

CIVIL AVIATION
SAFETY AUTHORITY
AUSTRALIA

Discussion Paper

COMMONWEALTH OF AUSTRALIA CIVIL AVIATION SAFETY AUTHORITY CERTIFICATE OF REGISTRATION		
1. Nationality & Registration Mark VH -	2. Manufacturer & Manufacturer's Designation of the Aircraft	3. Aircraft Serial Number
4. Name of Owner		
5. Address of Owner		
6. It is hereby certified that the above-described aircraft has been duly entered in the Civil Aircraft Register in accordance with the Convention on International Civil Aviation dated 7 th December 1944 and the Commonwealth of Australia Civil Aviation Safety Regulation Part 47.		
7. Date of entry in the Register For the Civil Aviation Safety Authority This Certificate was issued on: Valid until:		
8. Note: <ul style="list-style-type: none">• This Certificate does not confer title to the above-described aircraft.• The above registered holder must notify Civil Aviation Safety Authority in writing of any changes to the particulars recorded in the Civil Aircraft Register.• Should this aircraft be totally destroyed or scrapped, the Registration Holder is required to notify and return this Certificate to Civil Aviation Safety Authority		
All Certificates of Registration previously issued in respect of this aircraft are hereby superseded and cancelled		
Any person finding this Certificate should forward it in an envelope marked "Postage Paid" to: Civil Aviation Safety Authority, Civil Aircraft Registry, GPO Box 2005, Canberra ACT 2601, Australia		

Registration of Aircraft and related matters

Proposed Civil Aviation Safety Regulation (CASR) Part 47

Published as the first stage of the public consultation process
by CASA's Maintenance Standards Branch

Document DP 0106MS — August 2001

As with the development of other CASR Parts, the CASR Part 47 proposals contained in this DP have been developed jointly by industry and CASA representatives, the aim being to introduce regulations that are simple, unambiguous and generally harmonised with those of other major aviation nations.

As a signatory to the Chicago Convention, Australia is required to establish and maintain a civil aircraft register. CASA has the responsibility to establish, maintain and use the register to ensure aircraft owners and operators are informed expeditiously of important airworthiness, maintenance, operational and service requirements. CASA also records the owner (property interest holder) of each aircraft on the register.

The proposed CASR Part 47 will prescribe the regulations for persons who:

- have an Australian registered aircraft, or
- intend to register an aircraft in Australia, or
- act as an agent on behalf of an aircraft owner, or
- act as a dealer on behalf of a manufacturer or distributor.

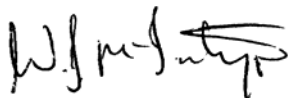
The proposed CASR Part 47 will contain the rules for registering and deregistering an aircraft on the Australian register of civil aircraft. This includes assigning registration marks and defining situations where registration is not required.

In addition to the explanatory material that follows, this Discussion Paper (DP) contains an initial ‘technical draft’ of proposed rules for CASR Part 47, developed by the Standards Consultative Committee – Aircraft Registration Special Sub-committee.

The process of issuing DPs is one of notification and consultation and accordingly, interested party input is sought on the contents of this DP. All submissions received by the closing date will be evaluated and assessed by the Aircraft Registration Special Sub-committee with a view to incorporating any necessary changes to the proposal before formal legal drafting takes place.

Your comments on the proposal contained in this DP are invited. A response sheet has been provided – together with telephone, fax and e-mail contact details for further information – on pages 28 and 29. Comments should be submitted to CASA by the closing date which is **26 October 2001**.

I would like to thank you in advance for taking the time to consider and respond to this proposal, and wish to stress that no action will be taken until all responses and submissions have been considered.



Bill McIntyre
Acting Assistant Director
Aviation Safety Standards

24 August 2001

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Terminology

AAC	Airworthiness Advisory Circular
AC	Advisory Circular
AD	Airworthiness Directive
AOC	Air Operators' Certificate
AOPA	Aircraft Owners and Pilots Association of Australia
AWB	Airworthiness Bulletin
CAO	Civil Aviation Order
CAR	Civil Aviation Regulation
CASA	Civil Aviation Safety Authority
CASR	Civil Aviation Safety Regulation
CoA	Certificate of Airworthiness
CoR	Certificate of Registration
DOTRS	Department of Transport and Regional Services
DP	Discussion Paper
FAA	Federal Aviation Administration of the USA
FAR	Federal Aviation Regulation(s) of the USA
HAA	Helicopter Association of Australia
ICAO	International Civil Aviation Organization
MDR	Major Defect Report
NPRM	Notice of Proposed Rule Making
NAA	National Airworthiness Authority
NZ	New Zealand
REA	Register of Encumbered Aircraft
RFP	Regulatory Framework Program
SCC	Standards Consultative Committee
SDR	Service Difficulty Report
SOR	Summary of Responses
TOR	Terms of Reference
USA	United States of America

The Proposal

1. Background

1.1 CASR Part 47 (contained in CARs 1998) became effective on 1 October 2000 but was subsequently disallowed by Parliament on 8 November 2000. As a consequence, CASA's aircraft registration functions reverted to, and continued operating under, the former CARs 1988 and associated advisory material.

1.2 CASR Part 47 was disallowed by Parliament primarily because of concerns raised by some aircraft registration holders regarding the "ownership" of their aircraft. While CASR Part 47 did not address "owners" of the aircraft in the legal (financial owner) sense, the word "owner" was used to clarify and describe the applicant, that is, the responsibilities of aircraft registration holders under the Civil Aviation Regulations 1988.

1.3 The disallowed CASR Part 47 was based on the existing Civil Aviation Regulations 1988 and was amended to incorporate some of the requirements of FAR Part 47 and the corresponding New Zealand - NZ CAR Part 47. On 6 August 1998, CASA produced a Notice of Proposed Rule Making (identified as NPRM 9807RP) for industry comment on the draft CASR Part 47. A Summary of Responses followed the NPRM (identified as SOR 9807RP).

1.4 The disallowed CASR Part 47 was originally drafted from the findings of Technical Committee 7, as part of the Regulatory Framework Program. That Committee identified:

- a simplified process of registration;
- who should hold the Certificate of Registration (CoR);
- who had the responsibility for maintenance (CoR holder versus operator); and
- the empowerment of industry by removing exemptions.

1.5 The disallowed CASR Part 47 attempted to clarify the existing CAR 1988 regulatory requirements regarding the registration of aircraft to place the responsibility for the aircraft maintenance and airworthiness on the operator of the aircraft and not the owner. Unfortunately, this was misunderstood to mean ownership transfer.

1.6 As a result of the disallowance, CASA was requested by the Deputy Prime Minister and Minister for Transport and Regional Services to establish a project team (the Standards Consultative Committee - Aircraft Registration Special Sub-committee) comprising CASA staff and key industry stakeholders from the Australian aviation community to address the disallowance.

1.7 It is accepted that many aircraft registration holders 'cross-hire' their aircraft and/or place the aircraft 'on-line' with an approved operator to get a return on their asset. In some cases, aircraft registration holders 'pass' responsibility for airworthiness and maintenance control to an operator without transferring the CoR to that operator.

