

Consultation Draft

Operating limitations on aircraft fitted with engines manufactured by Jabiru Aircraft Pty Ltd

Summary of Proposed Instrument

November 2014

Introduction

CASA is responding to a high, and increasing, rate of engine failures among aircraft that are powered by engines manufactured by, or under licence from, Jabiru Aircraft Pty Ltd (Jabiru). Such aircraft are referred to in this document as 'Jabiru powered aircraft'.

The issues appear to be the result of several failure modes, which require separate investigation.

CASA has formed the view that its functions under the *Civil Aviation Act 1988* require it to mitigate certain risks to passengers, trainee pilots and persons on the ground.

Accordingly, while CASA works with Jabiru to identify the causes of these engine failures and to implement appropriate corrective actions, CASA proposes a set of operating limitations on Jabiru powered aircraft.

Purpose and scope of the proposed instrument

The instrument will impose operating limitations on Jabiru powered aircraft that are issued with a CASR Part 21 authorisation by way of conditions under CASR 11.068.

The instrument will also impose the same operating limitations on Jabiru powered aircraft that operate under the exemptions in CAO 95.55, by way of a direction under CASR 11.245.

The proposed instrument will:

1. only permit operations by day under the visual flight rule, unless approved by CASA;
2. require that Jabiru powered aircraft are operated in a manner that minimises the risk of a forced landing into a populous areas;
3. define 'populous area' by reference to whether an area is populous at the time of the operation, meaning that (for example) a sports field would generally be a populous area at a time when that field is in use;
4. prohibit the carriage of passengers;

5. prohibit the use of Jabiru powered aircraft for solo operations by student pilots, who generally are less able to respond effectively to an engine failure event;
6. require that a notice be located in each Jabiru powered aircraft, conspicuous to each occupant of the aircraft, that states the limitations in paragraphs (4) and (5) above and notes that the occupants fly at their own risk.

CASA has considered whether to impose further limitations to better protect pilots. On balance, CASA considers that pilots are in a position to make their own assessment of whether to fly in a Jabiru powered aircraft, and to determine their ability to deal with an engine failure event. The proposed instrument therefore does not affect solo operations by qualified pilots, or flying training type activities involving an instructor and a student (including flight reviews and other recurrent checks).

Impact on industry

The instrument will impact on private passenger operations and flying training operations involving solo student flights. The impact is unavoidable in circumstances where CASA is responding to urgent safety risks. However, CASA has formulated the limitations to be no more burdensome than the requirements of safety demand.

The limitations will be lifted, progressively if appropriate, when appropriate corrective actions have been identified and implemented.

Closing date for comment

CASA will consider all comments received as part of this consultation process when determining the final terms of the instrument. Comments must be forwarded to the Project Leader, Lee Ungermann, at sport@casa.gov.au, by close of business on Thursday 20 November 2014.