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Volume 4: Schedules

Volume 5: Endnotes

Each volume has its own contents

This compilation includes a commenced amendment made by F2018L00599.

Amendments made by F2018L01030 have not commenced but are noted in the endnotes.

About this compilation

This compilation

This is a compilation of the *Civil Aviation Regulations 1988* that shows the text of the law as amended and in force on 8 November 2018 (the *compilation date*).

The notes at the end of this compilation (the *endnotes*) include information about amending laws and the amendment history of provisions of the compiled law.

Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Legislation Register (www.legislation.gov.au). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the series page on the Legislation Register for the compiled law.

Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

Editorial changes

For more information about any editorial changes made in this compilation, see the endnotes.

Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the series page on the Legislation Register for the compiled law.

Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

Contents

Part 1—Preliminary	1
1	Name of Regulations 1
2	Interpretation 1
2AA	Meaning of <i>ANZA mutual recognition agreements</i> (Act s 3) 18
2A	Approved maintenance data 19
2B	Powers to issue directions etc 19
2C	How to read CASR 20
3	Application of regulations 20
Part 2—Administration and organisation	22
4	CASA 22
5	Civil Aviation Orders 22
6	Authorised persons 22
6A	Identity cards 22
Part 4—Airworthiness requirements	24
Division 2—Foreign operators	24
29	Damage etc to aircraft of a Contracting State 24
Division 3—Certificates of approval, aircraft maintenance engineer licences, airworthiness authorities and aircraft welding authorities	25
29A	Interpretation 25
30	Certificates of approval 25
30AA	Provision of training and assessment in maintenance of aircraft etc. 29
30A	Changes to certificates of approval 29
32	Period during which certificates of approval remain in force 29
33	Testing of competency of holder of licence or authority 30
33B	Airworthiness authorities 30
33C	Application for aircraft welding authority 30
33D	Grant of aircraft welding authority 31
33E	Recognised authorities 31
33F	Duration of aircraft welding authority 31
33G	Renewal of aircraft welding authority 32
33H	Changes to aircraft welding authority 32
33I	Conditions of aircraft welding authority 33
Division 4—Miscellaneous	34
37	Permissible unserviceabilities 34
Part 4A—Maintenance	35
Division 1—Maintenance directions by CASA	35
38	Maintenance directions 35
Division 2—Maintenance for which holder of certificate of registration responsible	36
Subdivision 1—Class A aircraft	36
39	Maintenance required by approved system of maintenance 36
40	Defective or inappropriate systems of maintenance 36

Subdivision 2—Class B aircraft	36
41 Maintenance schedule and maintenance instructions	36
42 Defective or inappropriate maintenance schedule	37
42A Maintenance schedule: manufacturer’s maintenance schedule	37
42B Maintenance schedule: CASA maintenance schedule	39
42C Maintenance schedule: approved system of maintenance	39
42CA Maintenance schedule—primary, intermediate, restricted or limited category aircraft	39
42CB Maintenance—experimental aircraft	40
42D Can there be more than one maintenance schedule?	40
42E Elections	40
42F Effect of change of holder of certificate of registration	40
Subdivision 3—Miscellaneous	41
42G Flight control system: additional requirements	41
42H Exemptions and variations	42
Division 3—Approved systems of maintenance	43
42J System of maintenance: request for approval	43
42K System of maintenance: submission to CASA	43
42L System of maintenance: matters to be included	43
42M System of maintenance: approval	44
42N When approval is effective	45
42P Request for approval of changes	45
42Q CASA may direct changes	45
42R Approval of changes	45
42S When approval of a change is effective	46
42T All changes must be approved	47
Division 4—How maintenance is to be carried out	48
42U Modifications and repairs: approved designs	48
42V Maintenance: approved maintenance data	48
42W Installation and use of aircraft components in maintenance—Australian aircraft in Australian territory	48
42WA Requirements for authorised release certificate	50
42X Use of aircraft materials in maintenance—Australian aircraft in Australian territory	52
42Y Time-lifed aircraft components—exemption from supply under cover of document requirements	53
42Z Removable items of radiocommunications equipment in VFR aircraft—exemption from certification requirements	53
42ZA Use of aircraft components, aircraft materials etc in maintenance—Australian aircraft outside Australian territory	53
42ZB Exemptions and variations	54
Division 5—Who may carry out maintenance	55
42ZC Maintenance on Australian aircraft in Australian territory	55
42ZD Maintenance on Australian aircraft outside Australian territory	58
Division 6—Certification of completion of maintenance	59
Subdivision 1—Maintenance in Australian territory	59
42ZE Certification of completion of maintenance on aircraft in Australian territory	59
42ZF Request for approval of system of certification	59