1.8 This DP has therefore been developed based on the industry practice reflected in paragraph 1.7 above. It also includes some options on these issues and identifies the path to be taken, so that proper airworthiness and maintenance control of aircraft can be established. This DP notes that the provisions of the proposed CASR Part 47 will complement the proposed new maintenance regulations.

Note: The Standards Consultative Committee's Maintenance Standards Sub-committee is developing the proposed maintenance regulations.

Terms of Reference

1.9 The Terms of Reference (ToR) for the Special Sub-committee are:

“1. Draft a Discussion Paper that sets out an effective, simple system for registering aircraft, taking into account the best elements of previous work. The proposed system must:

- provide a robust and simple system for allocating, amending, transferring, and cancelling aircraft registrations;
- ensure that CASA can identify the person or organisation responsible for making decisions about the maintenance of an aircraft; and
- be consistent with Australia's obligations under the Chicago Convention.

2. Consider whether it would be desirable to establish a system to provide conclusive information about aircraft ownership, or to maintain a list of encumbered aircraft. The Sub-committee could consider the following options:

- Upgrade the registration system so aircraft owners could use it more reliably as proof of ownership; or
- Establish a register of encumbered aircraft (including identifying who should maintain the register).

3. Assess the cost of introducing any system proposed under reference (2), and set out options for recovering the cost from the aviation industry.”

Contents of Rules

1.10 It is intended that CASR Part 47 will prescribe regulations applicable to persons who:

- have an Australian registered aircraft; or
- intend to register an aircraft in Australia, or
- act as an agent on behalf of an aircraft owner; or
- act as a dealer on behalf of a manufacturer or distributor.

1.11 Therefore, it is proposed that CASR Part 47 should contain the rules for registering and deregistering an aircraft on the Australian register of civil aircraft, including assigning registration marks and defining situations where registration is not required.

Aircraft Insurance

1.12 Aircraft insurance was an issue that arose during the last consultation process (NPRM 9807RP) and may have implications for the proposed new aircraft registration system. Currently, the Department of Transport & Regional Services (DoTRS) is seeking views from the public and the aviation industry about whether Australia should ratify the 1999 Montreal Convention that updates air carriers' liability and other consumer protection arrangements. A discussion paper on the convention and related aviation insurance matters was released by the DoTRS in February 2001 and is entitled: *"Consideration of the Ratification by Australia of the Convention for the Unification of Certain Rules for International Carriage by Air done at Montreal on 28 May 1999 (The Montreal Convention) and Related Aviation Insurance Matters"*. In the DoTRS discussion paper, "Question for comment No.8 *Should insurance arrangements be linked to the aircraft or to the owner/operator?*" is relevant to aircraft registration. The DoTR's work on aviation insurance matters is at an early stage and any proposals are likely to be the subject of a further Departmental discussion paper.

Discussion

1.13 The Special Sub-committee met on five occasions to discuss the issues identified in the Terms of Reference. This involved examining the various options that could be used, how other contracting States had implemented aircraft registration systems, and reviewing Australia's international obligations with regard to aircraft registration.

1.14 The Special Sub-committee's deliberations articulated in this DP reflects discussion on the various options considered for each proposal, and where there was agreement, stating the preferred option, together with the reasons why it was the preferred option. Where agreement could not be reached on a proposal, the DP highlights such issues, explains the various options considered, and specifically requests your comment to help reach a resolution.

1.15 The aim of the proposed new CASR Part 47 is to enable more efficient administrative arrangements including, for the first time, accepting Registrations 'over the phone'. In addition, the proposals contained in CASR Part 47 maintain existing practices such as:

- Issuing certificates of registration independent to the Certificate of Airworthiness (CoA), and
- Re-introducing the aircraft trade-plate system used within Australia prior to 1992.

Harmonisation

1.16 The DP proposal is based on a combination of Australian and foreign legislation (i.e. The Chicago Convention [the Convention on International Civil Aviation], ICAO Annex 6, FAR Part 47 and NZ CAR Part 47). This approach supports the Government's policy that Australian aviation regulations should reflect international best practice, be harmonised with those of leading aviation nations, and be clear and simple. The approach also satisfies CASA requirements that rules should be outcome-based where practicable, rather than prescriptive, so as to reduce the need for exemptions and allow for changing technologies.

It will up-date the current rules, replacing them with a comprehensive package that takes advantage of the successful elements of aircraft registration systems used elsewhere in the world.

Advisory Material

1.17 Additional information will be provided with CASR Part 47 in the form of Advisory Circulars (ACs). ACs are advisory only and comprise guidelines for complying with the regulations and standards. Advisory Circulars not only provide recommendations and guidance to illustrate a means by which legislative requirements may be complied, they also provide the meaning of certain requirements by offering interpretative and explanatory material. CASA recommends ACs should always be read in conjunction with the associated regulations.

1.18 During the Special Sub-committee's deliberations, it was proposed that a simplified version of the 'working draft' regulations should be the result of the proposed CASR Part 47, and that it should be akin to a 'Rules of the Road' booklet published by Road Traffic Authorities. The Special Sub-committee was unanimous in supporting this approach but it was noted that such material has to be based on the actual regulations. It has been suggested that such advisory material published by CASA should be reflected in an Advisory Circular.

Legislative Drafting Styles

1.19 Drafting styles used by the Attorney-General's Department are not based on any special legal language. The language now being used by the Attorney-General's Department is intended to meet legal obligations as well as being useful to those using it. However, legislation is different from ordinary English text because it is more highly organised and not because it uses a special language. For example, the Commonwealth Criminal Code has an effect on the way offence provisions are drafted.

Registration agents

1.20 Though provisions were included in the disallowed CASR Part 47 for CASA to approve sporting organisations as registration agents for their class of aircraft, work on issues surrounding the regulation of sports aviation, including registration of sport aircraft, has been given a lower priority in CASA's Regulatory Reform Program than other matters of reform. Accordingly, the Aircraft Registration Special Sub-committee proposals in this DP do not refer to registration agents. This aspect will be considered when the sport aviation regulations (CASR Parts 103 – Sport & Recreational Aviation Operations and 149 – Recreational & Sport Aviation Administration Organisations) are addressed at the end of the Regulatory Reform Program.

2. Issues included in this DP

2.1 The issues dealt with in this DP arise from the development of an aircraft registration system in accordance with the Terms of Reference for the Special Sub-committee (see paragraph 1.9).

2.2 In summary, these issues are:

- how the registration system may be simplified;
- whether the registration system should enable the identification of the person responsible for the control of airworthiness and maintenance of an aircraft (whether that person is the aircraft registration holder or not);
- whether a CoR of an aircraft should be a certificate of title to that aircraft;
- whether there is a need for a register of encumbrances over aircraft;
- what are the costs of, and funding options for, the various models of aircraft registration and encumbrances systems; and
- how might the registration system ensure that Australia does not become a “flag of convenience” for aircraft.

2.3 All of these issues were considered against the background of Australia’s international obligations (which are summarised at Section 4.3).

2.4 It was not considered within the scope of this DP to address the statutory liens that can be imposed by Airservices Australia under section 61 of the *Air Services Act 1995*.

