



Australian Government

Civil Aviation Safety Authority

Instrument number CASA 18/22

I, ANTHONY ALFRED STANTON, Branch Manager, Sport & Recreation Aviation, Stakeholder Engagement Division, a delegate of CASA, make this instrument under subregulations 42ZC (6) and (8) of the *Civil Aviation Regulations 1988* and regulation 201.001 of the *Civil Aviation Safety Regulations 1998*.

[Signed. A.A. Stanton]

Anthony A. Stanton
Branch Manager, Sport & Recreation Aviation
Stakeholder Engagement Division

25 February 2022

CASA 18/22 — Maintenance (Certain Amateur-built, Kit-built and Light Sport Aircraft) Instrument 2022

1 Name

This instrument is *CASA 18/22 — Maintenance (Certain Amateur-built, Kit-built and Light Sport Aircraft) Instrument 2022*.

2 Duration

This instrument:

- (a) commences on 1 March 2022; and
- (b) is repealed at the end of 28 February 2025.

3 Definitions

Note In this instrument, certain terms and expressions have the same meaning as they have in the Act and the regulations. These include: ***ABAA***, ***amateur-built aircraft***, ***authorised person***, ***civil aviation legislation***, ***experimental certificate***, ***kit-built aircraft***, ***light sport aircraft***, ***maintenance release***, ***manned free balloon*** and ***special certificate of airworthiness***.

- (1) In this instrument:

AEL means aircraft engineer licence.

group, of builders, means 2 or more builders.

knowledge level means a level of knowledge described in Annex 2.

primary builder means:

- (a) that member of a group of builders of a relevant aircraft who has fabricated and assembled more than half of an amateur-built aircraft or assembled more than half of a kit-built aircraft; or

- (b) if paragraph (a) does not apply to any member of the group — that member who has been nominated in writing by the group as the primary builder for the purpose of issuing maintenance releases.
- relevant aircraft** means an aircraft for which:
- (a) a special certificate of airworthiness for an amateur-built aircraft accepted under an ABAA has been issued in accordance with regulation 21.190 of CASR; or
 - (b) a special certificate of airworthiness in the form of an experimental certificate has been issued in accordance with regulation 21.195A of CASR for a purpose mentioned in paragraph 21.191 (g), (h) or (j) of CASR.
- (2) Without limiting when 2 aircraft are not **essentially similar**, 2 aircraft are not **essentially similar**:
- (a) if they are made of different materials; or
 - (b) if 1 has retractable landing gear and the other has fixed landing gear; or
 - (c) if 1 has electrically-powered landing gear and the other has hydraulically-powered landing gear; or
 - (d) if 1 has electrically-powered flaps and the other has hydraulically-powered flaps.

4 Authorisations to carry out maintenance on relevant aircraft

The following authorisations are given under subregulation 42ZC (6) of CAR for the purposes of paragraph 42ZC (4) (e):

- (a) a person who has fabricated and assembled more than half of a relevant aircraft is authorised to carry out maintenance on:
 - (i) the aircraft; and
 - (ii) any relevant aircraft of which the person is the sole owner and that is essentially similar to the aircraft;
- (b) a person (other than a person mentioned in paragraph (a)) who has contributed to the fabrication and assembly of an amateur-built aircraft that is a relevant aircraft is authorised to carry out maintenance on the aircraft;
- (c) a person who has assembled more than half of a kit-built aircraft, or light sport aircraft, that is a relevant aircraft is authorised to carry out maintenance on:
 - (i) the aircraft; and
 - (ii) any relevant aircraft of which they are the sole owner and that is essentially similar to the aircraft;
- (d) a person (other than a person mentioned in paragraph (c)) who has contributed to the assembly of a kit-built aircraft, or light sport aircraft, that is a relevant aircraft is authorised to carry out maintenance on the aircraft;
- (e) the holder of an AEL, in a subcategory of category B1, or in category B2, granted under Part 66 of CASR is authorised to carry out maintenance on a relevant aircraft.

5 Appointment of authorised persons to issue maintenance releases and enter endorsements

- (1) Subject to subsection (2), a person authorised to carry out maintenance on a relevant aircraft under section 4 is appointed to be an **authorised person** under regulation 201.001 of CASR:
 - (a) in relation to regulation 43 of CAR — to issue a maintenance release for the aircraft; and
 - (b) in relation to regulation 47 of CAR — to enter an endorsement on a maintenance release for the aircraft, stating that the aircraft is unairworthy; and
 - (c) in relation to regulation 48 of CAR — to cancel an endorsement mentioned in paragraph (b) for the aircraft, effecting a recommencement of the maintenance release.
- (2) Subsection (1) does not apply to a person who is authorised to carry out maintenance on a relevant aircraft by virtue of holding an AEL in category B2 granted under Part 66 of CASR (mentioned in paragraph 4 (e)) unless the person holds an AEL in a subcategory of category B1 granted under Part 66 of CASR.

Note Nothing in subsection (2) prevents the person from being an **authorised person** for the aircraft if they are authorised to carry out maintenance on the aircraft under another paragraph in section 4.

6 Conditions

Each authorisation under section 4 and each appointment under section 5 is subject to the conditions mentioned in Schedule 1.

Schedule 1 Conditions

- 1 An authorised person may only issue a maintenance release for an aircraft if all required maintenance has been carried out and properly certified by a person authorised to conduct maintenance under this instrument.
- 2 An authorised person must sign each maintenance release that they issue under this instrument.
- 3 For a maintenance release to be issued for an aircraft by a person mentioned in paragraph 4 (b) or (d), the authorised person must have been nominated in writing by the group of builders as the primary builder of the aircraft.
- 4 A person authorised to carry out maintenance on an aircraft must do so:
 - (a) in accordance with the appropriate data for proper maintenance of the aircraft; and
 - (b) using the appropriate tooling.
- 5 An authorised person must ensure that each maintenance release issued includes any information required to be entered on the maintenance release by any direction, permit or permission issued under the civil aviation legislation that applies to the aircraft, the aircraft components or the aircraft materials.
- 6 When issuing a maintenance release, an authorised person must do so in accordance with the applicable requirements of Civil Aviation Order 100.5 and regulation 43 of CAR.