42ZG	Approval of system of certification	59
42ZH	When approval is effective	60
42ZJ	Changes to an approved system of certification	60
42ZK	Approval of changes	60
42ZL	When approval of a change is effective	61
42ZM	All changes must be approved	61
Subdivision 2—Maintenance outside Australian territory		61
42ZN	Certification of maintenance outside Australian territory	61
Subdivision 3—Miscellaneous		62
42ZP	Certification not to be made	62
Division 7—Exemptions from, and variations of, requirements		63
42ZQ	Requirements to which Division applies	63
42ZR	Application for exemption from, or variation of, requirements	63
42ZS	Granting of exemptions and approval of variations	64
42ZT	When grant or approval is effective	64
42ZU	Effect of grant of exemption or approval of variation	65
Division 8—Maintenance control manual and maintenance controller		66
42ZV	Maintenance controllers	66
42ZW	Approval of maintenance controllers	66
42ZX	Suspension or cancellation of approvals	67
42ZY	Maintenance control manuals	67
42ZZ	Maintenance control manuals: amendments	68
42ZZA	Inspection of maintenance control manuals	68
Division 9—Maintenance releases		69
43	Maintenance releases in respect of Australian aircraft	69
43A	Maintenance release to be available for inspection	71
43B	Time-in-service to be recorded on maintenance release	72
44	Conditions with respect to maintenance releases	72
45	Suspension or cancellation of maintenance release	72
46	Information to be passed to other persons	73
47	Maintenance release to cease to be in force	73
48	Maintenance release to recommence to be in force	74
49	Permissible unserviceabilities to be endorsed on maintenance releases	75
50	Defects and major damage to be endorsed on maintenance release	76
Division 10—Aircraft log books		78
50A	Aircraft log book	78
50B	Alternative to aircraft log book or section of aircraft log book	78
50C	Directions relating to aircraft maintenance records	79
50D	Inspection of records	79
Division 11—Miscellaneous		80
50E	Inconsistent requirements—resolution of inconsistencies	80
50F	Notice of maintenance to be given	80
50G	Copying or disclosing CVR information	81
Part 4B—Defect reporting		82
51	Reporting of defects in Australian aircraft—general	82

51A	Reporting of defects in Australian aircraft: major defects	82
51B	Defects discovered in complying with directions by CASA	83
52	Defects discovered in aircraft components	83
52A	How must reports to Authority be made?	84
52B	Keeping of defective aircraft and aircraft components	85
53	Investigation of defects of Australian aircraft	86
Part 4C—Flight manuals		87
54	Registered operators to maintain aircraft flight manuals	87
Part 4D—Removal or alteration of data plates etc.		88
56	Definitions for this Part	88
57	Removal or alteration of manufacturer’s data plate	88
58	Removal or alteration of identification from heater assembly of manned balloon or propeller	88
59	Transfer of manufacturer’s data plate to another aircraft etc prohibited	89
60	Removal of manufacturer’s data plates	89

Part 1—Preliminary

1 Name of Regulations

These Regulations are the *Civil Aviation Regulations 1988*.