3. Objective

3.1 The principal objective of this DP is to facilitate public consultation on proposed regulatory changes, in accordance with statutory requirements. The purpose of the proposals herein is to consolidate, into one Part of the new CASRs, all regulatory requirements for aircraft registration and, at the same time, up-date and harmonise those requirements with international practice where applicable.

3.2 A further objective is to instigate discussion regarding the proposals herein to assist CASA with the establishment of policy relating to aircraft registration issues that reflects industry practice and provides a simple efficient registration system that promotes safe aviation practice.

4. Terms of Reference Issues and Options considered

4.1 Simplified Aircraft Registration System

ToR Aim: A registration system that sets out an effective, simple system for registering aircraft, taking into account the best elements of previous work. The proposed system must provide a robust and simple system for allocating, amending, transferring, and cancelling aircraft registrations.

Background

4.1.1 There are several aspects of the disallowed CASR Part 47 that simplified the registration of aircraft. Principally, they included:

- registration by telephone;
- use of an interim CoR domestically;

- assignment of registration marks prior to registration;
- re-introduction of dealer marks (trade plates); and
- the introduction of registration agents to empower certain sporting bodies currently exempted from registering an aircraft with CASA.

Attesting to details on the application form

4.1.2 An important change introduced by the disallowed CASR Part 47 was the provision that enabled the owner to certify that all details on the application form for the issue of the CoR were correct. This meant that CASA did not have to verify any of the details on the application form, except to meet an international obligation to verify that a previously foreign-registered aircraft has been removed from the foreign register before issuing the official CoR.

4.1.3 If adopted, this will mean that CASA could accept at face value, the details provided on the application form. CASA will still need a provision to ask for clarification of the information supplied (if required) for registration purposes. This process will dramatically reduce administrative processing time.

Registration by telephone

4.1.4 An additional important change introduced by the disallowed CASR Part 47 was a simplified system of registration that enabled an aircraft owner to apply for registration by telephone and use an ‘interim’ CoR. This interim certificate will be attached to the back of the duplicate application form. The purpose of this process was to allow the owner to have the Certificate of Airworthiness (CoA) processed, issued and the aircraft operated within Australia. Once CASA receives the written application within a specified time-frame (14 days), it could then issue the CoR to the owner, dated from the time the interim certificate was validated by CASA. This process also required the owner to attest to the details on the application form and this provision is still seen as beneficial to the industry.

Transfer of registration

4.1.5 The disallowed CASR Part 47 also introduced a major change in the notification of transfer of ownership which was to be included on the rear of all new CoRs. This proposal allows the aircraft registration holder to simply complete the notification of transfer/cancellation on the back of the CoR and send it to CASA. This will officially notify CASA of the transfer of ownership or cancellation of registration. This process has already been incorporated on all new CoRs being issued by CASA.

4.1.6 This proposal permits a reduction in forms required and enables an application for transfer to be processed as soon as CASA receives the form. The notification on the rear of the CoR includes a provision to record the aircraft hours so that the registration holder (owner) notifying CASA can place on record exactly when the notification takes effect. (See Annex B to this DP).

Dealer marks (trade-plates)

4.1.7 An important change reintroduced by the disallowed CASR Part 47 was the trade plate system that operated successfully within Australia for many years. This system enables manufacturers or recognised distributors to operate an aircraft on the trade plate for specified purposes such as flight tests after manufacture and flights for the purpose of sale before registering the aircraft in the owner's name. This system has operated successfully in the past and is expected to reduce re-registration costs to industry, which would occur if dealers plates were not available.

4.1.8 Under the proposal in this DP, manufacturers are permitted to flight test their aircraft before consideration is given for the sale, registering or the issue of a CoA. The aircraft still has to be airworthy and maintained correctly under this system and this is achieved through the issue of a special flight permit under CAR (1998) Part 21 – Certification and Airworthiness Requirements for Aircraft and Parts.

Period of validity

4.1.9 The disallowed CASR Part 47 introduced a provision to place a period of validity on a CoR when applied for by the applicant. The provision of an optional period of validity meets the needs of industry by enabling the delivery of an aircraft to a foreign country or for testing prior to shipment overseas.

4.1.10 Provision for a period of validity may become an issue depending on the outcome of the Department of Transport and Regional Services discussion paper (previously mentioned in paragraph 1.12) on insurance for all aircraft. For instance, it may be decided that the certificate is to be renewed on an annual basis.

Maintaining the register's information

4.1.11 There is an obvious safety need to ensure that the information held by CASA is correct. This relates to the aircraft type, make, model, serial number, modification status and the identity of the person responsible for the airworthiness and maintenance control of the aircraft. There are a number of ways that this could be achieved:

- the CoR being renewed annually or biennially;
- introduction of a triennial report (based on the FAA's triennial report); and
- CASA pursuing errant individuals to keep their information up-to-date.

Recommendations

4.1.12 The Special Sub-committee recommends that the aircraft registration system should have the following attributes and facilities to simplify the process and make it more cost effective, without compromising safety:

- information on the application for registration (including applications for transfer and cancellation of registration) being certified by the applicant or registration holder;

- CASA not being required to verify any information provided by an applicant or aircraft registration holder, although being empowered to seek further information if necessary;
- aircraft owners being able to apply for registration and be issued with an interim CoR over the phone;
- the reverse side of the CoR incorporating notification of transfer or cancellation (that is, applications for transfer and cancellation of registration are done by filling in the back of the CoR and giving it to CASA);
- certificates of registration being issued for a set period if the applicant for registration applies for that period;
- CASA being able to issue dealer's marks and corresponding trade plates to aircraft manufacturers and dealers; and
- CASA undertaking a census of the aircraft register every three years by confirming information on the register with the aircraft registration holders.

Note: This last item is not supported by the SCC representatives of the Aircraft Owners and Operators Association (AOPA).

4.2 Identifying the Person responsible for Maintenance Control

ToR Aim: The proposed system must ensure that CASA can identify the person or organisation responsible for making decisions about the maintenance of aircraft.

Background and Discussion

4.2.1 Currently, the aircraft registration holder is responsible for the airworthiness and maintenance of their aircraft. That is, the aircraft registration holder has to ensure that appropriate persons maintain the aircraft in an airworthy and serviceable state.

4.2.2 ICAO Annex 6 specifies that an operator, whether it is the owner or lessee of an aircraft, shall be responsible for its maintenance and airworthy condition when in use.

4.2.3 Therefore, when it comes to the airworthiness and maintenance control, it is the owner or lessee operating the aircraft that is to be held responsible for its airworthiness and maintenance control. If it is to be the accepted practice in Australia for owners to lease aircraft to operators without transferring the CoR, CASA will, in the interest of safety and to be consistent with the international standards, need to maintain a register of operators responsible for airworthiness and maintenance control of aircraft, regardless of whether the operator is the owner or the lessee.

4.2.4 It is essential that CASA has a record of who is responsible for the airworthiness and maintenance control of an aircraft, for the purpose, among other things, of passing on safety information relating to the aircraft.

4.2.5 It is sometimes the case that the person responsible for airworthiness and maintenance control of an aircraft is not the registration holder of the aircraft. This is particularly the case where the aircraft is leased by its registration holder to another person who operates it. Whatever the arrangement, “the person responsible for airworthiness and maintenance control of an aircraft” is not the person(s) who actually carries out the maintenance work, unless that person is also the aircraft registration holder (or lessee).

