 21 days after the receipt of his or her safety audit program, in writing request CASA:

- (a) not to carry out, or to carry out a part only of, any inspection or test planned to be carried out under the program; or
- (b) to vary the time at which any inspection or test is planned to be carried out; or
- (c) to vary the estimate of the total amount of fees payable for inspections and tests included in the program.

“(3) CASA must, within 14 days after receipt of a request under subregulation (2), decide to vary or not to vary an authorisation holder’s safety audit program.

Note A decision to vary, or not to vary, a safety audit program is a reviewable decision under regulation 297A.

“(4) CASA must immediately in writing advise the authorisation holder of its decision to vary or not to vary the safety audit program.

“Note For authorisation holder, see regulation 7A.

Before CASA starts any inspection or test

“7E. (1) Before CASA starts any inspection or test included in a safety audit program relating to an authorisation holder, CASA must write to the holder setting out:

- (a) the date when the inspection or test is to start; and
- (b) if a fee is payable—an estimate of the fee payable for the inspection or test.

“(2) CASA must give to the authorisation holder not less than 21 days notice before the start of any inspection or test under the safety audit program.

“(3) If a fee is payable in respect of the inspection or test, the authorisation holder must, not less than 7 days before the date referred to in paragraph (1) (a), pay to CASA, on account for that fee, an amount equal to the estimate referred to in paragraph (1) (b).

“(4) CASA must not start any inspection or test unless:

- (a) the amount referred to in subregulation (3) has been paid; and
- (b) any debt due to CASA by the authorisation holder under subregulation 7F (3) has been paid.

“Note For authorisation holder, see regulation 7A.

After completion of an inspection or test

“7F. (1) After completion of the inspection or test, CASA must give to the authorisation holder to whom the safety audit program relates:

- (a) a report of its findings; and
- (b) a statement of the fee payable in respect of the inspection or test and:
 - (i) if the amount of the fee exceeds the amount of the estimate—an account for the further amount due to CASA; or
 - (ii) if the amount of the fee is less than the amount of the estimate—a refund of the difference between the amount of the fee and the amount paid under subregulation 7E (3).

“(2) An amount outstanding under subparagraph (1) (b) (i) is a debt payable to CASA.

“Note For authorisation holder, see regulation 7A.

Safety audit program does not affect other inspections, etc

“7G. Nothing in this Division affects CASA’s exercise of any of its powers or functions under the Act, these Regulations or the Civil Aviation Orders, or prevents CASA from undertaking any inspection or test for purposes other than those of a safety audit program.”.

8. New regulation 30AA

8.1 After regulation 30, insert:

Need for a safety audit program

“30AA. (1) A certificate of approval is subject to the condition that its holder must not, by an act or omission, prevent or interfere with the carrying out by CASA of any inspection or test under the safety audit program relating to the holder.

“(2) If the holder of a certificate of approval does not comply with the condition referred to in subregulation (1), CASA must cancel the certificate of approval.

“(3) Subregulation (2) does not affect the power that, apart from that subregulation, CASA has to cancel a certificate of approval.

“Note For safety audit program, see Division 2 of Part II.”

9. Regulations 89ZA to 89ZC (inclusive)

9.1 Omit the regulations.

10. New regulation 89ZCA

10.1 After regulation 89ZC, insert:

Need for a safety audit program

“89ZCA. (1) An aerodrome licence is subject to the condition that its holder must not, by an act or omission, prevent or interfere with the carrying out by CASA of any inspection or test under the safety audit program relating to the holder.

“(2) If the holder of an aerodrome licence does not comply with the condition referred to subregulation (1), CASA must cancel the aerodrome licence.

“(3) Subregulation (2) does not affect the power that, apart from that subregulation, CASA has to cancel an aerodrome licence.

“Note For safety audit program, see Division 2 of Part II.”

11. New regulation 211

11.1 After regulation 210, insert:

AOC subject to compliance with safety audit program

“211. (1) For paragraph 28BA (1) (b) of the Act, it is a condition of each AOC that the AOC holder must not, by an act or omission, prevent or interfere with the

carrying out by CASA of any inspection or test under the safety audit program relating to the holder.

"Note For safety audit program, see Division 2 of Part II."

12. Regulation 297A (Review of decisions)

12.1 Subregulation 297A (1) (definition of "reviewable decision"):

Before paragraph (a), insert:

"(aa) a decision by CASA under subregulation 7D (3) to vary or not to vary an authorisation holder's safety audit program;"

13. Regulation 298 (Application for licences etc)

13.1 Omit "(other than a certificate to which regulation 211 applies)".

14. New regulation 298AA

14.1 After regulation 298 insert:

Application to be in approved form

"298AA. If:

- (a) these regulations or the Civil Aviation Orders provide that CASA may issue a document, give an approval, or take any action (however called) that may result in a person:
 - (i) being permitted to do a thing; or
 - (ii) holding an appointment or authorisation under these regulations or the Civil Aviation Orders; or
 - (iii) being exempt from compliance with a provision of these regulations; or
 - (iv) being allowed to do any thing that would otherwise be prohibited under these regulations or the Civil Aviation Orders; and
- (b) apart from this regulation, these regulations or the Civil Aviation Orders do not provide for the person to apply to CASA for the issue of the document, the giving of the approval, or the taking of the action;

CASA must not issue the document, give the approval or take the action unless the person has made an application in an approved form in that regard."