2 Interpretation

(1) In these Regulations, unless the contrary intention appears:

adopted in pursuance of the Convention means adopted by the International Civil Aviation Organization in pursuance of Article 37 of the Convention.

aerodrome control service means an air traffic control service for aerodrome traffic.

aerodrome meteorological minima means the minimum heights of cloud base and minimum values of visibility which are determined in pursuance of regulation 257 for the purpose of determining whether an aerodrome may be used for take-off or landing.

aerodrome reference point, in relation to an aerodrome, means the geographical location of the aerodrome:

- (a) determined in accordance with ‘Manual of Standards Part 139—Aerodromes’; or
- (b) specified by a Part 141 operator in its operations manual, or a Part 142 operator in its exposition.

aerodrome traffic means all traffic on the manoeuvring area of an aerodrome and all aircraft flying in the vicinity of an aerodrome.

aerodyne means an aircraft whose support in flight is derived dynamically from the reaction on surfaces in motion relative to the air.

Aeronautical Information Publications or ***AIP*** has the meaning given by regulation 4.12 of the *Air Services Regulations 1995*.

aeronautical mobile radio service means a radio service between aircraft radio stations and land stations and between two or more aircraft radio stations.

aeroplane means a power-driven heavier-than-air aircraft deriving its lift in flight chiefly from aerodynamic reactions on surfaces remaining fixed under given conditions of flight, but does not include a power-assisted sailplane.

- (c) ***under command*** when it is able to manoeuvre as required by the rules contained in the provisions of Division 2 of Part 11 and in the provisions of Parts 12 and 13 or by the International Regulations for Preventing Collisions at Sea as set forth in Schedule 3 to the *Navigation Act 1920*;
 - (d) ***under way*** if, being in the air or on the surface of the water, it is not aground or moored to the ground or to any fixed object on the land or in the water.
- (5) Where any rule contained in the provisions of Division 2 of Part 11 or in the provisions of Parts 12 and 13 contains a provision similar to that of a rule contained in the Rules of the Air adopted in pursuance of the Convention, but a distance which in the last-mentioned rule is expressed by kilometres, metres or centimetres (as the case may be) is in the first-mentioned rule expressed in miles, feet or inches, an aircraft which, in respect of that distance, complies with the last-mentioned rule shall also be deemed to comply with the first-mentioned rule.
- (6) For the purposes of these Regulations, an aircraft shall be classified in accordance with the type of operations in which it is being employed at any time, as follows:
- (a) when an aircraft is being employed in aerial work operations, it shall be classified as an aerial work aircraft;
 - (b) when an aircraft is being employed in charter operations, it shall be classified as a charter aircraft;
 - (c) when an aircraft is being employed in regular public transport operations, it shall be classified as a regular public transport aircraft;
 - (d) when an aircraft is being employed in private operations, it shall be classified as a private aircraft.
- (7) For the purposes of these Regulations:
- (a) an aircraft that is flying or operating for a commercial purpose referred to in paragraph 206(1)(a) shall be taken to be employed in aerial work operations;
 - (b) an aircraft that is flying or operating for a commercial purpose referred to in paragraph 206(1)(b) shall be taken to be employed in charter operations;
 - (c) an aircraft that is flying or operating for the commercial purpose referred to in paragraph 206(1)(c) shall be taken to be employed in regular public
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transport operations; and

- (d) an aircraft that is flying or operating for the purpose of, or in the course of:
- (i) the personal transportation of the owner of the aircraft;
 - (ii) aerial spotting where no remuneration is received by the pilot or the owner of the aircraft or by any person or organisation on whose behalf the spotting is conducted;
 - (iii) agricultural operations on land owned and occupied by the owner of the aircraft;
 - (iv) aerial photography where no remuneration is received by the pilot or the owner of the aircraft or by any person or organisation on whose behalf the photography is conducted;
 - (v) the carriage of persons or the carriage of goods without a charge for the carriage being made other than the carriage, for the purposes of trade, of goods being the property of the pilot, the owner or the hirer of the aircraft;
 - (va) the carriage of persons in accordance with subregulation (7A);
 - (vi) the carriage of goods otherwise than for the purposes of trade;
 - (vii) flight training, other than the following:
 - (A) Part 141 flight training (within the meaning of regulation 141.015 of CASR);
 - (B) Part 142 flight training (within the meaning of regulation 142.015 of CASR);
 - (C) balloon flying training (within the meaning of subregulation 5.01(1)) for the grant of a balloon flight crew licence or rating; or
 - (viii) any other activity of a kind substantially similar to any of those specified in subparagraphs (i) to (vi) (inclusive);
- shall be taken to be employed in private operations.