4.2.6 Under current airworthiness and maintenance regulations, it is the registration holder of an aircraft who is responsible for ensuring that maintenance required prior to flight is carried out. The disallowed CASR Part 47 attempted to mirror this requirement by aligning registration with the responsibility for airworthiness and maintenance control.

4.2.7 Unlike motor vehicle certificates of registration, aircraft CoRs do not confirm that the aircraft is airworthy when registered. A CoA is used to confirm that an aircraft is airworthy. From a safety point of view, the CoA, Special CoA, or Special Flight Permit are the only documents permitting operation of aircraft.

4.2.8 Under this DP proposal, it is accepted that there may be occasions when the registration holder of an aircraft chooses not to be responsible for airworthiness and maintenance control of that aircraft where another person is operating that aircraft. However, the registration holder will remain legally responsible for the airworthiness and maintenance control when that person is not operating the aircraft, unless he or she arranges otherwise.

4.2.9 Because registration and airworthiness and maintenance responsibility will not be automatically linked, the proposal is not to identify the person responsible for airworthiness and maintenance control in the regulations dealing with registration of aircraft. That is, the proposed CASR Part 47 will not identify the person legally responsible for managing the maintenance of an aircraft. Rather, the proposed Subpart M (maintenance requirements) of the applicable operational regulations (that is, CASR Parts 91, 115, 121(A), 121(B), 133, 136, 137, 141 and 142) will provide for the identification of such a person. This will enable CASA to maintain a register of operators responsible for the airworthiness and maintenance control of aircraft for the purpose of notification, among other things, of mandatory airworthiness information. In the event that airworthiness and maintenance control is transferred to someone other than the registration holder, the registration holder may elect to continue to receive airworthiness information distributed by CASA.

Recommendation

4.2.10 That the Standards Consultative Committee Sub-committee for Maintenance Standards ensure that the operator, whether it be the registration holder or a lessee of the aircraft, who has accepted responsibility for airworthiness and maintenance control be clearly defined in Subpart M to CASR Parts 91, 115, 121(A), 121(B), 133, 136, 137, 141 and 142.

4.3 International Obligations

Background

4.3.1 The Terms of Reference for the Special Sub-committee require any proposals outlined in this DP to be consistent with Australia's obligations under the Chicago Convention. Australia is one of the original contracting States to the Convention.

4.3.2 So that Australia's international obligations under the Convention can be taken into consideration when making comments on the proposals in this DP, the following excerpts relating to registration of aircraft have been taken from pertinent international documents ratified by Australia.

4.3.3 The Chicago Convention, Chapter III – Nationality of Aircraft, states:

“Article 17 - Aircraft have the nationality of the State in which they are registered.

Article 19 - The registration or transfer of registration of aircraft in any contracting State shall be made in accordance with its laws and regulations.

Article 20 – Every aircraft engaged in international air navigation shall bear its appropriate nationality and registration marks.

Article 21 - Each contracting State undertakes to supply to any other contracting State or to ICAO, on demand, information concerning the registration and ownership of any particular aircraft registered in that State. In addition, each contracting State shall furnish reports to ICAO, under such regulations as the latter may prescribe, giving such pertinent data that can be made available concerning the ownership and control of aircraft registered in that State and habitually engaged in international air navigation. The data thus obtained by ICAO shall be made available by it on request to the other contracting States.”

4.3.4 Chapter II – Flight over Territory of Contracting States, states:

“Article 12 – Each contracting State undertakes to adopt measures to insure that every aircraft flying over or manoeuvring within its territory and that every aircraft carrying its nationality mark, wherever such aircraft may be, shall comply with the rules and regulations relating to the flight and manoeuvre there in force. Each contracting State undertakes to keep its own regulations in these respects uniform, to the greatest possible extent, with those established from time to time under this Convention. Over the high seas, the rules in force shall be those established under this Convention. Each contracting State undertakes to insure the prosecution of all persons violating the regulations applicable.”



4.3.5 ICAO Annex 7, Aircraft Nationality and Registration Marks, states:

“6.0 Each contracting State shall maintain a current register showing for each aircraft registered by the State, the information recorded in the certificate of registration (*See Annex B to this DP*). The register of unmanned free balloons shall contain the date, time and location of release, the type of balloon and the name of the operator.

7.1 The certificate of registration, in wording and arrangement, shall be a replica of the form (*See Annex B to this DP*).

Notes:

1. The size of the form is at the discretion of the State of Registry.
2. The certificate of registration shall be carried in the aircraft at all times.

9.0 The provision of this Annex shall not apply to meteorological pilot balloons used extensively for meteorological purposes or to unmanned free balloons without a payload.”

4.3.6 Possibly the best indication that ICAO gives with respect to ownership is in their official definition of a Civil Aircraft Register: “*An official State register listing all aircraft owned by operators for civil aviation purposes.*”

4.4 Should the CoR of an aircraft be a certificate of title?

ToR Aim: Consider whether it would be desirable to establish a system to provide conclusive information about aircraft ownership by upgrading the registration system so that aircraft owners could use it more reliably as proof of ownership.

Discussion

4.4.1 Following the disallowance of CASR Part 47 and receipt of industry feedback it became apparent to CASA that there was a belief, in some areas of the aviation industry, that an aircraft’s CoR was a certificate of title to that aircraft. However, much like motor vehicle registration¹, an aircraft’s CoR does not bestow legal title to an aircraft on the holder of the certificate, but it can be some evidence of title to the aircraft.

4.4.2 Accordingly, the Special Sub-committee considered whether the new registration system should bestow legal title to an aircraft on the holder of the CoR and, if not, what value would a CoR have in relation to establishing legal title to an aircraft.

Benefits

4.4.3 The benefit of a CoR being a certificate of title is certainty of title. The primary beneficiaries of certainty of title to aircraft would be aircraft purchasers and persons advancing money to aircraft owners or purchasers on the security of the aircraft (financiers) by reducing the incidence of title disputes.

¹ See e.g. s10 *Road Transport (Vehicle Registration) Act 1997 (NSW)*, s9 *Road Transport (Vehicle Registration) Act 1999 (ACT)*, s140(2) *Motor Vehicles Act 1959 (SA)*, s9B *Road Safety Act 1986 (Vic)*.

Disadvantages

4.4.4 Typically, in order to provide certainty of ownership, registers guarantee title and provide constructive notice of title (and often, security interests). That is, a person is taken to be aware of the title that is disclosed by the register, irrespective of whether the person has actually looked at the register.

4.4.5 The Special Sub-committee considered that there is no head of power in the *Civil Aviation Act 1988*, therefore additional legislation would be necessary. In addition, there may be constitutional difficulties in developing a national scheme.

4.4.6 Title registers are frequently associated with registers of security interests (encumbrance registers). Such title and encumbrance registers are fairly complex and costly to administer. Set-up costs for a title and encumbrance register that guaranteed title and security of interests would be high, as there would need to be a thorough process for initially establishing title and encumbrances.

