



Australian Government

Civil Aviation Safety Authority

Instrument number CASA EX94/20

I, SHANE PATRICK CARMODY, Director of Aviation Safety, on behalf of CASA, make this instrument under regulations 11.160 and 11.205 of the *Civil Aviation Safety Regulations 1998*.

[Signed S. Carmody]

Shane Carmody
Director of Aviation Safety

30 July 2020

CASA EX94/20 — Exemption from Regulation 42.150 of CASR (Time Allowed to Vary Approved Maintenance Program) Instrument 2020

1 Name

This instrument is *CASA EX94/20 — Exemption from Regulation 42.150 of CASR (Time Allowed to Vary Approved Maintenance Program) Instrument 2020*.

2 Duration

This instrument:

- (a) commences on the day after it is registered; and
- (b) is repealed at the end of 31 May 2023.

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: ***instructions for continuing airworthiness***.

In this instrument:

AMP means approved maintenance program.

ICA means instructions for continuing airworthiness.

Part 42 MOS means the Part 42 Manual of Standards.

regular maintenance requirement means maintenance required by the ICA to be carried out on a regular basis.

responsible person means the person responsible for continuing airworthiness for an aircraft, as defined in regulation 42.105 of CASR.

4 Application

This instrument applies to a person responsible for continuing airworthiness for an aircraft and their obligations under regulation 42.150 of CASR.

5 Exemption

A responsible person is exempt from compliance with subregulation 42.110 (1) of CASR to the extent that it would require the person to comply with regulation 42.150 of CASR.

6 Conditions

The exemption is subject to the conditions in Schedule 1.

Schedule 1 — Conditions

- 1 Subject to clauses 3 to 5, if the AMP for the aircraft no longer complies with a regular maintenance requirement for the aircraft, or an aeronautical product fitted to the aircraft, the responsible person must, not later than 12 months after the day the AMP ceased to comply with the regular maintenance requirement, comply with the requirements in paragraph 2 (a), (b) or (c).
- 2 For clause 1, the requirements are that the responsible person must:
 - (a) vary the AMP, and approve the variation of the AMP in accordance with Division 42.J.4 of CASR, to fully comply with the regular maintenance requirement; or
 - (b) vary the AMP, and ensure that the variation of the AMP is approved by CASA under Division 42.J.5 of CASR, to fully or partly comply with the regular maintenance requirement; or
 - (c) vary the AMP, and ensure that the variation of the AMP is approved by CASA under Division 42.J.5, to set out another means of compliance with the regular maintenance requirement in accordance with paragraph 2.9.2 (a) of the Part 42 MOS.

Note 1 An AMP may no longer comply with a regular maintenance requirement if the ICA are changed, or the existing ICA become applicable because of a modification made to the aircraft, or because the aircraft's operating environment, or utilisation rate, has changed.

Note 2 Subsection 2.9.1 of the Part 42 MOS defines the notion of compliance with a requirement of the ICA.

Note 3 An example of partly complying with a regular maintenance requirement would be to include a maintenance requirement but vary the interval for the maintenance.

- 3 If a responsible person decides that there is technical justification not to comply with clause 1, the person may apply to CASA in writing for approval not to vary the AMP to comply with a regular maintenance requirement.
- 4 An application under clause 3 must:
 - (a) include the technical justification for not complying; and
 - (b) be made as soon as possible, but not later than 12 months after the day the AMP ceased to comply with the regular maintenance requirement.
- 5 Having considered the technical justification for not complying, CASA may:
 - (a) decide not to approve an application under clause 3; or
 - (b) approve the application with or without conditions.
- 6 A decision by CASA to refuse to grant an approval not to vary the AMP, or to impose conditions on an approval, is subject to merits review by the Administrative Appeals Tribunal.

- 7 If CASA approves an application in accordance with paragraph 5 (b), the responsible person must keep a copy of the approval for as long as the approval is relevant to the AMP.
 - 8 If the maintenance required by a regular maintenance requirement is due on an aircraft before:
 - (a) the variation of the AMP is approved in accordance with clause 2; or
 - (b) approval not to vary the AMP is granted in accordance with clause 5;the responsible person must ensure that the maintenance is carried out on the aircraft as required by the regular maintenance requirement.
 - 9 If an application that is made in accordance with clause 3 is not approved in accordance with clause 5, in relation to an AMP for an aircraft, the responsible person must ensure that:
 - (a) the AMP is varied, and the variation of the AMP is approved, in accordance with clause 2 above before the later of the following:
 - (i) the end of 6 months after the day the person is notified by CASA that the application has not been approved;
 - (ii) the end of 12 months after the day the AMP ceased to comply with the regular maintenance requirement; and
 - (b) if the regular maintenance requirement is due on the aircraft before the variation of the AMP is approved — the maintenance is carried out on the aircraft as required.
 - 10 The responsible person must ensure that there are procedures in its exposition that ensure compliance with these conditions.
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