- (7A) An aircraft that carries persons on a flight, otherwise than in accordance with a fixed schedule between terminals, is employed in a private operation if:
- (a) public notice of the flight has not been given by any form of public advertisement or announcement; and
 - (b) the number of persons on the flight, including the operating crew, does not exceed 6; and
 - (c) no payment is made for the services of the operating crew; and
 - (d) the persons on the flight, including the operating crew, share equally in the costs of the flight; and
 - (e) no payment is required for a person on the flight other than a payment under paragraph (d).
- (7B) For these Regulations, an unmanned aircraft that is operating in accordance with Part 101 of CASR, or an approval granted by CASA under that Part, is employed in an aerial work operation.
- (8) For the purposes of these Regulations, civil air operations are divided into the classes of operations referred to in subregulation (7).
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(9) Any reference in these Regulations to the owner of an aircraft must, where under a contract of hire or charter agreement the control, maintenance and operation of the aircraft is vested in the hirer, be read as a reference to the hirer.

(10) A reference in these Regulations to height shall be read as a reference to:

- (a) the vertical distance of a level or a point, or if an object is specified, that object considered as a point, measured from the datum specified in connection with the reference, or where no datum is specified, measured from the ground or water; or
- (b) the vertical dimension of an object;

as the case requires.

(11) For the purposes of these Regulations, any reference to endorsement in a licence or other document shall be read as a reference to endorsement on the document, and matter shall be deemed to be endorsed on a document if it is written on any part of the document.

Subdivision 3—Miscellaneous

42G Flight control system: additional requirements

- (1) This regulation sets out the additional requirements to be complied with if any part of the flight control system of an Australian aircraft is assembled, adjusted, repaired, modified or replaced in the course of carrying out maintenance on the aircraft.
- (2) Subject to subregulation (4), the system must:
 - (a) be inspected by the person who carried out the assembly, adjustment, repair, modification or replacement; and
 - (b) be independently inspected by another person who is an appropriate person within the meaning of subregulation (5).
- (3) A person carrying out an inspection must:
 - (a) check that the assembly, adjustment, repair, modification or replacement was carried out in accordance with the aircraft's approved maintenance data; and
 - (b) check that the system functions correctly.
- (4) In spite of subregulation (2), if:
 - (a) optional dual controls were connected or disconnected without using tools; and
 - (b) no other part of the flight control system was assembled, adjusted, repaired, modified or replaced;

the system does not have to be independently inspected.

- (5) For the purposes of this regulation, a person is an appropriate person if:
 - (a) the person holds an aircraft maintenance engineer licence or an airworthiness authority covering maintenance of a type that includes the inspection; or
 - (b) the person is the holder of a pilot licence that is valid for the aircraft; or
 - (c) the person is the holder of a flight engineer licence that is valid for the aircraft; or
 - (d) the person is authorised by CASA or an authorised person under subregulation (6) to carry out the inspection and the inspection is carried out in accordance with any conditions subject to which the authorisation was given; or
 - (e) in relation to an independent inspection performed overseas—the person is a person referred to in paragraph 42ZN(a).
 - (6) CASA or an authorised person may, in writing, authorise a person for the purposes of paragraph (5)(d).
 - (7) An authorisation is subject to any conditions that:
 - (a) CASA or the authorised person, as the case may be, considers are necessary in the interests of the safety of air navigation; and
 - (b) are included in the authorisation.
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Division 5—Who may carry out maintenance