4.4.7 Importantly, it is not clear that, by making a CoR for an aircraft a certificate of title that this would provide clarity regarding aircraft ownership. This is because it is thought that the CoR will necessarily be taken away from persons without legal title to aircraft, even if those persons believe they own the aircraft, (e.g. because the aircraft is subject to a hire-purchase agreement or other form of financial arrangement in which title does not pass until the security is discharged).

4.4.8 The result may be that banks and other financial institutions may hold a large number of CoR's. Clearly, this is not conducive to aviation safety, as many of these institutions will not have any role with the operation or maintenance of the aircraft concerned.

4.4.9 Finally, of the overseas jurisdictions (United Kingdom, USA, Canada & New Zealand) examined by the Special Sub-committee, none equated a CoR with a certificate of title.

4.4.10 The Special Sub-committee considered that the disadvantages of making the civil aircraft register a register of title outweighed the benefits.

4.4.11 Given that the Special Sub-committee felt that the civil aircraft register should not be a register of title, it went on to consider what value, in terms of signifying title to an aircraft, a CoR should have. The Special Sub-committee considered two options:

- a CoR was no evidence of title to an aircraft; and
- a CoR was some evidence of title to an aircraft, which could be rebutted by contrary evidence.

Options

4.4.12 The first option would be consistent with the registration of motor vehicles in most Australian States and Territories, and the second option would be consistent with current industry practice.

4.4.13 The Special Sub-committee noted that many States and Territories currently operate registers of encumbrances for motor vehicles that are separate from registers of motor vehicles for financial and compliance purposes. The existence of separate registers of encumbrances for motor vehicles removes any necessity for a register of motor vehicles to be a register of title. As a result, registration certificates for motor vehicles do not need to have any value as evidence of title.

4.4.14 The same could not be said of the current civil aircraft register. In the absence of a register of title with respect to aircraft, many consider the register of civil aircraft as a *de facto* register of title.

4.4.15 The Special Sub-committee therefore concluded that the *status quo* in relation to the evidentiary value of a CoR of an aircraft be maintained – that is, a CoR of an aircraft is not *conclusive* evidence of title (title is not guaranteed), but it is evidence of title which may be rebutted by other evidence.

Recommendations

4.4.16 The Special Sub-committee **recognised** that whilst a CoR of an aircraft may be some evidence of title, it is not conclusive evidence of any legal or beneficial property interest and may be rebutted by contrary evidence. The Special Sub-committee therefore **recommends** that the proposed regulations say so.

4.5 Is there a need for a register of encumbered aircraft?

Background

4.5.1 Section 27A of the *Air Navigation Act 1920*, in force from 17 April 1997, provides for the making of regulations under that Act to establish a register of security interests in relation to aircraft and components of aircraft. To date, no such regulations have been made. (See Annex D to this DP)

4.5.2 The Special Sub-committee considered whether a register of encumbered aircraft would be useful to the industry and, if so, how it might be established and administered.

Discussion

Benefits

4.5.3 The benefits of a register of encumbered aircraft are much the same as those associated with a register of title. Transaction costs of financing the purchase or disposal of aircraft are reduced, and disputes between vendors, purchasers, and financiers are reduced.

4.5.4 The obvious beneficiaries of a register of encumbered aircraft are purchasers, vendors, and financiers.

Considerations

4.5.5 There are a number of factors that need to be examined when considering whether, and how, to establish a register of encumbered aircraft.

Authority to establish

4.5.6 A register of encumbered aircraft may be established either administratively or under legislation. The decision as to which option to choose is often linked with the choice of the administrator of the register (see paragraph 4.5.12 below).

4.5.7 If the register is to have any of the following attributes, the Special Subcommittee considered that it would need to be established under the authority of an Act of Parliament:

- security of interest – the interest is secured, and is provable, simply by entry on the register;
- priority of interest – in any dispute (for example, over repayment of monies owed), a registered interest has priority over interests which are not registered, or which are registered later in time; or
- constructive notice of interest – everyone has notice of the registered interest, whether they examine the register or not (the interest is therefore enforceable as against persons who in fact do not know about it).

4.5.8 Importantly, Section 27A of the *Air Navigation Act* does not expressly provide for security nor priority of registered interests, and subsection (6) expressly precludes constructive notice (refer to the attributes specified in 4.5.7). Accordingly, it is doubtful whether regulations made under the *Air Navigation Act* could establish a register with any of the above attributes.

4.5.9 The regulation of property rights (including encumbrances) is also generally a matter within the legislative control of the States, not the Commonwealth. Any such register established under Commonwealth law would therefore be limited to dealing with matters within the Commonwealth's legislative control. See, for example, subsections 27A (1) and (2) of the *Air Navigation Act*.

4.5.10 State and Territory governments could also legislate to establish their own registers of encumbered aircraft or they may choose to enact complimentary legislation to Commonwealth legislation. To date the States have expressed little interest in this issue.

4.5.11 A register established administratively would have none of the attributes referred to in paragraph 4.5.7.

Registrar

4.5.12 There are five basic options for an enforceable register of encumbered aircraft:

- a body established in the legislation which establishes the register (refer to paragraph 4.5.13);

- CASA or another Commonwealth agency like Airservices Australia (refer to paragraph 4.5.14);
- a Commonwealth Department (refer to paragraph 4.5.14);
- an agency or Department of a State government (refer to paragraph 4.5.14); and
- a non-government body (refer to paragraph 4.5.15).

4.5.13 A body established by legislation would necessarily be limited by the legislation which establishes it. For example, a body created by Commonwealth law would only be able to operate a register of encumbered aircraft over which the Commonwealth has jurisdiction. A body created by a State law would only be able to operate a register of encumbered aircraft that have some connection with the State.

4.5.14 This disadvantage identified in 4.5.13 applies equally to government agencies and Departments at both Commonwealth and State levels. Further, an agency like CASA or Airservices Australia would have to be given the function of administering such a register with the attributes in paragraph 4.5.7 under legislation. Neither organisation could establish such a register on a purely administrative basis without a legislative head of power. Further, the operation of such a register is not compatible with either organisations' current functions and powers.

4.5.15 A non-government body would be subject to Constitutional and legal impediments if it were to be established as a register with the attributes specified in paragraph 4.5.7. An organisation composed of, or set up by, the aviation industry or the aircraft finance industry to operate a register without the attributes specified in paragraph 4.5.7 would be able to establish a voluntary register of encumbered aircraft operated to, from or within Australia administratively.

Other issues

4.5.16 The establishment and running of a register of encumbered aircraft may be costly (depending on the model). It is probable that, no matter how it may be established and who were to run it, its users would have to pay for it.

4.5.17 The Special Sub-committee also considered at length the aspect of privacy with respect of information about encumbrances. During the discussion, it was mooted that there might be two lists associated with encumbrances. The first would simply indicate whether an encumbrance was held over an aircraft (the 'yes/no' approach in option 1 below – see paragraph 4.5.19). Access to this "A list" would be open to anyone. The second list would, in effect, 'sit behind' the first and contain detailed information related to any encumbrances held. Access to this "B list" would only be available with the authority of the aircraft registration holder concerned.

