



Australian Government

Civil Aviation Safety Authority

Instrument number CASA EX90/23

I, DANIEL BERNARD O'HAGAN, Manager, Legislative Drafting, Legal, International & Regulatory Affairs Division, a delegate of CASA, make this instrument under regulations 11.160, 11.205 and 11.245 of the *Civil Aviation Safety Regulations 1998*.

[Signed D.B. O'Hagan]

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

22 September 2023

CASA EX90/23 — Design of Temporary Modifications or Repairs (Special Flight Permit) Instrument 2023

1 Name

This instrument is *CASA EX90/23 — Design of Temporary Modifications or Repairs (Special Flight Permit) Instrument 2023*.

2 Duration

This instrument:

- (a) commences on the day after it is registered; and
- (b) is repealed at the end of 31 August 2026.

Note For regulation 11.250 of CASR, the directions in section 5 cease to be in force at the end of 31 August 2026.

3 Application

This instrument applies in relation to approval of a design, and of the technical data for the design, of temporary modifications or repairs that do not fully meet the applicable airworthiness standards for the design for subregulation 21.009(2) and regulation 21.437 of CASR.

4 Exemption

- (1) An authorised person or an approved design organisation (an ***approver***) is exempt from the requirements of subregulation 21.009(2) and regulations 21.436 and 21.437 of CASR if:
 - (a) a person (the ***applicant***) submits to an approver a design, or technical data for a design, in connection with an application for temporary modifications or repairs to an aircraft under regulation 21.405; and
 - (b) the aircraft is to be operated under a special flight permit associated with the design for a purpose mentioned in regulation 21.197 of CASR (the ***CASR 21.197 purpose***).

- (2) The exemption in subsection (1) is subject to the condition that the approver must take into account any relevant consideration, including all hazards and risks relating to the safe operation of the flight for the CASR 21.197 purpose, before approving the design.

5 Directions

- (1) CASA directs the approver to:
 - (a) impose any limitation, condition, or requirement to do a specified thing in relation to the approval that is necessary to ensure the safety of air navigation; and
 - (b) specify any person, including the applicant, who the approver requires to comply with the limitation, condition or requirement.
 - (2) CASA directs the approver to state on an approval:
 - (a) any limitation, condition or requirement imposed for paragraph (1)(a); and
 - (b) the name of any person who the approver requires to comply with the limitation, condition or requirement for paragraph (1)(b).
 - (3) CASA directs the approver to reject the application if the approver is not satisfied that the aircraft, after it has been modified or repaired in accordance with the design, can reasonably be expected to be capable of safe flight for the CASR 21.197 purpose.
 - (4) CASA directs a person specified by the approver in accordance with paragraph (1)(b) to comply with any limitation, condition or requirement specified for the person in paragraph (1)(a).
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