15. Omission of regulations 310A, 310B and 310C

15.1 Regulations 310A, 310B and 310C are omitted.

16. Transitional

16.1 If:

- (a) before the commencement of these regulations, CASA had under paragraph 9 (1) (f) of the Act prepared a surveillance program (however called) in relation to an authorisation holder within the meaning of regulation 7A of the *Civil Aviation Regulations 1988* as amended by these regulations; and
- (b) the program provides for CASA to undertake inspections and tests during the period starting on 1 April 1999 and ending at the end of June 1999;

the program of inspections and tests referred to in paragraph (b) is taken for the purposes of Division 2 of Part II of the *Civil Aviation Regulations 1988* as amended by these regulations to be a safety audit program prepared by CASA for the authorisation holder in respect of the financial year ending 30 June 1999.

(2) Regulation 7D of the *Civil Aviation Regulations 1988* as amended by these regulations does not apply to a program that is taken to be a safety audit program under subregulation (1).

NOTES

1. Notified in the *Commonwealth of Australia Gazette* on 1998.
2. Statutory Rules 1988 No. 158 as amended by 1988 Nos. 209, 373 and 376; 1989 Nos. 31 and 276; 1990 Nos. 100, 215, 216, 258, 260, 289, 310, 331, 332 and 446; 1991 Nos. 54, 147, 157, 247, 287, 382, 409, 410, 426 and 487; 1992 Nos. 36, 174, 254, 258, 279, 325, 342, 380, 417 and 418; 1993 Nos. 221, 268, 319 and 368; 1994 Nos. 93, 173, 187, 188, 260, 294, 382 and 396; 1995 Nos. 122, 147, 148, and 224; 1996 No. 88; 1997 Nos. 23, 67, 111, 139 and 220; 1998 Nos. 31 and 32.

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ANNEX E

DRAFT PROPOSED AMENDMENTS

TO

Civil Aviation Regulations (CARs) 1998

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Statutory Rules 1998 No. 1

Civil Aviation Regulations 1998² (Amendment)

I, WILLIAM PATRICK DEANE, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Regulations under the *Civil Aviation Act 1988*.

Dated 1998.

Governor-General

By His Excellency's Command,

[DRAFT ONLY - NOT FOR SIGNATURE]

.....
Minister for Transport and Regional Development

1. Commencement

1.1 These regulations commence on 1 January 1999.

2. Amendment

2.1 The *Civil Aviation Regulations 1998* are amended as set out in these Regulations.

3. Regulation 201.1 (Appointment of authorised persons)

3.1 Add at the end:

“(5) The appointment under subregulation (1) of an individual (other than an officer) as an authorised person for these regulations or a particular provision of these regulations is also subject to the condition that the individual must not, by any act or omission, prevent or interfere with the carrying out by CASA of any inspection or test under the safety audit program relating to the individual.

“(6) If an individual referred to in subregulation (5) does not comply with the condition referred to in that provision, CASA must revoke the individual's appointment.

“(7) Subregulation (6) does not affect the power that, apart from that subregulation, CASA has to revoke appointments under this regulation.

“*Note* For *safety audit program*, see Division 2 of CAR 1988; for *officer*, see subsection 3 (1) of the Act.”.

4. Regulation 201.2 (Delegations of CASA’s powers)

4.1 Add at the end:

“(5) Without limiting subregulation (3), a delegation to a named individual (other than an officer) is subject to the condition that the delegate must not, by any act or omission, prevent or interfere with the carrying out by CASA of any inspection or test under the safety audit program relating to the individual.

“(6) Without limiting subregulation (3) a delegation to the person for the time being holding, occupying, or performing the duties of a specified position in a specified organisation (other than CASA) is subject to the condition that the person’s employer must not, by any act or omission, prevent or interfere with the carrying out by CASA of any inspection or test under the safety audit program relating to the employer.

“(7) If:

- (a) an individual referred to in subregulation (5) does not comply with the condition set out in that subregulation; or
- (b) the employer of a person referred to in subregulation (6) does not comply with the condition set out in that subregulation;

the Director must revoke the delegation made to the individual or person.

“(8) Subregulation (7) does not affect the power that, apart from that subregulation, the Director has to revoke delegations.

“*Note* For *safety audit program*, see Division 2 of CAR 1988; for *officer*, see subsection 3 (1) of the Act.”.

NOTES

1. Notified in the *Commonwealth of Australia Gazette* on 1998.
2. Statutory Rules 1998 No. 237.