Options

4.5.18 Following consideration of the matters referred to above, the Special Sub-committee took the view that while there was benefit in establishing a register of encumbered aircraft, the difficulties associated with establishing an Australia-wide register, operated under the authority of legislation, were unlikely to be overcome in the short term. The Special Sub-committee, therefore, turned its mind towards a simple administrative system and the following options were considered:

Option 1

4.5.19 The information to be collected under this option is broadly similar to the current property interest record. The civil aircraft register administered by CASA would include a 'yes/no' field relating to whether the registration holder had notified CASA that the aircraft was subject to an encumbrance. This 'yes/no' field would be the encumbrance register. The application form for registration would include a question along the lines of "*Is this aircraft subject to an encumbrance?*", although answering it would be completely voluntary. Notifying CASA of a removal of an encumbrance would also be voluntary. However, CASA would only accept a direction from the encumbrance holder to remove the record from the register.

4.5.20 Because notifying CASA of whether an aircraft was subject to an encumbrance would be voluntary, it is unlikely the entries in the civil aircraft register would necessarily be either complete or accurate in this respect. Further, the register would only hold the name and address of the encumbrance holder. A person finding that an aircraft was subject to an encumbrance would have to approach the aircraft registration holder in order to find out anything about the encumbrance.

4.5.21 Because the system would be administrative, voluntary, and may not be complete and accurate, it would have none of the attributes listed in paragraph 4.5.7. However, the system could be expected to work because:

- financiers would have an interest in ensuring that their encumbrances were noted on the register, and hence would require aircraft registration holders to inform CASA that there was an encumbrance as one of the conditions of lending money;
- financiers would always check the register before advancing money;
- aircraft registration holders would have an interest in removing an encumbrance from the register once the encumbrance had been discharged; and
- prospective purchasers of aircraft would always check the register before purchasing.

4.5.22 Because the system would be entirely voluntary, and CASA would not check the veracity of any information in relation to encumbrances supplied to it, the responsibility for the accuracy of the encumbrance register would rest with aircraft registration and encumbrance holders. CASA would clearly disclaim any responsibility and liability for the contents of the encumbrance register. Such a simple system could probably be run at minimal cost. CASA may well be liable for errors in the entry and removal of encumbrance records, but not otherwise.

4.5.23 Variations of this option would increase the amount of information held by CASA regarding encumbrances. However, the more information held by CASA, the more costly such a system would be to establish and maintain. In any case, CASA would not take responsibility for verifying any of the information it was given to record.

Option 2

4.5.24 This option involves a non-government body, such as an aviation or finance industry association, establishing a register of encumbrances on an administrative basis.

4.5.25 Information on encumbrances would be given by financiers and/or aircraft registration holders to the registrar, who would keep a database of that information. Because the system would be administrative, the registrar would have no compulsive powers to require information, and would have none of the attributes listed in paragraph 4.5.7. However, the system could be expected to work, for the same reasons that Option 1 would work – that is, financiers and aircraft registration holders and purchasers would have an interest in ensuring that encumbrances are noted and removed from the register as necessary.

4.5.26 The information that appeared on the register, the person(s) able to provide that information and obtain access to that information, the checking of the accuracy of the information and the fees payable for the service, would all be decided by the registrar. The registrar would obviously have to consider its responsibility, and hence its legal liability (for example, privacy provisions), for information held on the register.

Recommendations

4.5.27 The Special Sub-committee was unable to reach consensus on recommendations regarding the establishment and administration of a register of encumbered aircraft.

4.5.28 Recognising both Constitutional and legal difficulties, CASA and the DoTRS recommend that, if there is perceived to be a strong need for a register of encumbered aircraft to be established, Option 2 is the preferred model for that register.

4.5.29 However, some Special Sub-committee members recommended that Option 1 be adopted, preferably with the inclusion of information additional to the ‘yes/no’ field.

4.6. Cost Recovery

ToR Aim: Assess the cost of introducing any system proposed under Sections 4.1 to 4.5, and set out options for recovering the cost from the aviation industry.

4.6.1 The ToRs require the costs to the aviation industry of introducing a system to upgrade the current CASA aircraft registration system, so that owners may use it more reliably as proof of ownership, and to establish a register of encumbered aircraft to be assessed.

4.6.2 The methodology used to determine the costs of upgrading the CASA civil aircraft registration system involved a five stage process as follows:

- Listing of the process;
- Allocation of staff resources;
- Allocation of expenses;
- Factoring of CASA overheads; and
- Factoring of capital and software costs.

4.6.3 The costing process involved calculations for both registration processes without any encumbrance records and for registration processes with encumbrances records.

4.6.4 The costings developed under this proposal were based on current aircraft registration staff hourly pay-rates obtained from CASA's records.

4.6.5 The results of this analysis identified the costs of the civil aircraft registration procedures for the baseline system as recommended in 4.4.16 and a registration system with a basic encumbrance system to address the recommendations in 4.5.27 & 28.

4.6.6 The costings are as follows:

PROCESS	BASELINE REGISTRATION COSTS	REGISTRATION PLUS ENCUMBRANCE COSTS
New registration	\$110.00	\$125.00
Transfer	\$100.00	\$110.00
Change of details average	\$50.00	\$60.00
Cancellation average	\$70.00	\$80.00
Encumbrances		
Simple	NA	\$40.00
complex	NA	\$110.00

Note: No allowance has been made for GST but figures have been rounded up or, in some cases, down to the nearest dollar.

4.7 Preventing the Australian Civil Aircraft Register becoming a 'Register of Convenience'

Background

4.7.1 Currently, any person can register an aircraft on the Australian register. At present, the registration holders of 42 aircraft (as at 28/02/2001) have addresses overseas. Currently there are approximately 11,690 aircraft registered on the Civil Aviation Register.

4.7.2 Australian-registered aircraft may be operated overseas. The laws of a contracting state control the operation of aircraft within that country. However, Australia remains responsible under the Chicago Convention for the regulation of airworthiness and maintenance of Australian aircraft, licensing of flight-crew and maintenance personnel, and for providing regulatory oversight.

4.7.3 Under the current regulatory framework, maintenance may be conducted on Australian-registered aircraft in another country by Australian-licensed maintenance engineers and organisations, or by engineers and organisations permitted to conduct maintenance on those aircraft under the laws of that country. However, as a matter of policy, CASA does not normally authorise maintenance engineers without Australian licences to issue maintenance releases for Australian-registered aircraft.

4.7.4 Similarly, airworthiness and maintenance of foreign-registered aircraft, and the licensing of personnel associated with the operation and maintenance of foreign-registered aircraft, are the responsibility of the country of registration of the aircraft under the Chicago Convention. Foreign-registered aircraft must operate in Australia in accordance with Australia's operational regulations, but they are not subject to Australia's airworthiness, maintenance, or personnel licensing requirements.

Discussion

4.7.5 By and large, a combination of controls via the Air Operators' Certificate (AOCs), bilateral air services agreements and arrangements between CASA and other National Airworthiness Authorities (NAAs) make the safety regulation of Australian-registered aircraft overseas, and of foreign-registered aircraft in Australia adequate, where those aircraft are being operated in commercial operations.

