



Australian Government

Civil Aviation Safety Authority

Instrument number CASA EX44/24

I, DANIEL BERNARD O'HAGAN, Manager, Legislative Drafting, Legal, International & Regulatory Affairs Division, a delegate of CASA, make this instrument under regulations 11.160 and 11.205 of the *Civil Aviation Safety Regulations 1998*.

[Signed D.B. O'Hagan]

Danny O'Hagan
Manager, Legislative Drafting
Legal, International & Regulatory Affairs Division

29 July 2024

CASA EX44/24 — Maintenance on Limited Category and Experimental Aircraft Exemption 2024

1 Name

This instrument is *CASA EX44/24 — Maintenance on Limited Category and Experimental Aircraft Exemption 2024*.

2 Duration

This instrument:

- (a) commences on 1 August 2024; and
- (b) is repealed at the earlier of the following:
 - (i) the commencement of Parts 1 and 2 of Schedule 1 to the *Civil Aviation Legislation Amendment (Part 43—Maintenance of Aircraft) Regulations 2024*;
 - (ii) the end of 31 July 2027.

3 Definitions

Note In this instrument, certain terms and expressions have the same meaning as they have in the *Civil Aviation Act 1988* and the regulations. These include: **approved design organisation**, **certificate of airworthiness**, **experimental certificate**, **special certificate of airworthiness** and **limited category aircraft** as defined in the CASR Dictionary, and **approved maintenance data** as defined in regulation 2 of CAR.

In this instrument:

exempted aircraft means an aircraft that is a limited category aircraft or an aircraft in relation to which an experimental certificate is in force.

exempted aircraft maintenance means maintenance on an exempted aircraft that is not the following:

- (a) maintenance of instruments and equipment on the exempted aircraft required by CASR, CAR or the Civil Aviation Orders;

- (b) maintenance to comply with a condition on the special certificate of airworthiness or experimental certificate for the exempted aircraft;
- (c) maintenance specified in an airworthiness directive or in a direction issued by CASA;
- (d) maintenance to comply with an instruction specified in the exempted aircraft's approved maintenance data.

major design change, in relation to an exempted aircraft, means a design change that has a significant effect on any of the following:

- (a) the weight and balance of the aircraft;
- (b) the structural strength of the aircraft;
- (c) the performance of the aircraft;
- (d) the operational characteristics of the aircraft;
- (e) other characteristics that may affect the validity of the special certificate of airworthiness or the experimental certificate for the aircraft.

4 Application

This instrument applies to the registered operator of an exempted aircraft and to each person carrying out exempted aircraft maintenance.

5 Exemptions

- (1) In relation to exempted aircraft maintenance, the registered operator of the aircraft and the person carrying out the maintenance are exempt from compliance with the following provisions of CAR:
 - (a) regulation 42U;
 - (b) paragraphs 42W(2)(b) and (4)(a) and (c).
- (2) For the registered operator, the exemptions are subject to the condition mentioned in subsection 6(1).

6 Conditions

- (1) If the exempted aircraft maintenance involves a major design change, the registered operator of the exempted aircraft must not operate the aircraft or allow the aircraft to be flown after the maintenance until the following requirements are satisfied:
 - (a) the registered operator has provided the information mentioned in subsection (2) in writing to:
 - (i) CASA's Airworthiness and Engineering Branch; or
 - (ii) an authorised person who holds power to make decisions under regulations 21.006A and 21.009 and the provisions of Subpart 21.M of CASR; or
 - (iii) a person who is authorised to issue a certificate of airworthiness in the category of the exempted aircraft; or
 - (iv) an approved design organisation;
 - (b) the person to whom the information is provided informs the registered operator in writing that the major design change is acceptable.
- (2) For paragraph (1)(a), the information is the following:
 - (a) a description of the maintenance that involves the major design change;

- (b) if the maintenance has been carried out, photographs that provide supplementary explanation of the key steps of the description mentioned in paragraph (a);
 - (c) the reasons for making the major design change;
 - (d) how the maintenance may affect each of the matters mentioned in the definition of *major design change*;
 - (e) why the major design change will not adversely affect the safety of the exempted aircraft.
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