42ZC Maintenance on Australian aircraft in Australian territory

- (d) the following requirements are satisfied:
 - (i) the person is the holder of a pilot licence that is valid for the aircraft;
 - (ii) the maintenance is specified in Part 1 of Schedule 8;
 - (iii) the maintenance is carried out in accordance with any conditions prescribed by legislative instrument issued by CASA for the purposes of this subparagraph; or
 - (e) the person is authorised by CASA under subregulation (6) to carry out the maintenance and the maintenance is carried out in accordance with any conditions subject to which the authorisation is given.
- (5) In spite of subregulations (3) and (4), a person may carry out maintenance on an aircraft component, or an aircraft material, if:
- (a) the person is employed by, or working under an arrangement with, the holder of a certificate of approval that covers the maintenance; and
 - (b) in the case of maintenance that is either:
 - (i) an inspection using a non-destructive testing method; or
 - (ii) manual welding;the person is authorised by CASA under subregulation (6) to carry out the maintenance and the maintenance is carried out in accordance with any conditions subject to which the authorisation is given.
- (6) CASA may, in writing, authorise a person for the purposes of paragraph (3)(d) or (4)(e) or subregulation (5).
- (7) An authorised person may, in writing, authorise a person for the purposes of paragraph (3)(d).
- (8) An authorisation is subject to any conditions that:
- (a) CASA or the authorised person, as the case may be, considers are necessary in the interests of the safety of air navigation; and
 - (b) are included in the authorisation.
- (10) For the purposes of this regulation, an aircraft welding authority covers maintenance of a particular kind if the authority is issued for the type of manual welding and the parent metal group that is appropriate to that kind of maintenance.
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Division 9—Maintenance releases

43 Maintenance releases in respect of Australian aircraft

(16) Where a maintenance release is issued under this regulation, or again commences to be in force by virtue of regulation 48, in respect of an aircraft, any other maintenance release in force in respect of the aircraft immediately before that issue or that commencement, as the case may be, ceases to be in force.

(17) An offence against subregulation (11) or (11A) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

43A Maintenance release to be available for inspection

(1) CASA or an authorised person may, at all reasonable times, inspect a maintenance release, or a copy of a maintenance release, for an aircraft.

(2) A person who has possession or custody of a maintenance release, or a copy of a maintenance release, must make it available for inspection by CASA or an authorised person at the request of CASA or the authorised person.

Penalty: 25 penalty units.

(3) An offence against subregulation (2) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

43B Time-in-service to be recorded on maintenance release

(1) On the completion of flying operations on each day that an aircraft is flown, the owner, operator or pilot in command must record on the maintenance release the total time-in-service of the aircraft on the day.

Penalty: 25 penalty units.

(2) An offence against subregulation (1) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

45 Suspension or cancellation of maintenance release

- (1) Where CASA is satisfied that a condition set out in, or applying in relation to, a maintenance release has not been complied with, CASA may suspend or cancel the maintenance release.
- (2) A suspension or cancellation of a maintenance release under this regulation does not have effect in relation to a person until a notification of the suspension or cancellation has been served on the person.

46 Information to be passed to other persons

- (1) If a direction setting out a condition that applies in relation to a maintenance release of an aircraft given under regulation 44, or a notification of a suspension or cancellation of a maintenance release of an aircraft given under regulation 45, has been served on the holder of the certificate of registration for the aircraft, the holder must use his or her best endeavours to ensure that the direction or the fact that the maintenance release has been suspended or cancelled, as the case may be, is brought to the attention of any person, who is likely to fly, or likely to issue a maintenance release for, the aircraft.

Penalty: 25 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

47 Maintenance release to cease to be in force

- (1) If:
 - (aa) the holder of the certificate of registration for; or
 - (ab) the operator of; or
 - (ac) a flight crew member of; or
 - (ad) an authorised person engaged (whether as an employee or on his or her own behalf) in the maintenance of;

an aircraft in respect of which a maintenance release is in force becomes aware:

- (a) that:
 - (i) a requirement or condition imposed under these Regulations in respect of the maintenance of the aircraft has not been complied with;
 - (ii) the aircraft has developed a defect that is major damage or a major defect and that is not a permissible unserviceability;
 - (iii) abnormal flight or ground loads have been imposed on the aircraft; or
 - (iv) maintenance carried out on the aircraft may have adversely affected, to such an extent as to affect the safety of the aircraft, the flight characteristics of the aircraft or the operating characteristics of any aircraft component, or any system of aircraft components, installed in the aircraft; and
 - (b) that there is a likelihood that the aircraft will be flown before:
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- (i) the requirement or condition referred to in subparagraph (a)(i) has been complied with;
 - (ii) the defect referred to in subparagraph (a)(ii) has been remedied;
 - (iii) any damage caused by the imposition of the abnormal loads referred to in subparagraph (a)(iii) has been remedied; or
 - (iv) the characteristics referred to in subparagraph (a)(iv) have been corrected;
- as the case may be;

he or she shall enter on the maintenance release, or other document approved for use as an alternative to the maintenance release for the purposes of this subregulation, an endorsement signed by him or her setting out the facts of the situation and stating that the aircraft is unairworthy, and thereupon the maintenance release ceases to be in force.

Penalty: 25 penalty units.

- (1A) For subregulation (1), damage to an aircraft is taken not to be major damage if advice has been given under regulation 21.007A of CASR that the damage is not major damage.
- (1B) For subregulation (1), damage to a limited category aircraft is taken not to be major damage if advice has been given under regulation 132.175 of CASR that the damage is not major damage.
- (1C) For subregulation (1), a defect in a limited category aircraft is taken not to be a major defect if advice has been given under regulation 132.175 of CASR that the defect is not a major defect.

(3) If:

- (a) the holder of the certificate of registration for; or
- (b) the operator of; or
- (c) the pilot in command of; or
- (d) an authorised person engaged (whether as an employee or on his or her own behalf) in the maintenance of;

an aircraft in respect of which a maintenance release is in force becomes aware that the certificate of airworthiness in respect of the aircraft has been suspended or cancelled, he or she shall enter on the maintenance release an endorsement signed by him or her setting out the facts of the situation and stating that the aircraft is unairworthy, and thereupon the maintenance release ceases to be in force.

Penalty: 25 penalty units.

- (5) A maintenance release for an aircraft stops being in force when a maintenance release inspection of the aircraft begins.
 - (6) In this regulation, ***maintenance release inspection*** means an inspection carried out on an aircraft for the purpose of determining whether a maintenance release for the aircraft should be issued.
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49 Permissible unserviceabilities to be endorsed on maintenance releases

- (1) This regulation applies to each of the following persons in relation to an aircraft in respect of which a maintenance release is in force:
 - (a) the holder of the certificate of registration for the aircraft;
 - (b) the operator of the aircraft;
 - (c) a flight crew member of the aircraft;
 - (d) a person who is permitted by regulation 42ZC or 42ZD to carry out maintenance on the aircraft.
- (2) If:
 - (a) an aircraft in respect of which a maintenance release is in force has developed a defect that is a permissible unserviceability; and
 - (b) there is a likelihood that the aircraft will be flown before the permissible unserviceability is rectified; a person mentioned in subregulation (1), who becomes aware of the defect, must endorse the maintenance release, or other document approved for use as an alternative to the maintenance release for the purposes of this regulation, in the manner set out in subregulation (3).

Penalty: 25 penalty units.

- (3) For subregulation (2), the maintenance release or other document must be signed by the person mentioned in subregulation (1), and must:
 - (a) set out each permissible unserviceability that exists with respect to the aircraft; and
 - (b) set out the conditions (if any) with respect to the use of the aircraft with those permissible unserviceabilities set out in any direction given under regulation 37, or approval under regulation 21.007 of CASR, in relation to those permissible unserviceabilities as are not set out in any operations manual issued with respect to the aircraft or in Part 20 of the Civil Aviation Orders; and
 - (c) state that the maintenance release has effect subject to those conditions, whether set out in the maintenance release or the other document or otherwise.

50 Defects and major damage to be endorsed on maintenance release

- (1) This regulation applies to each of the following persons:
 - (a) the holder of the certificate of registration for an Australian aircraft;
 - (b) the operator of an Australian aircraft;
 - (c) a flight crew member of an Australian aircraft.
 - (2) If:
 - (a) there is a defect in the aircraft; or
 - (b) the aircraft has suffered major damage; a person mentioned in subregulation (1), who becomes aware of the defect or damage, must
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