4.7.6 However, private operations by Australian-registered aircraft overseas and foreign-registered aircraft in Australia are difficult to regulate. CASA is not informed, nor is it required to be informed, when an Australian-registered aircraft is operated privately outside Australia, nor will it necessarily know when a foreign-registered aircraft is being operated privately within Australia.

4.7.7 The problem with such operations is that the safety oversight (in particular, the airworthiness and maintenance aspects) of them is difficult, simply because the operator and the aircraft have no connection (other than registration) with the NAA responsible for regulating their safety. There have been a number of instances in the past where CASA has been made aware by other NAAs of Australian-registered aircraft operating overseas that have been poorly maintained. CASA surveillance of Australian-registered private aircraft overseas would be costly and time-consuming. Effective surveillance would require more information about an operator or aircraft than CASA currently obtains in relation to aircraft operated habitually overseas.

4.7.8 There may be many reasons why people choose to register aircraft in Australia for use overseas. For example, registration of aircraft in Australia is free and registration is currently of unlimited duration. The procedure for registration may be, by comparison with other countries, relatively simple and quick. There may be substantial financial imposts on registration in other countries, for example, stamp duties may be imposed on registration. Or there may be taxation or other financial advantages associated with having an asset as valuable as an aircraft registered outside the jurisdiction of the country of operation. Further, because CASA has no way of knowing when a private aircraft is being operated overseas, it has great practical difficulty in monitoring the airworthiness and maintenance of that aircraft. There is, in theory, the opportunity for a registration holder to avoid CASA oversight. Similar considerations may cause people to operate foreign-registered aircraft in Australia.

4.7.9 The problems associated with a NAA discharging its obligations under the Chicago Convention in relation to aircraft operated habitually or for long periods outside their jurisdiction have been appreciated by ICAO for some time. In 1980 ICAO agreed to amend the Chicago Convention to provide for the transfer of certain regulatory responsibilities from the country of registration of an aircraft to the country of operation of the aircraft². However, the so-called “Article 83bis agreements” have not been widely adopted.

4.7.10 The Special Sub-committee is aware of community concerns over the dangers associated with the ‘Flags of Convenience’ registers that are prevalent in shipping, and which could occur in aviation. Therefore, the Special Sub-committee is keen to avoid such a situation arising with regard to the Australian Civil Aircraft Register.

4.7.11 It is recognised that individual countries have sought to limit the opportunities for their registers to be used as ‘registers of convenience’, and for aircraft in their territory to be inadequately controlled, by:

- limiting the extent to which non-citizens or residents can register aircraft, and
- limiting the extent to which foreign-registered aircraft can operate in their territory.

² The insertion of Article 83bis – *Protocol relating to an amendment to the Convention on International Civil Aviation, done at Montreal 6 October 1980.*

4.7.12 For example, the FAA system has a provision (FAR 47.3) whereby an aircraft shall only be eligible for registration if it is owned by a citizen of the United States, by an individual of a foreign country who has lawfully been admitted as a citizen of the United States, or by a corporation lawfully organised and doing business in the United States.

4.7.13 The New Zealand system specifies that every person lawfully entitled to the possession of an aircraft for a period of 28 days or longer which flies to, from, within, or over New Zealand territory shall register that aircraft (in NZ) and hold a valid CoR.

4.7.14 Anecdotal evidence suggests that a proportion of general and sport aviation activity in Australia is conducted by foreign citizens in Australian-registered aircraft registered in their names. There are also a large number of Australian-registered aircraft that operate overseas frequently, but which are registered by Australian companies. Nevertheless, the large proportion of these are operated under authority of an AOC.

4.7.15 There is a high cost associated with the surveillance of Australian-registered aircraft operating overseas. It should also be noted that the oversight of private operations in Australian-registered aircraft overseas is likely to be difficult and costly.

Options

4.7.16 Options that presented themselves as a result of discussion are as follows:

Note: It should be noted that the following options are principally aimed at privately operated aircraft. This is because it will be known if aircraft operated under an AOC are intended to be operated overseas.

Option 1

4.7.17 The simplest option would be to restrict registration of aircraft on the Australian civil aircraft register to Australian citizens, permanent residents, Australian companies or governments, and to foreign companies having a registered office in Australia.

4.7.18 This option was proposed in the disallowed CAR 1998 Part 47, and was in fact law between 1 October and 7 November 2000. There does not appear to have been any objection to it, and the relevant provision (paragraph DP47.065 (B)) is unmodified in the 'working' draft CASR Part 47 at Annex A of this DP.

4.7.19 This option is consistent with aircraft registration regulations in the United States, with which we are attempting to harmonise. However, it would do nothing to address the oversight of Australian private aircraft operating overseas or foreign registered aircraft operating within Australia.

Option 2

4.7.20 A variation on Option 1 might include permitting foreign citizens and companies to register aircraft on the Australian register, but only if the aircraft are based and primarily used, in Australian territory.

4.7.21 However, if a foreign citizen or company was permitted to register an aircraft then they would need to provide an Australian address for service of aircraft safety information.

Option 3

4.7.22 Another option would be to have no restriction on aircraft registration, but to restrict aircraft operations so that safety oversight by CASA could be more effective.

4.7.23 At its simplest, this option could involve some restriction on the operations of Australian-registered private aircraft outside Australian territory, for example:

- Australian-registered private aircraft must primarily be used in Australian territory ('primarily' may be left undefined, or defined by reference to time limits on overseas operations, number of days per year, etc.); or
- Australian-registered aircraft may not be used for private operations outside Australian territory without notifying CASA of a suitable address for service.

4.7.24 Non-compliance with whatever rule was put in place under this option could be grounds for CASA to cancel the registration of the aircraft.

4.7.25 In conjunction with this might be a restriction on operations by foreign-registered aircraft in Australian territory. An absolute prohibition would naturally be impossible, but a limitation on the amount of time spent by foreign-registered aircraft operating privately in Australia is practical and consistent with legislation in most countries, unless there is an agreement between countries such as the "open skies" agreement between Australia and New Zealand.

Option 4

4.7.26 A fourth option is not to make prescriptive rules about who may register an aircraft on the Australian register, nor where Australian or foreign-registered aircraft might operate. This may lead to a regulatory scheme that requires annual inspections by CASA or an Australian-based maintenance engineer or organisation, and for which a fee was payable. This could be a disincentive to use the Australian register as a register of convenience.

Recommendation

4.7.27 The Special Sub-committee was unable to reach a consensus on a preferred option but recognised, in particular, that option 4 was unacceptable because of the imposition on the Australian registration holders for safety oversight.

4.7.28 The Special Sub-committee concluded that the one key element in preventing the development of a 'flag of convenience' register is a provision for an Australian address for service to be recorded by CASA, backed up by a requirement for notification to CASA of the intention to conduct operations overseas and the circumstances (duration, hours of operation, location, etc).

4.7.29 The Special Sub-committee agreed that there needs to be a head of power to enable CASA to cancel the registration of an aircraft that has been taken overseas and where CASA is not satisfied that adequate arrangements for maintenance have been put in place. This is a key weapon for CASA to ensure it can fulfil its responsibilities with regard to aircraft on the Australian Civil Aircraft Register.

5. Consultation

5.1 CASA is committed to working with the aviation industry and other stakeholders to maintain and enhance aviation safety. The CASA Standards Consultative Committee (SCC) is a joint CASA and industry forum. The SCC and its Sub-committees brings together CASA staff and representatives from a diverse range of aviation industry organisations to work jointly during the development phase of regulatory material. The Special Sub-committee for Aircraft Registration has worked together to develop this DP.

5.2 For the proposed CASR Part 47, a joint CASA/industry project team was set up under the SCC by direction of the Minister. The project team includes (listed alphabetically):

- **Kevin Berry** (initially **David Rees**) – representing Ansett Australia and the Australian Air Transport Association
- **Sam Bidgood** – representing the Australian Defence Force
- **Ken Cannane** – representing CASA's Maintenance Standards Branch (Branch Head) and the Part 47 Aircraft Registration and Related Matters Project Manager
- **Merrilyn Chilvers** – representing the Department of Transport and Regional Services (Acting Assistant Secretary, Aviation Industry Branch)
- **Stephen Dines** – representing the Sport Aircraft Association of Australia
- **Ken Douglas** – representing CASA's Part 47 Aircraft Registration and Related Matters project team
- **Phil Hurst** – representing the Aerial Agricultural Association of Australia
- **Ricardo Inacio** – representing CASA's Civil Aircraft Register (Registrar)
- **Geoff Kimber** – representing CASA's Office of Legal Counsel (Senior Legal Counsel)
- **Graham King** – representing the Royal Federation of Aero Clubs of Australia
- **John Laverick** – representing the Airline Passenger Safety Association
- **Jim Manning** – representing Department of Transport and Regional Services (Director of Aviation Industry Policy, Aviation Division)
- **Chris McKeown** – representing the Aircraft Owners and Pilots Association and the Helicopter Association of Australia
- **Paul Middleton** – representing the Australian Ultralight Federation
- **Rodney O'Meara** – representing CASA's Coordination and Support Branch (Sub-committee Secretariat)
- **Neil Osborne** – representing CASA's Coordination and Support Branch (Branch Head)
- **Paul Runting** – representing the Australian Licensed Aircraft Engineers Association

- **Alison Tierney** – representing the Australian Finance Conference
- **Mike Valentine** – representing the Gliding Federation of Australia
- **Richard G Yates** – representing CASA’s Aviation Safety Standards Division (Assistant Director), chairman of the Standards Consultative Committee and the Special Sub-committee for Aircraft Registration.

5.3 CASR Part 47 falls under the auspices of the SCC’s Maintenance Standards Sub-committee. This DP has been reviewed and approved for release by representatives of that sub-committee along with approval for release by the Office of Regulation Review and CASA’s Standards Coordination Panel.

5.4 This DP is the first step in the public consultation process on CASR Part 47. Two weeks after its release, CASA will commence a national series of public consultative briefings to enable discussion on the proposed rule changes. The briefings will cover:

- How the regulatory reform process has developed and where it is going.
- The structure of the proposed regulations.
- The purpose and status of Discussion papers (DPs), Notices of Proposed Rule Making (NPRMs), Advisory Circulars (ACs) and Manuals of Standards (MOSs).
- The key areas of regulatory change being proposed.
- How the aviation community can take part in the rule development process.

5.5 The presentations will enable you to have any of your questions related to this CASR Part answered by the Project Manager, prior to your formal submission of any comments on the Discussion Paper. You are encouraged to participate at the venue nearest you.



5.6 The consultative briefings schedule is as follows:

Canberra Monday 17 September 0900 - 1200 Australia Room - Canberra RSL Club Moore Street, Canberra City	Bankstown Tuesday 18 September 1030 - 1300 Bankstown Trotting Club 178 Eldridge Road, Bankstown
Moorabbin Wednesday 19 September 1030 - 1300 Dingley International Hotel & Convention Centre 334-348 Boundary Road, Dingley Village	Parafield Thursday 20 September 0900 - 1200 Pooraka Motor Inn 875 Main North Road, Pooraka
Archerfield Monday 24 September 1300 - 1600 Royal Queensland Aero Club Archerfield Airport	Darwin Tuesday 25 September 1300 - 1600 Mirambeena Resort 64 Cavenagh Street, Darwin
Kununurra Wednesday 26 September 1300 - 1600 Mercure Inn Victoria Highway, Kununnurra	Jandakot Thursday 27 September 1300 - 1600 Royal Aero Club of WA 41 Eagle Drive, Jandakot Airport
Cairns Monday 1 October 1300 - 1600 The Oasis Resort 122 Lake Street, Cairns	Townsville Tuesday 2 October 1300 - 1600 Holiday Inn 334 Fliders Mall, Townsville
Tamworth Thursday 4 October 0900 - 1200 Powerhouse Hotel Armidale Road, New England Highway, Tamworth	Albury Monday 8 October 1300 - 1600 SS&A Club Olive Street, Albury

How to Submit Comments on this DP

In order to simplify the collation and summarising of comments, please respond on the sheet provided (see page 31) or a copy of the sheet, with additional comments attached as necessary.

Written comments quoting **DP 0106MS** should be forwarded by **26 October 2001** to CASA's Regulatory Documentation Coordinator by one of the following means:

Post (no stamp required) Reply Paid 744

CASA's Standards Coordination & Support Branch
GPO Box 2005, Canberra ACT 2601, Australia

E-mail DPcasr47@casa.gov.au

Fax 1800 653 897 (free call)
international +612 6217 1691



CIVIL AVIATION
SAFETY AUTHORITY
AUSTRALIA

Additional information is available from:

Ken Cannane, CASR Part 47 Project Manager

Post (no stamp required) Reply Paid 744

CASA's Maintenance Standards Branch
GPO Box 2005, Canberra ACT 2601, Australia

E-mail cannane_kr@casa.gov.au

Telephone 02 6217 1887 or 131 757 (for the cost of a local call)
international +612 6217 1887

Fax 02 6217 1376
international +612 6217 1376



What CASA does with your comments

At the end of the response period for public comments, all submissions will be analysed, evaluated and considered for inclusion in the next stage of consultation - the preparation of a Notice of Proposed Rule Making (NPRM).

CASA is required to register each comment and submission received, but will not individually acknowledge a response unless specifically requested. However, the names of contributors will be published in the subsequent NPRM and Summary of Responses, except where CASA is advised otherwise.

**To submit comments on this
Discussion Paper**

**Registration of Aircraft and
related matters**
Proposed Civil Aviation Safety Regulation (CASR) Part 47

Document DP 0106MS

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Standards Coordination & Support Branch
Civil Aviation Safety Authority
GPO Box 2005, Canberra ACT 2601, Australia
E-mail DPcasr47@casa.gov.au
Fax 1800 653 897 (free call)
international +612 6217 1691

Additional information is available from:

Ken Cannane, CASR Part 47 Project Manager
Post (no stamp required) Reply Paid 744
Maintenance Standards Branch
Civil Aviation Safety Authority
GPO Box 2005, Canberra ACT 2601, Australia
E-mail cannane_kr@casa.gov.au
Telephone 02 6217 1887 or 131 757 (for the cost of a local call)
international +612 6217 1887
Fax 02 6217 1376
international +612 6217 1376